The Uttar Pradesh Consolidation of Holdings Act, 1953

Act U.P. Act No. V of 1954. 92 sections. Bare Act with the official footnotes.

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AN ACT

to provide the consolidation of agricultural holdings in Uttar Pradesh for the development of agriculture.

WHEREAS it is expedient to provide for consolidation of agricultural holdings in Uttar Pradesh for the development of agriculture.

It is hereby enacted as follows :-

CHAPTER-I PRELIMINARY

Section 1. Short title, extent and commencement

(1) This Act may be called the Uttar Pradesh Consolidation of Holdings Act, 1953.

(2) It extends to the whole of Uttar Pradesh.

(3) This section shall come into force at once and the remainder of the Act shall come into force on such date as the State Government may, by notification in the official Gazette, appoint in this behalf and different dates may be appointed for different parts of Uttar Pradesh.

Section 2. Repeal U. P. Act VIII of 1939

The U. P. Consolidation of Holdings Act, 1939 is hereby repealed.

Section 3. Definitions

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

(1) "Assistant Consolidation Officer" means a person appointed as such by the State Government to exercise the powers and perform the duties of an Assistant Consolidation Officer under this Act or the rules made thereunder [and shall include an Assistant Rectangulation Officer.][1]

[2][(1-A) "Chak" means the parcel of land allotted to a tenure holder on consolidation.][2]

[2][(2) "Consolidation" means re-arrangement of holdings in a unit amongst several tenure-holders in such a way as to make their respective holdings more compact.

Explanation-For the purposes of this clause, holding shall not include the following :-

(i) land which was grove in the agricultural year immediately preceding the year in which the notification under section 4 was issued ;

(ii) land subject to fluvial action and intensive soil erosion;

(iii) land mentioned in section 132 of the U. P. Zamindari Abolition and Land Reforms Act, 1950 ;

(iv) such compact areas as are normally subject to prolonged water-logging ;

(v) usar, kallar, and rihala plots forming a compact area including cultivated land within such area ;

(vi) land in use for growing pan, rose, bela, jasmine and kewra ; and

(vii) such other areas as the Director of Consolidation may declare to be unsuitable for the purpose of consolidation ;][2]

[(2-A) "Consolidation area" means the area, in respect of which a notification under section 4 has been issued, except such portion thereof to which the provisions of the U. P. Zamindari Abolition and Land Reforms Act, 1950, [3][or any other Law by which Zamindari System has been abolished][3] do not apply].

[4][(2-AA) "Consolidation Committee" means a committee to be constituted in the manner prescribed for the purposes of the Act;]

[5][(2-B) "Consolidation Lekhpal" means a person appointed as such by the State Government to perform the duties of a Consolidation Lekhpal under this Act or the rules made thereunder and shall in areas under consolidation operations, include a Lekhpal appointed under the U. P. Land Revenue Act, 1901 ;]

[6][(3) "Consolidation Officer" means a person appointed as such by the State Government to exercise the powers and perform the duties of a Consolidation Officer under this Act or the rules made thereunder [7](and shall include a Rectangulation Officer ;)]

[8][(3-A) "Consolidator" means a person appointed as such by the State Government to exercise the powers and performs the duties of a consolidator under the Act or the rules made thereunder] [9][and shall include a Rectangular and also in areas under consolidation operations, the Supervisor Kanungo appointed under the U. P. Land Revenue Act, 1901 for that area ;]

[10][(3-B) "Consolidation Scheme" means the scheme of consolidation in a unit ;]

[11][(4) "Director of Consolidation" means the person appointed as such by the State Government to exercise the powers and perform the duties of the Director of Consolidation under this Act or the rules made thereunder and shall include and Additional Director of Consolidation and a Joint Director of Consolidaiton ;]

[12][(4-A) "Deputy Director of Consolidation" means a person appointed as such by the State Government to exercise such powers and perform such duties of the Director of Consolidaiton as may be delegated to him by the State Government and shall include a District Deputy Director of Consolidaiton and Assistant Director of Consolidaiton;

