THE JAUNSAR-BAWAR ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1956[1]

[U. P. ACT NO. 11 OF 1956]

Amended by-

U. P. ACT NO. 23 OF 1961
U. P. ACT NO. 12 OF 1965
U. P. ACT NO. 30 OF 1975
U. P. ACT NO. 8 OF 1977
U. P. ACT NO. 20 OF 1982

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on January 11, 1956 and by the Uttar Pradesh Legislative Council on January 18, 1956.

Received the assent of the President on March 24, 1956, under Article 201 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette Extraordinary, dated April 5, 1956.]

An Act

to provide for the acquisition of rights, title and interest of the intermediaries between the State and tiller of the soil in Pargana Jaunsar-Bawar of Dehra Dun District and for the introduction of land reforms therein,

Whereas it is expedient to provide for the acquisition of rights, title and interest of the intermediaries between the State and tiller of the soil in Pargana Jaunsar Bawar of Dehra Dun District and for the introduction of land reforms therein;

It is hereby enacted as follows in the Seventh Year of the Republic of India :--

CHAPTER I
Preliminary

Short title, and commencement extent

1. (1) This Act may be called the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956.

(2) It shall extend to the whole of Pargana Jaunsar-Bawar of Dehra Dun District.

(3) This chapter shall come into force at once. The remaining chapters shall come into force on such date or dates as the State Government may, by notification in the official Gazette, appoint in this behalf and different dates may be appointed for different chapters of this Act.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context:-

(a) "Collector" means the Collector of Dehra Dun District and also includes an Assistant Collector of the First Class specially empowered by the State Government by notification in the official Gazette to discharge all or any of the functions of the Collector under this Act;

(b) "Commissioner" means the Commissioner of the Meerut Division and also includes an Additional Commissioner Meerut Division;

(c) "current settlement" means the settlement of land revenue in force in the Pargana on the date immediately preceding the date of commencement of Chapter I of this Act;

(d) "Tenant" means a person by whom rent is, or but for a contract express or implied would be, payable ;

Explanation-- A person holding land on service tenure is a person by whom rent is payable for the land so held by him.

(e) "intermediary" as respects any land means the zamindar of the land where the land is in the cultivation of a tenant but does not include zamindar of any land referred to in section 34;

(f) "khag" means a sub-division of a khat;

(g) 'khat" means a group of villages, treated at the current settlement as a single unit for assessment of land revenue and recorded as such in the settlement records;

(h) "law" includes any Ordinance, Order, Bye-Law, Rule, Regulation, Notification, Custom or Usage having the force of law in the Pargana, on the date immediately preceding, the date of commencement of Chapter I of this Act;

(i) "Pargana" means the Pargana of Jaunsar-Bawar in the district of Dehra Dun;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "State Government" means the Government of Uttar Pradesh;

(1) words and expressions "Compensation Officer", "land", "lease"; "legal representative", "proprietor"; "village" and "Gaon Sabha", not herein defined but used in the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall have the same meaning assigned to them in that Act;

(m) words and expressions "grove", "holding", "rent" and "sayar" not herein defined but used in the U. P. Tenancy Act, 1939, shall have the meaning assigned to them in that Act; and

(n) words and expressions "revenue", "Board" and "Tahsildar" not herein defined; but used in the U. P. Land Revenue Act, 1901, shall have the meaning assigned to them in that Act;[* * *][1]

(o) "zamindar" means as respects any land, the proprietor of the land or of a share therein; [and][2]

[(p) references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and to the U. P. Land Revenue Act, 1901 or to rules framed thereunder shall be construed respectively as references to the said Acts or rules as amended from time to time.][2]

1. Omitted by section 38 of U. P. Act No. 12 of 1965.

2.Subs. by section 38 of U. P. Act No. 12 of 1965,

CHAPTER II

SETTLEMENT

Notification as to settlement

3. The State Government may at any time after the commencement of this chapter, declare by notification in the official Gazette that the Pargana or any local area therein, as may be specified, is brought under settlement operations and thereupon the same shall be held to be under settlement and continue to be so until the issue of a second notification by the Sate Government declaring the settlement to be closed.

Appointment powers of Settlement

4. The State Government may for purposes of this Act appoint an officer and hereinafter called the settlement officer, to be incharge of the settlement of the Pargana or, as the case may be, of any local area therein and as many officers Assistant settlement Officers as may be considered necessary.

