

No. 14/XXXVI(3)/2020/75(1)/2019
Dated Dehradun, January 15, 2020

NOTIFICATION

Miscellaneous

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 Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2019' (Act No. 04 of 2020).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 13 January, 2020.

**THE UTTARAKHAND (THE UTTAR PRADESH ZAMINDARI ABOLITION AND
LAND REFORMS ACT, 1950) (AMENDMENT) ACT, 2019**

(Uttarakhand Act No. 04 of 2020)

AN

ACT

further to amend the Uttarakhand (the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Act No. 01 of 1951) (Adaptation and Modification Order, 2001) in the context of the State of Uttarakhand.

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventieth year of the Republic of India as follows:-

Short title,
extent and
Commencement

1.

(1) This Act may be called the Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2019.

(2) It shall extend to the whole of State of Uttarakhand except the areas included and to be included from time to time in the limits of any Municipal Corporation, Nagar Panchayat, Nagar Parishad and Cantonment Board but sub section (10) of section 122-C and sub section (10) of section 198 shall applicable to the whole State of Uttarakhand.

(3) It shall come into force at once.

**Amendment of 2
Section 122-C**

In Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation And Modification Order, 2001), (herein after referred to as Principal Act) after sub section (9) of section 122-C a new sub section (10) shall be inserted as follows, namely:-

“(10). Five percent reservations in the allotment of land for housing shall be given to “persons with benchmark disabilities” defined in the rights of persons with disabilities Act, 2016 (Act No. 49 of 2016) and benchmark disable women shall be given preference in such allotment.”

**Amendment of 3.
Section 154**

In section 154 of the Principal Act -

(a) sub section (2) shall be substituted as follows, namely—

“(2). Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order authorise transfer in excess of the land prescribed in sub-section (1), if it is of the opinion that such transfer is done to any trust, institution, company, firm for industrial purposes, Ayush, Education, Health and Medical Education, Horticulture and various processing, Tourism, Agriculture or in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have sufficient land for its need or that the transfer is in the interest of general public.

Explanation1: For the purposes of this section “family” means transferee himself his/her wife or husband, as the case may be, and minor children and where transferee is minor also the parents of such minor children.

Explanation2: For the purposes of this sub-section ‘transfer’ means transfer of land in whole area of district Pithoragarh, Uttarkashi, Chamoli, Champawat, Rudraprayag, Bageshwar, Pauri Garhwal, Tehri Garhwal, Almora of Uttarakhand State and all other hilly abundance development blocks of district Dehradun except Vikasnagar, Doiwala, Sahaspur and Raipur development blocks and all other hilly abundance development blocks of district Nainital except Haldwani and Ramnagar development blocks of Uttarakhand State.”

(b) Sub-section (2-A) shall be inserted as follows, namely-

“(2-A). Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order authorise transfer in excess of the land prescribed in sub-section (1), if it is of the opinion that such transfer is done to any trust, institution, company, firm for industrial purposes, Ayush, Education, Health and Medical Education, Horticulture and various processing, Tourism or in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have sufficient land for its need or that the transfer is in the interest of general public.

Explanation – For the purposes of this sub-section ‘transfer’ means transfer of land in whole area of district Udham Singh Nagar and Haridwar of Uttarakhand State and development blocks of Vikasnagar, Doiwala, Sahaspur and Raipur of District Dehradun and development blocks Haldwani and Ramnagar of district Nainital of Uttarakhand State.”

**Amendment of 4.
section 156**

In the Principal Act, clause (c) of sub-section (1) of Section 156 –

(a) For sub clause (i) the following sub-clause shall be substituted, namely-

“(i) Without prejudice to the restrictions contained in section 157 (a) and section 157 (b) of the principal Act, the land for the purpose of agriculture, horticulture, production of herbs, unseasonal vegetables, medicinal and aromatic plants, production of spices, tree plantation, animal husbandry and dairy production, poultry farming and livestock breeding, apiculture, pisciculture, agricultural and fruit processing, tea garden and processing and Renewable energy projects may be leased for maximum period of 30 years by fixing terms and conditions with rent to any Institution, Society, Trust, Firm and Company and self help groups. Cash, crops or any share of the crops may be included in lease rent;”

(b) For sub clause (xi), the following sub-clause shall be substituted, namely-

“(xi). In special circumstance as mentioned in sub-clause (viii), the lessor/ lessee may cancel the lease by three months prior notice with reasons by paying all encumbrances. The District Magistrate shall act as

an arbitrator in respect of the utilization of the leased land and the actual position of the utilization of land for specific purpose mentioned in lease agreement shall be examined and the leased land shall be recommended on annual basis. If the District Magistrate, in any situation is not satisfied with the optimum utilization of the land, he may cancel the lease of the land with all encumbrances. Maximum 30 acres of land may be taken on lease by the lessee according to the need of the purpose. More than 30 acres of land may be taken on lease as per requirement in special circumstances. If the government land is situated in the middle of the leased land, the land may be allotted with cost on lease by District Magistrate with permission of State Government. The lessee shall provide opportunity of self employment to local residents by giving preference to the local products, vegetables, pulses, traditional crops and orchard produce and shall provide employment to local residents in the Industries developed on the products of the land taken on lease, excluding the specialised posts. The prescribed policy of the State Government shall be followed regarding the distribution, sales and protection of the local products."

**Amendment of 5.
Section 198**

In Principal Act after sub section (9) of section 198 a new sub section (10) shall be inserted as follows, namely:-

"(10). Five percent reservations in the allotment of land for agriculture purposes shall be given to "persons with benchmark disabilities" defined in the rights of persons with disabilities Act, 2016 (Act No. 49 of 2016) and benchmark disable women shall be given preference in such allotment."

**Repeal and 6.
saving**

- (1) The Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Ordinance, 2019 is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order,

PREM SINGH KHIMAL,
Secretary.

STATEMENT OF OBJECTS AND REASONS

The Government of India has been made 5 percent reservation for all the proper prioritization of disable women in the allocation of agricultural land, housing schemes and development programmes in the section 37 of disabilities Act, 2016 (Act No. 49 of 2016).

2- For the accomodation of disable person in the Uttarakhand (the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Act No. 01 of 1951) (Adaptation and Modification Order, 2001) after section 122(c)(9) and 198(9) a new sub-section 122(c)(10) and 198(10) is shall be inserted.

3- The purposed Bill shall be brought for to permote Industrial investment, development work in the state of Uttarakhand and to accelerate industrial development, the extent of land purchase limits for the plane area certain provisions to declare by bringing relaxation in the mountainous areas of the state of Uttarakhand for the purpose of Tea plantation and processing and Alternative energy projects.

The proposed Bill is the replacement of the above Ordinance and the Bill serves the above purpose.

Trivendra Singh Rawat
Chief Minister.