(4-B) "District Deputy Director of Consolidation" means a person who is for the time being the Collector of the District ;

(4-C) "Holding" means parcel or parcels of land held under one tenure by a tenure-holder singly or jointly with other tenure-holders;]

[13][(5) "land" means land held or occupied for purposes connected with agriculture, horticulture and animal husbandry (including pisciculture and poultry farming) and includes :-

(i) the site, being a part of holding of a house or other similar structure ; and

(ii) trees, wells and other improvements existing on the plots forming the holding ;]

(6) "Legal representative" has the meaning assigned to it in the Code of Civil Procedure, 1908 ;

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

[14][(8) "Publication in the Unit" or "publish in the unit" with reference to any document means reading out the document in the unit on a date of which prior notice shall be given by beat of drum, and proclamation by beat of drum, or, in any other customary mode, in the unit of the fact that the document is open to public inspection at any appointed place and time :

Provided that where a Consolidation Committee has been constituted for the unit each member of the said Committee shall also be individually informed of the fact of publication ;]

[15][(8-A) "Rectangulation" means the process of dividing the area of a unit into rectangles and parts of rectangles of convenient size with a view to regulating the allotment of chaks during consolidation ;]

[16][(9) "Settlement Officer Consolidation" means a person appointed as such by State Government to exercise the powers and perform the duties of a Settlement Officer, Consolidaiton under this Act and the rules made thereunder and shall include an Additional Settlement Officer, Consolidation and Assistant Settlement Officer, Consolidation ;]

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

[(11) "Tenure-holder" means a [bhumidhar with transferable rights or bhumidhar with non-transferable rights][17] and includes-

(a) an asami,

(b) a Government lessee or Government grantee, or

(c) a co-operative farming society satisfying such conditions as may be prescribed ;]

[18][(11-A) "Unit" means village or part thereof, and where the Director of Consolidation so notifies by publication in the official Gazette, two or more villages or parts thereof or which a singles scheme of consolidation is to be framed ;]

(12) Words and expressions-

(a) not defined in this Act but [19][used or] defined in the U. P. Land Revenue Act, 1901; or

(b) not defined in this Act or in the U. P. Land Revenue Act, 1901 but [used or][20] defined in the U. P. Zamindari Abolition and Land Reforms Act, 1950;]

Shall have the meanings assigned to them in the Act in which they are so [used or][20] defined ; and

(13) The references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the U. P. Land Revenue Act, 1901, shall be construed as references to the said Acts as amended from time to time.][21]

[1] Ins. by sec . 2 of U. P. Act 8 of 1963.
[2] Subs. by sec. 2 (3) of U. P. Act 38 of 1958.
[3] Ins. by sec. 3 of U.P. Act 30 of 1991.
[4] Add. by sec. 2 (4) of U.P. Act 38 of 1958.
[5] Add. by sec. 2 (5) ibid.
[6] Add. by sec. 2 (6) ibid.
[7] Ins. by sec. 2 (3) of U. P. Act 8 of 1963.
[8] Subs. by sec. 2 (7) of U. P. Act 38 of 1958.
[9] Ins. by sec. 2 (4) of U. P. Act 38 of 1958.
[10] Add. by sec. 2 (5) ibid.
[11] Subs. by sec. 2 (8) of U. P. Act 38 of 1958.
[12] Add. by sec. 2 (9) ibid.
[13] Subs. by sec. 2 (6) of U. P. Act 8 of 1963.
[14] Subs. by sec. 2 (11) of U. P. Act 38 of 1958.
[15] Add. by sec. 2 (7) of U. P. Act 8 of 1963.
[16] Subs. by sec. 2 (12) of U. P. Act 38 of 1958.
[17] Subs. by sec. 3 (b) of U. P. Act 30 of 1991 (for bhumidhar or sirdar)
[18] Ins. by sec. 2 (14) of U. P. Act 38 of 1958.
[19] Subs. by sec. 2 (15) of U. P. Act 38 of 1958.
[20] Subs. by sec. 2 (15) of U. P. Act 38 of 1958.
[21] Subs. by sec. 2 (15) ibid.