Inspection and preparation of records

5. (1) Where any area is declared to be brought under settlement under this Act, the Settlement Officer or if the Settlement Officer so directs, the Assistant Settlement Officer shall inspect every village in such area and prepare a record in respect of each khat; showing --

(a) the area of each holding;

(b) the name of the zamindar of the holding;

(c) the name of the cultivator of the holding;

(d) whether the land included in the holding falls under any of the classes specified in section 34;

(e) class of soil of each of the plots comprised in each holding; and

(f) such other particulars as may be prescribed.

(2) In preparing the records referred to in sub-section (1), the officer shall proceed on the basis of the records prepared under the provisions of the Jaunsar-Bawar Security of Tenure and Land Records Act, 1952 and carry out therein such modifications corrections as may be necessary for bringing it up-to-date.

Register showing particulars of Zamidars

6. After the record mentioned in section 5 has been prepared the Settlement Officer shall prepare a register giving the following particulars of each zamindar-

(1) name;

(2) the total area of holdings belonging to the Zamindar;

(3) the area of holdings in the possession of tenant; and

(4) such other particulars as may be prescribed.

* Enforce w.e.f. June 30. 1957 vide notification no. 7854/1-A-2011/56 date March 30, 1957.

Determination land revenue of each Zamindar

7. The settlement officer shall, in the prescribed manner, apportion the land of revenue assessed on each khat among zamindars of the khat having regard to the area owned by them and the quality thereof.

Publication of proposals assessment of land revenue

8. After the land revenue has been apportioned under section 7, the Settlement Officer shall publish the proposals in the prescribed manner and after considering the objections that may be made, shall submit the proposals together with the objections, if any, and such orders as he may have passed thereon to the Commissioner, who shall approve or modify them, and also fix the date from which the proposals should be given effect to.

Declaration of land revenue payable by individual Zamindars

9. The Settlement Officer shall declare, in the prescribed manner, the amount of revenue payable by each zamindar, as approved or modified under section 8, and, notwithstanding anything in any other law, such amount shall be payable by each zamindar to the State Government.

Communication

10. (1) Where no rent is paid in respect of any holding but is payable therefor or of rest where rent is paid in kind or on the basis of an estimate or appraisement of the standing crop, or, on the basis of rates varying with the crop sown or partly in one of such ways and partly in another or other of such ways, or where in lieu of rent some sort of service is rendered, the settlement Officer shall, in the manner prescribed, determine the cash value of the rent payable or the service rendered by the tenant concerned :

Provided that rent so determined shall not exceed three times the land revenue assessable on the holding according to the incidence of land revenue in the khat in which the holding is situate.

(2) The Settlement Officer shall, in the prescribed manner, inform the zamindars as well as the tenants of the holdings concerned of the rent determined under sub-section (1).

(3) The rent determined under sub-section, (1) shall be payable with effect from the date fixed by the Commissioner under section 8 for the enforcement of the proposals as to the land revenue payable by each zamindar.

First Appeal

11. (1) An appeal shall lie under this chapter-

(a)to the Settlement Officer from an order passed by an Assistant Settlement Officer; and

(b)to the Commissioner from order passed by a Settlement Officer.

(2) For the purposes of this chapter, the word "order" includes a declaration under section 9 in respect of the land revenue payable by a Zamindar.

Second Appeal

12. A Second appeal shall lie to the Board from the orders passed by the Settlement Officer or the Commissioner in the following cases only:-

(a) when the original order in appeal has been varied, cancelled or reversed; and

(b) on any of the following grounds, namely,-

(i) the decision being contrary to some specified law;

(ii) the decision having failed to determine some material issue of law; and

(iii) a substantial error or defect in the procedure as prescribed by this Act, which any have produced error or defect in the decision of the case upon the merits.

Application of provisions sections 214 -217 and 220 of U.P. Act IV of 1901

13. The provisions of section 214, 215, 216, 217 and 220 of the U.P. Land the Revenue Act, 1901 shall *mutatis mutandis* apply to an appeal under this of Chapter as they apply to an appeal under the said Act.

Revision

14. The Board may call for the record of any case in which no appeal lies to the Board if the Officer by whom the case was decided appears to have exercised jurisdiction not vested in him by law or to have failed to exercise the jurisdiction so vested or to have acted in the exercise of his jurisdiction illegally or with substantial irregularity, and may pass such orders in the case as it thinks fit.

