

SCHEDULE

(See Section 55)

Modification in the land Acquisition Act, 1894(Act No. 1 of 1894), as amended in its application to Uttar Pradesh (here in after called "the said

1. Amendment of Section 3 of the said Act-

After clause(h) of section 3 of the said, Act, the following new clauses shall be deemed to be added, namely-

- (i) 'local authority' includes the Board;
- (j) 'Board' means the Utter Pradesh Avas Evam Vikas Parishad established under the Utter Pradesh Avas Evam Vikas ParishadAdhiniyam,1965."

2. Effect of notices under this Act-

- (1) The first publication, in the Official Gazette, of a notice of anyhousing or improvement scheme under Section 28 or under clause(a) of sub section(3) of section 31 of the Act shall be substituted for and have, in relation to any land proposed to be acquired under the scheme, the same effect as publication in the Official Gazette, and in the locality, of a notification under subsection(1) of section 4of the said Act, except where a notification under section 4 or a declaration under section 6 of the made and is still in force.
- (2) notification under In a case to which sub-paragraph(1) or sub-paragraph(2) said Act has previously been made and is still in force, and the provisions of section 5-A of the said Act shall be inapplicable in the case of such land.
- (3) The issue of a notice clause(c) of sub section (3) of section 23 of this Act in the case of land acquired under a Bhavi Sarak Yojana and the publication of a notification under sub section(1) or, as the case maybe, under sub section (4) of section 32 of this Act in the case of landacquired under any other housing or improvement scheme underthis Act shall be substituted for and have the same effect as a declaration by the State Government under section 6 of the said Act, unless a declaration under the last mentioned section has previously been applies, a sub section(2) of section 33 or under sub section(3) of section 49of this Act involving alteration of the extent of the land proposed to be acquired shall have the effect of correspondingly modifying the notification under sub section(1) of Section 4 and the declaration under Section 6 of the said Act, so, however, that any such modification shall be without prejudice to the validity of anything previously done the original notification or declaration.

3. Amendment of Section 17 of the said act.- In Section 17 of the said act-

- (i) for the existing sub sections(1) and (1-A), the following sub section shall be deemed to be substituted, namely-

"(1) Whenever the State Government so directs in the interest of the expeditious execution of a housing or improvement scheme under the Uttar Pradesh Avas evam vikas Parishad Adhinyam,1965 the Collector, though no such award has been made, may on the expiration of fifteen days from the publication of the notice mentioned in sub-section(1) of Section 9 take possession of anyland needed for the purposes of the said Adhinyam. Such land shall thereupon vest absolutely in the Government free from all encumbrances"

- (ii) sub section (4) shall be deemed to be omitted.

4. Addition of new Section 17-A in the said Act-

After Section 17 of the said Act, the following shall be deemed to be added as a new section, namely-

—17-A *Transfer of land to Board-* In every case referred to in Section 16 or Section 17, the Collector shall upon payment of the cost of acquisition make over charge of the land to the Housing Commissioner, or an officer authorized in this behalf under theUttar Pradesh Avas Evam Vikas Parishad Adhinyam, 1965, and the land shall thereupon vest in the Board subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition.¶

5. Amendment of Section 23 of the said Act.- In Section 23 of the said Act-

- (i) for the existing explanation to the clause —firstly¶ , the following shall be deemed to be *substituted*:

—Explanation- In judging the market value aforesaid in any case where a land is acquired under a housing or improvement scheme under the Uttar Pradesh Avas Evam Vikas Parishad Adhinyam, 1965 if any building has been erected, re-erected, added to or altered in contravention of the provisions of clause (a) of sub- section (3) of Section 23, sub-section (3) of Section 24 of Section

35 of the said Adhinyam, any increase in the market value resulting from such erection re-erection, or alteration shall be disregarded.¶

- (ii) After the existing sub-section (1) the following shall be added as sub-section (2), namely-

—(2) In addition to the market value of the land as above provided, the court shall in every case award a sum of fifteen per centum of such market value in consideration of the compulsory nature of the acquisition.¶

6. Amendment of Section 49 of the said Act.- After sub-section (1) of Section 49 of the said Act, the following new sub-section shall be deemed to be added namely-

-(1-a) For the purposes of sub-section (1), land which is held with and attached to a house and is reasonably required for the enjoyment and use of the house shall be deemed to be part of the house.¶