CHAPTER-II REVISION AND CORRECTION OF MAPS AND RECORDS

Section 4. Declaration and notification regarding consolidation

[1][(1) (a) The State Government may where it is of opinion that a district or part thereof may be brought under consolidation operations, make a declaration to that effect in the Gazette, whereupon it shall become lawful for any officer or authority who may be empowered in this behalf by the District Deputy Director of Consolidation-]

(i) to enter upon and survey, in connection with Rectangulation or otherwise and to take levels of any land in such area ;

(ii) to fix pillars in connection with Rectangulation ; and

(iii) to do all acts necessary to ascertain the suitability of the area for consolidation operations.

(b) The District Deputy Director of Consolidation shall cause public notice of the declaration issued under clause (a) to be given at convenient places in the said district or part thereof.

(2) (a) When the State Government decides to start consolidation operations, either in an area covered by a declaration issued under sub-section (2) or in any other area, it may issue a notification to this effect.

[2][(b) Every such notification shall be published in the Gazette and in a daily newspaper having circulation in the said area and shall also be published in each unit in the said area in such manner as may be considered appropriate.][2]

[1] Add. by sec. 2 (15) of U. P. Act 3 of 1958.
[2] Subs. by sec. 4 of U. P. Act 30 of 1991.

Section 4-A.

[1][(1) Where the State Government is of opinion that in the case of a district or part thereof in respect of which a notification has already been issued under section 52, it is expedient in public interest so to do, it may make a declaration by notification in the Gazette that the such district or part thereof may again be brought under consolidation operation :

[Provided that no such declaration shall be issued within twenty years from the date of the notification referred to in

the said section, but in special circumstances the State Government may, in public interest, issue such declaration after ten years from the said date.][2]

(2) The provisions of this Act shall mutatis mutandis apply to every notification issued under sub-section (1) as they apply to a notification under section 4.]

[1] Add. by sec. 30 of U. P. Act 35 of 1976.
[2] Subs. by sec. 19 of U.P. Act 24 of 1986 [U.P. Land Laws (Amend) Act, 1986]

Section 5. Effect of [1][notification under section 4(2)]

[2][(1) Upon the publication of the notification [1][under sub-section (2) of section 4] in the official Gazette, the consequences as hereinafter set forth, shall subject to the provisions of this Act, from the date specified thereunder till the publication of notification under section 52 or sub-section (1) of section 6, as the case may be, ensue in the area to which the [notification under sub-section (2) of section 4][1] relates, namely:-

(a) the district or part thereof, as the case may be, shall be deemed to be under consolidation operations and the duty of maintain the record-of-rights and preparing the village map. The field book and the annual register of each village shall be performed by the District Deputy Director of Consolidation, who shall maintain or prepare them, as the case may be, in the manner prescribed ;

(b) [3][* * *]

(c) notwithstanding anything contained in the U. P. Zamindari Abolition and Land Reforms Act, 1950, no tenure-holder except with the permission in writing of the Settlement Officer, Consolidation, previously obtained shall-

(i) use his holding or any part thereof for purposes not connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming ; or

(ii) [****][4]

Provided that a tenure holder may continue to use his holding, or any part thereof, for any purpose for which it was in used prior to the date specified in the notification issued [under sub-section (2) of section 4.]