CHAPTER III*

ACQUISITION OF INTERESTS INTERMEDIARIES AND ITS CONSEQUENCES

Acquisition of title and interests of intermediaries

15. (1) As soon as may be after the issue of the second notification referred to in rights, section 3 in respect of an area, the State Government may, by notification published in the official Gazette, declare that as from a date to be specified

therein, the rights, title and interest of all the intermediaries in the land in such area to be specified shall as from the beginning of the date to be specified (hereinafter called the appointed date), cease and vest, except as hereinafter, provided, in the State free from all encumbrances.

(2) It shall be lawful for the State Government if it so considers necessary, to issue, from time to time, the notification referred to in sub-section (1) in respect only of such *khat* or *khats* as may be specified and all the provisions of sub-section (1) shall be applicable to and in the case of every such notification .

* Enforced w.e.f, June 10, 1961 vide notification no. 88/IA·1934, dated June 6, 1961.

Consequences of acquisition of title and interest under section 15

16. Where a notification under section 15 has been published in the official *Gazette*, then, notwithstanding anything contained in any contract or document or in any other law for the time being in force and save as otherwise provided in this Act, the consequences as hereinafter set forth shall from the beginning of the appointed date ensue with respect to the land to which the notification relates (hereinafter called the notified land), namely:-

(a) all rights, title and interest of the intermediary in the notified land shall cease and be vested in the State of Uttar Pradesh free from all encumbrances;

(b) all notified land held on the date immediately preceding the appointed date by any person as tenant shall be deemed to be settled by the State Government with such person who shall, subject to the provisions of this Act be entitled to take or retain possession as a *sirdar* thereof;

(c) (i) all rents payable by the tenant in respect of the notified land for any period after the appointed date which, but for acquisition of rights, title and interest of the intermediary therein would be payable to the intermediary, shall vest in and be payable to the State Government and not to the intermediary, and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(ii) Where under an agreement or contract made before the appointed date any rent for any period after the said date has been paid to or compounded or released by tile intermediary the same shall, notwithstanding the agreement or the contract, be recoverable by the State Government from the intermediary and may, without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation money payable to such intermediary under section 21 ;

(d) all arrears of revenue due from the intermediary for any period prior to the appointed date shall continue to be recoverable from such intermediary and may without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation payable to such intermediary under section 21;

(e) the rights title and interest of the intermediary, so acquired shall not be liable to attachment or sale in execution of any decree or other process of any court civil or revenue, and any attachment existing at the appointed date or any order for attachment passed before such date shall, subject to the provisions of section 73 of the Transfer of Property Act, 1882, cease to be in force;

(f) no claim or liability enforceable or incurred before the appointed date by or against the intermediary for any money which is charged on or is secured by a mortgage of the notified land shall, except as provided in section73 of the Transfer of Property Act, 1882, be enforceable against such land or the tenant;

(g) nothing contained in this chapter shall in any way affect the right of any person ---

(i) to continue to work any mines comprised in any notified land which shall be governed by law for the time being in force; and

(ii) to recover any arrears of rent or other dues which accrued before the appointed date and the same shall, notwithstanding anything

contained in this Act, be recoverable as heretofore by the person entitled therein :

Provided that no decree for any arrear of rent or order for enactment in default or an arrear of rent shall be executed by ejectment of the judgment debtor from his holding; and

(h) all suits and proceeding of the nature to be prescribed pending in any court at the appointed date and all proceedings upon any decree or order passed in any such suit or proceeding previous to the appointed date shall be stayed.

Collector to take over land and interests vested in the State

17. Upon the publication of the notification under section 15, it shall be lawful for the Collector or any officer appointed by him in this behalf—

(a) to take charge of any notified land and of all interests vested in the State under the provisions of this chapter, and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector or the officer so appointed, be necessary for this purpose;

(b) to enter upon any land, acquired under the provisions of this chapter and make a survey or take measurement thereof or do any other act which he considers necessary for carrying out the purposes of this Act;

(c) to require any person to produce to such authority as may be specified any books, accounts, or other documents relating to any such land or part thereof and to furnish to such authority such other information as may be specifies or demanded; and

(d) if the books, accounts and other documents are not produced as required, to enter upon any land, and seize and take possession of such books, accounts and other documents.

Intermediary entitled to compensation

18. Every intermediary whose rights, title or interest are acquired under section 15 shall be entitled to receive and be paid compensation as hereinafter receive provided.

Presumption regarding entries in the records prepared under U.P. Act VI of 1953

19. The records prepared in accordance with the provisions of the Jaunsar-Bawar Security of Tenants and Land Records Act, 1952, as modified under sub-section (2) of section 5 shall for purposes of assessment and payment of compensation be deemed to describe correctly the rights, title and interest of every intermediary and tenant of the village to which such records relate.

