

THE UTTAR PRADESH IMPOSITION OF CEILING ON
LAND HOLDINGS (AMENDMENT) ACT, 1974

(U. P. ACT NO. 2 OF 1975)

[Authoritative English Text of the Uttar Pradesh Adhikaram Jot Secma Aropan
(Sanshodhan) Adhiniyam, 1975].

AN
ACT

further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings
Act, 1960.

IT IS HEREBY enacted in the Twenty-fifth Year of the Republic of India as
follows:—

1. (1) This Act may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974. Short title and commencement.
- (2) This section and section 9 shall come into force at once, and the remaining sections shall be deemed to have come into force on June 8, 1973.
2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution. Declaration.
3. In section 3 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, hereinafter referred to as the principal Act—Amendment of section 3 of the U. P. Act No. 1 of 1961.
 - (a) in clause (11) for the words "in the manner prescribed" the words and figures "in the manner laid down in section 4-A" shall be substituted ;

[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette, Extraordinary, dated July 25, 1974].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on August 16, 1974 and by the Uttar Pradesh Legislative Council on August 22, 1974).

(Received the Assent of the President on January 14, 1975 under article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette, Extraordinary, dated January 17, 1975).

(b) after clause (11), the following clause shall be inserted, namely :—

"(11-A) 'Adult' means a person who has attained the age of 18 years and 'Minor' means a person who is not an adult."

(c) in clause (17), after the word "but", the words and figure "except in Chapter III" shall be inserted.

(d) in clause (18), for the words "irrigated land or grove-land", the words "irrigated land, grove-land or usar land" shall be substituted.

Amendment of
section 4.

4. In section 4 of the principal Act, in clause (ii) —

(a) for the words "two and half hectares of any un-irrigated land" the words "one and one-half hectares of single crop land or two and a half hectares of any other un-irrigated land", shall be substituted;

(b) at the end the following Explanation shall be inserted, namely :—

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

Insertion of
new section

5. After section 4 of the principal Act, the following section shall be inserted, namely :—

"4-A. The prescribed authority shall examine the relevant *khasras* for the years 1378 *Fasli*, 1379 *Fasli* and 1380 *Fasli*, the latest village map and such other records as it may consider necessary, and may also make local inspection where it considers necessary, and thereupon if the prescribed authority is of opinion :—

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

(i) any canal included in Schedule no. 1 of irrigation rates notified in notification no. 1579-W/XXIII-62-W-1946, dated March 31, 1953, as amended from time to time; or

(ii) any lift irrigation canal; or

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

(b) that at least two crops were grown in such land in any one of the aforesaid years; or

secondly, that irrigation facility became available to any land by a State Irrigation Work coming into operation subsequent to the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, and at least two crops were grown in such land in any agricultural year between the date of such work coming into operation and the date of issue of notice under section 10; or

thirdly, (a) that any land is situated within the effective command area of a lift irrigation canal or a State tube-well or a private irrigation work; and

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

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

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

(a) in any of the years 1378 *Fasli*, 1379 *Fasli* and 1380 *Fasli*; or

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

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

Explanation III—Where sugarcane crop was grown on any land in any of the years 1378 *Fasli*, 1379 *Fasli* and 1380 *Fasli*, it shall be deemed that two crops were grown on it in any of these years, and that the land is capable of growing two crops in an agricultural year."

(a) after sub-section (1), the following Explanations thereto shall be inserted, namely—

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

Explanation II—If a land was originally held by a person who continues to be in its actual cultivatory possession and the name of any other person is subsequently entered in the annual registers either in addition to or to the exclusion of the former and whether on the basis of a deed of transfer or licence or on the basis of a decree, it shall be presumed, unless the contrary is proved to the satisfaction of the prescribed authority, that the first mentioned person continues to hold the land and that it is so held by him ostensibly in the name of the second mentioned person.”

(b) in sub-section (2), for clause (c), the following clause shall be substituted, namely :—

“(c) an intermediate or degree college imparting education in agriculture or a post-graduate college;”

(c) in sub-section (3) —

(i) in the opening paragraph, for the words, figures and brackets “subject to the provisions of sub-sections (4), (5) and (6)”, the words, figures and brackets, “subject to the provisions of sub-sections (4), (5), (6) and (7)” shall be substituted;

(ii) clauses (c) and (d) shall be omitted;

(iii) in the Explanation, in clause (p), for the word, letter and brackets “clause (a)”, the words, letters and brackets “clause (a) or clause (b) of this sub-section”, shall be substituted;

(d) in sub-section (4), the following proviso thereto shall be inserted, namely :—

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

(e) in sub-section (5), in clause (b) for the word, letter and brackets “clause (d)”, the word, letter and brackets “clause (e)” shall be substituted;

(f) in sub-section (6), the existing Explanation shall be re-numbered as Explanation II thereof, and before Explanation II as so numbered, the following Explanation shall be inserted, namely :—

“Explanation I—For the purposes of this sub-section, the expression ‘transfer of land made after the twenty-fourth day of January, 1971’, includes—

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

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

(g) in sub-section (7), the existing Explanation shall be re-numbered as Explanation II thereof, and before Explanation II as so numbered, the following Explanation shall be inserted, namely :—

"Explanation I—If a suit is instituted after the said date for declaration that a partition of land has taken place on or before the said date, then such declaration shall be ignored and not be taken into account, and it shall be deemed that no partition has taken place on or before the said date."

Amendment of
section 6.

7. In section 6 of the principal Act:—

(a) for clause (g), the following clause shall be *substituted*, namely:—

"(g) land held from before June 8, 1973, by a Goshala of a public nature, registered under the Uttar Pradesh Goshala Adhiniyam, 1964, to the extent prescribed;" ;

(b) clause (h) shall be *omitted*.

Amendment of
section 8.

8. In section 8 of the principal Act, for the word, letter and brackets " (a) " the words, letters and brackets " (v) " shall be *substituted*.

Transitory pro-
vision.

9. Where an order determining the surplus land in relation to a tenure-holder has been made under the principal Act, before the commencement of this Act, the prescribed authority may, at any time within a period of two years from the commencement of this Act, re-determine the surplus land in accordance with the principal Act as amended by this Act.