[5][(2) Upon the said publication of the notification under sub-section (2) of section 4 the following further consequences shall ensue in the area to which the notification relates, namely:-

(a) every proceeding for the correction of records and every suit and preceeding in respect of declaration of rights or interest in any land lying in the, area, or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under this Act, pending before any court or authority whether of the first instance or of appeal, reference or revision shall on an order being passed in that behalf by the court or authority before whom such suit or proceeding is pending, stand abated :

Provided that no such order shall be passed without giving to the parties notice by post or in any other manner and after giving them an opportunity of being heard ;

Provided further that on the issue of the notification under sub-section (1) of section 6, in respect of the said area or part thereof every such order in relation to the land lying in such area or part, as the case may be, shall stand vacated ;

(b) such abatement shall be without prejudice to the rights of the persons affected to agitate the right or interest in dispute in the said suits or proceedings before the appropriate consolidation authorities under and in accordance with the provisions of this Act and the rules made thereunder.]

[6][Explanation-For the purposes of sub-section (2), a proceeding under the Uttar Pradesh Imposition of Celling on Land Holdings Act, 1960 or an uncontested proceeding under sections 134 to 137 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, shall not be deemed to be a proceeding in respect of declaration of rights or interest in any land.]

[1] Subs. by sec. 45 of U. P. Act 12 of 1965.
[2] Subs. by sec. 4 of U. P. Act 38 of 1958.
[3] Del. by sec . 2 of U. P. Act 21 of 1966.
[4] Omit. by sec. 5 of U. P. Act 30 of 1991.
[5] Add. by sec. 2 (2) of U. P. Act 21 of 1996.
[6] Subs. by sec . 31 of U. P. Act 35 of 1976 and shall be deemed always to have been substituted.

Section 6. Cancellation of [notification][1] under section 4

(1) It shall be lawful for the State Government at any time to cancel the [notification][1] made under section 4 in respect of the whole or part of the area specified therein.

[2][(2) Where a [notification] has been cancelled in respect of any unit under sub-section (1), such area shall subject to the final orders relating to the correction of land records, if any, passed on or before the date of such cancellation, cease to be under consolidation operation with effect from the date of the cancellation.]

[1] Subs. by sec. 4 of U. P. Act 8 of 1963.
[2] Subs. by sec. 5 of U. P. Act 38 of 1958.

Section 6-A. Special provision with respect to undisputed succession or transfer

[1][(1) After the publication of notification under sub-section (2) of section 4 or section 4-A and before start of the proceeding under section 8, a case of undisputed succession shall be disposed of by the Consolidator, and a case of undisputed mutation on the basis of transfer shall be disposed of by the Assistant Consolidation Officer, in such manner and after making such inquiry as may be prescribed :

Provided that no case shall be entertained, continued or disposed of under this section after start of the proceeding under section 8.

(2) An order made under sub-section (1) shall not be a bar to an objection under section 9.][1]

[1] Ins. by sec. 2 of U. P. Act 3 of 2002.

Section 7. Revision of village map

With a view to facilities the revision of records of each village or part thereof in the unit and subject to the provisions hereinafter contained, the District Deputy Director of Consolidation shall, before [1][the provisional consolidation scheme] for a unit is prepared, cause to revise the village maps of such unit.

[1] Subs. by sec. 5 of U. P. Act 8 of 1963.

Section 8. Revision of the field-book and the current annual register, determination of valuations and shares in joint holdings

[1][(1) Upon the revision of maps under section 7, the District Deputy Director of Consolidation shall subject to the provisions hereinafter contained, and in such manner as may be prescribed, cause to be-

(i) revised, the field-book of the unit after field to field partal and the current annual register after its test and verification ;

(ii) determined, in consultation with the Consolidation Committee, the valuation of-

(a) each plots after taking into consolidation its productivity location and availability of irrigation facilities, if any ; and

(b) all trees, wells and other improvements existing in the plots for the purpose of calculating compensation therefor ;

(iii) ascertained the share of each owner, if there be more owners than one, out of the valuation determined under sub-clause (b) of clause (ii) ; and

(iv) determined the shares of individual tenure-holders in joint holdings for the purpose of effecting partition to ensure proper consolidation.

