

No. 501/Vidhayee And Sansadiya Karya/2003

Dated Dehradun, January 15, 2004**NOTIFICATION****Miscellaneous**

In pursuance of the provision 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 Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaption and Modification Order, 2001) (Amendment) Bill, 2003 (Uttaranchal Adhiniyam Sankhya 29 of 2003).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on January, 2004.

THE UTTARANCHAL (THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950) (ADAPTATION AND MODIFICATION ORDER, 2001) (AMENDMENT) ACT, 2003

(AS REPORTED BY SELECT COMMITTEE OF THE HOUSE AND PASSED AS AMENDED BY THE LEGISLATIVE ASSEMBLY)

(UTTARANCHAL ACT NO. 29 OF 2003)

AN

ACT

To amend the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) Adaptation and Modification Order, 2001 in it's application to the State of Uttaranchal.

Be it enacted in the Fifty-fourth Year of the Republic of India as follows :

Short title,
Extent and
Commencement

1. (1) This may be called the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003.
- (2) It extends to the whole of State of Uttaranchal except the areas included and may be included from time to time in any Municipal Corporation, Nagar Panchayat, Nagar Parishad and Cantonment Board limits.
- (3) It shall come into force at once.

Addition of
section 129-B in
the principal Act

2. **A new section 129-B shall be added after section 129-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as follows--**
129-B--There shall be, for the purposes of section 154(4)(1)(a), 154(4)(2)(e), 154(4)(2)(f) and 154(4)(3) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the principal Act) following class of Bhumidhar, i.e. to say-

Addition of
section 152-A in
the principal Act

- (1) Bhumidhar of special category.
3. **A new section 152-A shall be added after section 152 of the principal Act as follows--**
 - (1) Section 152-A--A bhumidhar with transferable rights may execute power of attorney for transfer of land in favour of persons who are covered under section 171, 172, 174 or 175, and in case no such person is existing, such Power of Attorney may be executed in favour of any other person with the prior permission of the collector of the district or of the Indian consulate in case of persons living abroad.
 - (2) A registered Power of Attorney to sell the land executed on or before 12-09-2003 shall be valid if the sale deed on the basis of such Power of Attorney is executed on or before 31-03-2004, irrespective of any time limit provided in such Power of Attorney, unless extended by the collector of the district for reasons to be recorded in writing.

Addition of sub-
sections (3), (4)
and (5) in
section 154 of
the principal Act

4. **Three new sub-sections (3), (4) and (5) shall be added in section 154 of the principal Act as follows--**
 - (3) A bhumidhar with transferable rights may sell his land to any of the categories of tenure holders in the State of Uttaranchal as mentioned in section 129 or such owner of any immovable property in Uttaranchal who has acquired it on or before 12-09-2003 or to any member of the 'family', which means husband, his wife and their children, including step or adopted children, and includes parents, grand parents, brothers and unmarried, widowed, separated and divorced sisters of such tenure holder of the owner, as the case may be.