Compensation Statement

20. (1) For purposes of assessment and payment of compensation for acquisition of rights, title and interest of the intermediary the Compensation Officer shall prepare a compensation, statement showing--

(a) the name or names of the intermediary;

(b) rental income of the intermediary from the notified land; and

(c) such other particulars as may be prescribed.

(2) The rental income shall consist of the rent payable by the tenant-

(a) in cash; or

(b) where the rent is not payable in cash the cash value of rent payable as commuted and determined under section 10.

Compensation the Intermediary

21. The amount payable as compensation to the intermediary under section 18 to shall be an amount equal to sixteen times the rental income referred to in section 20.

Preliminary publication statement

22. The Compensation Statement prepared under section 19 shall be published in the manner prescribed and a copy thereof shall also be sent to the intermediary concerned.

Filling objections

23. Any person interested or the State Government may in the manner prescribed file before the Compensation Officer an objection upon such statement within the period of one month from the date of its publication.

Disposal of objections

24. (1) Except as provided in sub-section (2), the Compensation Officer shall after hearing the parties, if necessary, on the objections filed under section 23, dispose of the objections in the manner prescribed.

(2) Where the objection filed under sub-section (1)-

(a) is that the land is not notified land the Compensation Officer shall frame an issue to that effect and refer it for disposal to the Assistant Collector incharge of the sub-division;

(b) involves a question of title and such question has not already been determined by a competent court, the Compensation Officer shall refer the question for determination to the District Judge.

Explanation-- Whether a person is or is not a tenant shall not be deemed to raise a question of title within the meaning of this clause.

(3) The District Judge shall determine the question referred to him under clause (b) of sub-section (2) in the manner prescribed and his decision therein shall be final.

Appeal to the Collector

25. Notwithstanding anything contained in any law, any person aggrieved by the order of the Compensation Officer deciding the objection under section 24 in so far as it relates to the amount of compensation may appeal to the Collector who shall decide the appeal in the manner prescribed and the decision of the Collector shall be final.

[Finalization Compensa-tion statement][1]

26. (1) Where no objection has been filed in regard to the compensation statement of published in pursuance of section 22 or where such objection is filed and has been finally disposed of, the statement shall, where necessary, be amended, altered or modified. The Compensation Officer shall sign the statement and affix his seal thereto.

(2) The statement so signed and sealed shall become final.

(3) A copy of the final statement shall be supplied free of charge to the intermediary concerned.

Payment of compensation

27. (1) Except as provided in sub-section (3) the compensation mentioned in the final compensation statement referred to in section 26 shall be paid in cash in one lump sum or in annual installments not exceeding ten as may be prescribed.

(2) The compensation shall be paid to the intermediary whose name is entered in the final compensation statement and where the intermediary dies before it is paid to him it shall be paid to his legal representatives.

(3) The provisions of section 69 and 70 of the U.P. Zarnindari Abolition and Land Reforms Act, 1950 shall *mutatis mutandis* apply to the payment of compensation under this Act.

Interest on compensation

28. The compensation mentioned in the final compensation statement referred to in section 26 shall be due as from the appointed date and there shall be paid by the State Government on such compensation interest at the rate of 2 ½ per centum per annum from the appointed date to the date of --

[(i) in the case of the amount to be paid in cash in one lump sum, the finalization of compensation statement under section 26; and]1

(ii) in the case of the amount to be paid in annual installments, payment of the first installment and thereafter on such amount as may remain outstanding from time to time till the date of payment of last installment.

CHAPTER IV*
LAND MANAGEMENT

Superintendence management and control of land

29. Subject to the provisions of this Act, a *Gaon Sabha* may, by notification in the official Gazette, be charged, as from the specified date, for and on behalf of the State Government, with the general superintendence, management, preservation and control of such lands and things (including forests and uncultivated land not belonging to any zamindar) as may be prescribed.

* Enforced w.e.f. February 8, 1963 vide notification no 398/I-A-2275-59, dated February I. 1963.