(2) The District Deputy Director of Consolidation shall cause to be prepared a "khasra chakbandi" in the form prescribed, in respect of all the plots falling in the unit as also a statement showing the mistakes [undisputed cases of succession][2] undisputed cases of succession and disputes discovered during the test and verification of the annual register in the course of the field-to field partal.]

[1] Subs. by sec. 4 of U. P. Act 8 of 1963.
[2] Ins. by sec. 6 of U. P. Act 30 of 1991.

Section 8-A. Preparation of Statement of Principles

[1][(1) The Assistant Consolidation Officer shall, in consultation with Consolidation Committee, prepare, in respect of each unit under consolidation operations, a statement in the prescribed from (hereinafter called the Statement of Principles) setting forth the principles to be followed in carrying out the consolidation operations in the unit.

(2) The Statement of Principles shall also contain-

(a) details of areas, as far as they can be determined at this stage, to be earmarked for extension of abadi including areas for abadi site for Harijans and landless persons in the unit and for such other public purposes as may be prescribed ;

(b) the basis on which the tenure-holders will contribute land for extension of abadi and for other public purposes ; and

(c) details of land to be earmarked for public purposes out of land vested in a Gaon Sabha or a Local Authority

under section 117 or section 117-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

[2][(d) the standard plots for each unit.]

[3][(3) The standard plots referred to in clause (d) of sub-section (2) shall be determined by the Assistant Consolidation Officer after ascertaining from the members of the Consolidation Committee and the tenure-holders of the units the best plot or plots of the unit, regard being had to productivity, location and the existing soil class of the plot or plots.]

[1] Add. by sec. 7 of U. P. Act no. 8 of 1963.
[2] Add. by sec. 9 (i) of U. P. Act no. 6 of 1978.
[3] Add. by sec. 9 (ii) of U. P. Act no. 6 of 1978.

Section 9. Issue of extracts from record and statements and publication of the records mentioned in sections 8 and 8-A and the issue of notices for inviting objections

[1][(1) Upon the preparation of the records and the statements mentioned in sections 8 and 8-A the Assistant Consolidation Officer, shall-

(a) correct the clerical mistakes, if any, and send or cause to be sent to the tenure-holder concerned and other persons interested, notices containing relevant extracts from the current annual register and such other record as may be prescribed showing-

(i) their rights in and liabilities in relation to the land;

(ii) mistakes [undisputed cases of succession][2] and disputes discovered under section 8 in respect thereof ;

(iii) specific shares of individual tenure-holder in joint holdings for the purpose of effecting partitions, where necessary, to ensure proper consolidation ;

(iv) valuations of the plots ; and

(v) valuation of trees, wells and other improvements for calculating compensation there or and its Apportionmeny amongst owners, if there be more owners than one ;

(b) publish in the unit the current khasra and the current annual register, the khasra Chakbandi, the Statement of Principles prepared under section 8-A and any other records that may be prescribed to show, inter alia, the particulars referred to in clause (a).

(2) Any person to whom a notice under sub section (1) has been sent, or any other person interested, may, within twenty-one days of the receipt of notice, or of the publication under sub-section (1), as the case may be, file before the Assistant Consolidation Officer objections in Respect thereof disputing the correctness or nature of the entries in the records or in the extracts furnished therefrom, or in the Statement of Principles, or the need for partition.]

[1] Subs. by sec. 9 ibid.
[2] Ins. by sec. 7 of U. P. Act no. 30 of 1991.