- (4) (1) (a)--Subject to other restrictions and save as otherwise provided in this Act, any person on behalf of his family (which means husband, wife and minor children), even though he is not a tenure holder under section 129 or the owner of any immovable property in Uttaranchal, may purchase land not exceeding 500 sq. mts. in his lifetime without the permission;
- (b) A registered agreement to sell the land executed on or before 12-09-2003 shall be valid if the sale deed on the basis of such agreement is executed on or before 31-03-2004, irrespective of any time limit provided in the agreement, unless extended by the collector of the district for reasons to be recorded in writing.
- (4) (2) Nothing in sub-section 154 (3) shall be deemed to prohibit the transfer of land by any person in favour of--
- (a) the State Government or Central Government or a Government company, as defined in section 617 of the Companies Act, 1956 or a Statutory Body or Corporation or Board established by or under a Statute and owned and controlled by the State or Central Government;
- (b) a person who has become a non-tenure holder on account of--
- (i) acquisition of his land for any public purpose under the Land Acquisition Act, 1894; or
- (ii) vestment of his land in the tenants under this Act;
- (c) a non-tenure holder who purchases or intends to purchase land for the construction of a house or shop, or purchases a built-up house or shop from the State Housing Board or from a Development Authority or from any other Statutory Corporation set up under any State of Central enactment.
- (d) a person who proposes to purchase land from a person in whose favour a layout plan has been approved by the competent authority;
- (e) a person or company according to Industrial Policy of Uttaranchal in (i) Integrated Industrial Development Centre (ii) Industrial Area (iii) Industrial Estates.
- (f) a person, society or trust for religious purposes.
- (g) a landless labourer of the Uttaranchal; or
- (h) a landless person belonging to a Scheduled Caste or Scheduled Tribe of the Uttaranchal; or
- (i) a village artisan of the Uttaranchal; or
- (j) a landless person carrying on an allied pursuit of the Uttaranchal.
- (4) (3) (a) Subject to restrictions contained in section 154, a person, society of corporate body may purchase land for the following purposes, other than those for Agriculture and Horticulture purposes, with the prior sanction of the Government in the State of Uttaranchal as may be prescribed--
- (i) Medical or health purposes, if it conforms to the Health and Population Policy of Uttaranchal;
- (ii) Hotel, Lodge, Guest House, Restaurant, Bar, Spa, way side amenities or resort, if it conforms to the Tourism Policy of the State;
- (iii) Educational purposes, on the recommendations of the Deptt. of Education;
- (iv) Cultural purposes;
- (v) For industrial purposes in areas other than those mentioned in section 154(4)(2)(e) or for other purposes.
- (b) A person, society or company may purchase land with prior sanction of the Collector of the district for Agricultural or Horticultural purposes, as may be prescribed, on furnishing an affidavit to the effect that such land will be used for Agricultural or Horticultural purposes and for uses incidental to and connected with Agriculture or Horticulture only. If the land use of such land as mentioned in the Affidavit is changed, the said transfer shall be void and consequences of section 167 shall follow :

Provided that a person who is a non-tenure holder but purchases land either under section 154(4)(1)(a), 154(4)(2)(e) and 154(4)(2)(f) or under the sanction granted under section 154(4)(3) shall, irrespective of such purchase of land, continue to be a bhumidhar of special category as provided under section 129-B and such bhumidhar shall be eligible to purchase land in future only with the permission, of the State Government or collector of the district as the case may be.

Provided further that such bhumidhar may mortgage or hypothecate such land for obtaining loan from banks and financial institutions or deriving any other benefit accruing from his bhumidhari rights under section 129.

Provided further that a non-tenure holder who has purchased land under section 154(4)(2)(e), 154(4)(2)(f) and who has purchased land under section 154(4)(3) under the sanction of Govt. of Collector, as the case may be, shall put land to such use for which the sanction has been granted within a period of two years or further such period as may be allowed by the State Government for reasons to be recorded in writing, to be counted from the date of registration of sale deed and if he fails to do so or diverts the use of the land for which it was sanctioned or transfers the land by way of sale, gift or otherwise except for the purpose for which it was purchased, such transfer shall be void for the purpose of this Act, and consequences of section 167 shall follow--

(5) Where,

(a) the Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 before whom any document pertaining to transfer of land is presented for registration comes to know or has reason to believe that the transfer of land is in contravention of section 154 (3) or 154 (4) (3); or

(b) a Revenue Officer either on an application submitted to him or on receipt of any information from any source comes to know or has reason to believe that the land has been transferred in contravention of the provisions of section 152-A, 154(3), 154(4)(2)(e), 154(4)(2)(f) or 154(4)(3), such Sub-Registrar, Registrar or Revenue Officer, as the case may be, shall make a reference to the collector of the district, who shall determine whether the transfer is in contravention of the provision of this Act in the manner prescribed and the consequences of section 167 shall follow in respect of every transfer which is void.

(c) (1) The State Government may, either on the report of a Revenue Officer or on an application by any person or of its own motion, call for the records of any proceedings or case for the purpose of satisfying itself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as it may think fit.

(2) No order shall be passed under this sub-section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

5. (1) The Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Ordinance, 2003 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as mentioned by the Ordinance referred to in sub-section (1) shall be deemed to have been done to taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

Repeal and
Savings

By Order,

BHAROSI LAL,
Secretary.