1. Subs. by section 2 of U. P. Act, No. 23 of 1961.

Application of sections 118 to 128 of U.P. Act I of 1951

30. Where a *Gaon Sabha* has been charged with general superintendence, management, preservation and control of lands and things in any area under section 29, the provisions of sub-section (2) of section 118, and sections 119 to 128 of the U. P. Zarnindari Abolition and Land Reforms Act, 1950, and of the Rules connected therewith framed under section 128 shall apply to the Pargana but the State Government may by notification in the official Gazette make such adaptation, modification, alteration or exception, not affecting the substance, as may in its opinion appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

CHAPTER V**
LAND TENURE AND LAND REVENUE

Classes of tenure-holders

31. There shall be, for purposes of this Act, the following classes of tenures, namely:-

[(a) *bhumidhar* with transferable rights ;

(b) *bhumidhar* with non-transferable rights ;]1

(c) *asami;*

[(d) Government lessee.]2

[Bhumidhar with transferable rights

32. Every person belonging to any of the following classes not being a person referred to in section 33, shall be called a *bhumidhar* with transferable rights, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this Act; namely-

(a) every person who was a *bhumidhar* immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977;

(b) every person who immediately before the said date was a *sirdar* referred to in clause (a) Or clause (c) of section 33, as it stood immediately before the said date;

(c) every person who in any other manner acquires on or after the said date the rights of such a *bumidhar* under or in accordance with the provisions of this Act.

[3]{(d) All such person of the whole Jaunsar-Bhawar sub division of District Dehradun who were in unauthorised possession of the category 4 land on or before the date of 30.06.1983 and presently having possession on this land, as per the procedure prescribed by the government.}

Bhumidhar non-transferable rights

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

1.Subs. by s. 60 of U. P. Act 8 of 1977.

2.Added by section 15 of U.P. Act No. 24 of 1986.

** Enforced w.e.f. June 30, 1962 vide notification no. 1151/I-IA-110-62, dated June 19, 1962 .

3. Inserted by section 2 of Uttrakhand Act no 31 of 2020.

(a) every person admitted as a *sirdar* of any vacant land before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977;

(b) every person who in any other manner acquires on or after the said date, the rights such a *bhumidhar* under or in accordance with the provisions of this Act;

(c) every person who is or has been allotted any land under the provisions of the Uttar Pradesh Bhoodan Yagan Act, 1952.][1]

Asami

34. (1) With effect from the date this Chapter comes into force every tenant of land belonging to any of the following classes shall, notwithstanding anything in any law, be called and be deemed to be an *asami* of the land --

(a) grove land ;

(b) pasture land or land covered by water and used for purposes of growing any produce or land in the bed of a river and used for casual or occasional cultivation;

(c) land declared by the State Government by notification in the official Gazette to be part of tract of shifting or unstable cultivation or to be intended or set apart for *taungya* plantation; and

(d) land held from a zamindar or zamindars all of whom are persons of any one or more of the classes mentioned in clauses (a) to (g) of section 157 of the U. P. Zamindari Abolition and Land Reforms Act, 1950 as applicable to the Pargana.

(2) Every person who is deemed to be an *asami* under sub-section (1) and every person who is admitted as an *asami* of vacant land or otherwise acquires the rights of an *asami* under and in accordance with the provisions of this Act shall have all the rights and be subject to all the liabilities conferred or imposed upon an *asami* by or under this Act.

Devolution

35. Where a *bhumidhar*, [* * *][2] or *asami* dies, his interest in his holding shall, notwithstanding anything in this Act, continue to be governed in the matter of

devolution, succession and inheritance by the law applicable to him, as if this Act had not been passed.

Application of provisions of chapters VIII and X of Act of 1951

36. (1) The provisions of [sections 133-A, 137, 137-A,][3] (except in so far as they relate to payment of installments), 141 to 146, 152 to 168, 176 to 195, 197 to 211, 212-A, 212-B, 212-C, 213 to 230, and sections 241 to 294 of Chapter X of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and of the U.P. rules framed under sections 230 and 294 of the said Act shall *mutatis mutandis* apply to the Pargana, but the State Government may, by order published in the official Gazette make such adaptation, modification, alteration or exception not effecting the substance as may in its opinion appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law :

1.Subs. by section 61 of U. P. Act 8 of 1977.
2.Omitted by section 62 ibid.
3. Subs. by section 18 of U.P. Act No. 24 of 1986.

[Provided that section 245 of the said Act shall, in relation to such Pargana, apply with the following modification, namely-

(i) one and a half acres of land shall count as one acre;

(ii) in relation to any local area in which the maximum rent rates sanctioned at the settlement carried out under Chapter II of this Act, do not exceed rupee one per acre, the words 'rupees five' and 'rupees ten' in clause (i) of the proviso to sub-section (2) of the said section 245 shall be substituted by the words 'rupees three' and ‘rupees five’ respectively, and the words 'rupees ten' and 'rupees twenty' in clause (ii) thereof shall be substituted by the words 'rupees six' and 'rupees ten' respectively.][1]

(2) Every such order shall have effect from the date of commencement of this chapter.