Section 9-A. Disposal of cases relating to claims to land and partition of joint holdings

[1][(1) The Assistant Consolidation Officer shall-

(i) where objection in respect of claims to land or partition of joint holdings are filled, after hearing the parties concerned ; and

(ii) where no objections are filed, after making such enquiry as he may deem necessary, settle the disputes correct the mistakes and effect partition as far as may be by conciliation between the parties appearing before him and pass orders on the basis of such conciliation :

[Provided that where the Assistant Consolidation Officer, after making such enquiry as he may deem necessary, is satisfied that a case of succession is undisputed, he shall dispose of the case on the basis of such enquiry.][2]

(2) All cases which are not disposed of by the Assistant Consolidation Officer under sub-section (1), all cases relating to valuation of plots and all cases relating to valuation of trees, wells or other improvements for calculating compensation therefor, and its appointment amongst, co-owners, if there be more owners than one, shall be forwarded by the Assistant Consolidation Officer to the Consolidation Officer, who shall dispose of the same in the manner prescribed.

(3) The Assistant Consolidation Officer, while acting under sub-section (1) and the Consolidation Officer, while acting under sub-section (2), shall be deemed to be a court of competent jurisdiction anything to the contrary contained any other law for the time being in force notwithstanding.

[1] Subs. by sec. 9 of U.P. Act no. 8 of 1963.
[2] Ins. by sec. 8 of U. P. Act no. 30 of 1991.

Section 9-B. Disposal of objections on the Statement of Principles

(1) Where objections have been filed against the Statement of Principles under section 9, the Assistant Consolidation Officer shall after affording opportunity of being heard to the parties concerned and after taking into consideration the views of the Consolidation Committee, submit his report to the Consolidaiton Officer who shall dispose of the objections in the manner prescribed.

(2) Where no objections have been filed against the Statement of Principles within the time provided therefor under section 9, the Consolidation Officer shall, with a view to examining the correctness, make local inspection of the unit, after giving due notice to the Consolidation Committee and may thereafter make such modification or alterations in the Statement of Principles as he may consider necessary.

(3) Any person aggrieved by an order of the Consolidation Officer under sub-section (1), or sub-section (2), may within 21 days of the date of the order, file an appeal before the Settlement Officer, Consolidation whose decision except as otherwise provided by or under this Act, shall be final.

(4) The Consolidation Officer and the Settlement Officer, Consolidation shall before deciding an objection or an appeal make local inspection of the unit after giving due notice to the parties concerned and the Consolidation Committee.

Section 9-C. Partition of joint holdings

(1) The Assistant Consolidaiton Officer or the Consolidation Officer may partition joint holdings under section 9-A notwithstanding anything to the contrary contained in 178 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, or any other law, and may also partition the same suo moto.

(2) The partition of joint holdings shall be affected on the basis of shares, provided that there the tenure-holders concerned agree, it may be affected on the basis of specific plots.

Section 10. Preparation and maintenance of revised Annual Registers

[1][(1) The Annual Register shall be revised on the basis of the orders passed under sub-section (1) and sub-section (2) of section 9-A. it shall thereafter be prepared in the form prescribed and published in the unit.

(2) Where any entry in the annual register, published under sub-section (1) is modified in pursuance of an order passed under this Act or under any other law, a reference to the order along with an extract of its operative portion shall be noted against the said entry.]

[1] Subs. by sec. 10 of U. P. Act no. 8 of 1963.

Section 10-A.

[1][X X X]

[1] Del. by sec. 6 of U. P. Act no. 38 of 1958.

Section 10-B.

[1][X X X]

[1] Del. by sec. 6 of U. P. Act no. 38 of 1958.

Section 11. Appeals

[1][(1) Any party to the proceedings under section 9-A aggrieved by an order of the Assistant Consolidaiton Officer or the Consolidation Officer under that section, may within 21 days of the date of the order, file an appeal before the Settlement Officer, Consolidation, who shall after affording opportunity of being heard to the parties concerned give his decision thereon which except as otherwise provided by or order under this Act, shall be final and not be questioned in any court of law.

(2) The Settlement Officer, Consolidation, hearing an appeal under sub-section (1) shall be deemed to be a court of competent jurisdiction, anything to the contrary contained in any law for the time being in force notwithstanding.]

[1] Subs. by sec. 11 of U. P. Act no. 8 of 1963.