Application of the U.P. Land Act, 1901 to the Pargana

37. (1) The provisions of the U. P. Land Revenue Act, 1901, as amended by the U. P. Zamindari Abolition and Land Reforms Act, 1950, and the rules or Revenue regulations framed or orders issued thereunder shall *mutatis mutandis* apply to the Pargana but the State Government may, by order published in the official Gazette make such adaptations, modifications, alterations or exceptions not affecting the substance as may in its opinion appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

(2) Every such order shall have effect from the date of commencement of this chapter.

CHAPTER VI*

MISCELLANEOUS

Appointment of Compensation Officers

38. (1) The State Government may for purposes of this Act, appoint a Compensation Officer.

(2) The Compensation Commissioner and the Assistant Compensation Commissioner for the region concerned appointed under section 319 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall respectively be the Compensation Commissioner and the Assistant Compensation Commissioner for the Pargana.

Powers and duties

39. (1) The Compensation Commissioner and the Assistant Compensation Commissioner shall perform such duties and exercise such powers of supervision and superintendence over the work of Compensation Officer as may be prescribed.

(2) The Compensation Officer shall exercise the powers and perform the duties conferred or imposed upon him by or under this Act or the rules framed thereunder.

1.Ins. by section 19 of U. P. Act No. 20 of 1982.

* Enforced w.e.f, March 30. 1957 vide Notification No. 7854/1A-2011-56, dated March 30, 1957.

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Application of provisions of certain sections of chapter XII of U.P. Act I of 1951 to the Pargana

40. (1) The provisions of sections 321 to 336, 338 and 341 to 344 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and of the rules framed under section 344 of the said Act shall *mutatis mutandis* apply to the Pargana but the State Government may, by order published in the official Gazette make such adaptation, modification, alteration or exception not affecting the substance as may in its opinion appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

(2) Every such order shall have effect from the date of commencement of this Chapter.

Order made under sections 36, 37 or 40 to be laid before the State Legislature

41. An order made under sections 36, 37 or 40 shall be laid for not less than fourteen days before the State Legislature as soon as may be after it is so made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

Repeal

42. Where immediately before the commencement of Chapter I of this Act there is in force in the Pargana any law relating to land tenure, so much of such law as is inconsistent with the provisions of this Act, shall, with effect from the date and to the extent to which this Act comes into force under and in accordance with the provisions of sub-section (3) of section 1, stand repealed and the provisions of sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply to the law so repealed as if it had been an enactment repealed by an U. P. Act.

Power to make rules

43. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for-

(a) the procedure relating to the inspection of village and preparation of records under section 5 ;

(b) the procedure relating to the preparation of registers under section 6;

(c) the manner in which objection shall be filed and disposed of under section 8;

(d) the proceedings prior to the vesting of lands and interests under section 15 ;

(e) the disposal of suits and proceedings stayed under section 16;

(f) the matters relating to the taking over of lands and interests under section 17;

(h) the manner and the

form in which objections shall be filed under section 23;

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(i) the procedure to be followed in placing the amount of compensation at the disposal of the Court or authority under sub-section (3) of section 27; and

(j) the matters which are to be and may be prescribed.

(3) The power to make rules given by this Act shall be deemed to include the powers to provide for --

(i) imposing limits of time within which things to be done for the purposes of rules must be done, with or without powers to any authority therein specified to extend limits imposed;

(ii) the procedure to be followed in applications suits or other proceedings under this Act, in cases for which no specific provision has been made herein;

(iii) the duties of any officer or authority having jurisdictions under this Act and the procedure to be followed by such officer or authority;

(iv) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made therein;

(v) the fees to be paid in respect of appeals and applications under this Act, in cases for which no specific provision in that behalf has been made herein;

(vi) the application of the provisions of Indian Limitation Act, 1908, to applications, appeals and proceedings under this Act;

(vii] the delegation of powers conferred by this Act on the State Government or any other authority, officer or person; and

(viii) the transfer of proceedings from one authority or officer to another.

[(4) All rules made under this section shall as soon as may, after they are made, be laid before each House of the State Legislature, while it is in session for a total period of not less than thirty days comprised in its one session or two or more successive sessions and shall unless some later date is appointed take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.][1]

1. Subs. by section 32 of U. P. Act No. 30 of 1975.