Section 11-A. Bar on objections

[1][No question in respect of-

(i) claims to land,

(ii) partition of joint-holdings, and

(iii) valuation of plots, trees, wells and other improvement where the question is sought to be raised by a tenure-holder of the plot or the owner of the tree, well or other improvements recorded in the annual register under

section 10, relating to the consolidation area [2][which has been raised under section 9 or which might or ought to have been raised under that section,] but has not been so raised shall be raised or heard at any subsequent stage of the Consolidaiton proceedings.]

[1] Subs. by sec. 12 of U. P. Act no. 8 of 1963.
[2] Subs. by sec. 24 of U. P. Act no. 4 of 1969.

Section 11-B.

[X X X][1]

[1] Del. by sec. 13 of U. P. Act no. 8 of 1963.

Section 11-C.

[1][In course of hearing of an objection under section 9-A or an appeal under section 11 or in proceedings under section 48, the Consolidation Officer, the Settlement Officer (Consolidation) or the Director of Consolidation, as the case may be, may direct that any land which vests in the State Government or the Gaon Sabha or any other local body or authority may be recorded in its name, even though no objection, appeal or revision has been filed by such Government, Gaon Sabha, body or authority.]

[1] Ins. by sec. 22 of U. P. Act no. 34 of 1974.

Section 12. Decision of matters relating to changes and transactions affecting rights or interests recorded in revised records

[1][(1) All matters relating to changes and transfers affecting any of the rights or interest recorded in the revised records published under sub-section (1) of section 10 for which a cause of action had not arisen when proceedings under sections 7 to 9 were started or were in progress, may be raised before the Assistant Consolidation Officer as and when they arise, but not later than the date of notification under section 52, or under sub-section (1) of section 6.

(2) The provisions of sections 7 to 11 shall, mutatis mutandis, apply to the hearing and decision of any matter raised under sub-section (1) as if it were a matter raised under the aforesaid section.]

[1] Subs. by sec. 14 of U. P. Act no. 8 of 1963.

Section 12-A. Assessment of land revenue on new holdings and distribution of revenue on parts of holdings

[1][(1) Notwithstanding anything contained in U. P. Zamindari Abolition and Land Reforms Act, 1950, the Settlement Officer, Consolidaiton, may subject to the rules made in this behalf-

(a) determine the amount of land revenue payable by a tenure-holder on land on which he acquires rights as a result or orders under [2][X X X] this Act, and

(b) where necessary, also determine the amount of land revenue payable in respect of a portion of the tenure-holder's holding.

(2) In assessing the amount of land revenue payable under sub-section (1), the provisions of the U. P. Zamindari Abolition and Land Reforms Act, 1950 and the rules made thereunder shall mutatis mutandis apply.]

[1] Ins. by sec. 7 of U. P. Act no. 8 of 1963.
[2] Omit. by sec. 15 of U. P. Act no. 8 of 1963.

Section 12-B.

[X X X][1]

[1] Del. by sec. 16 of U. P. Act no. 8 of 1963.

Section 12-C.

[X X X][1]

[1] Del. by sec. 16 of U. P. Act no. 8 of 1963.

Section 12-D. Amalgamation of holdings

[1][Two or more tenure-holders may at any time before the publication of the revised annual register under sub-section (1) of section 10, applies to the Consolidation Officer to amalgamate their holdings of like tenure on such terms as may be agreed upon between them. The Consolidation Officer may, if the proposed amalgamation is in the interest of consolidation give effect to the same.]

[1] Subs. by sec. 17 ibid.

CHAPTER-III Preparation of Consolidation Scheme

Section 13.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 13-A.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 13-B.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 13-C.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 13-D.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 14.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 15.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 16.

[X X X][1]

[1] Del. by sec. 11 of U. P. Act no. 38 of 1958.

Section 16-A.

[X X X][1]

[1] Del. by sec. 13 ibid.

Section 16-B.

[X X X][1]

[1] Del. by sec. 13 ibid.

Section 17.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 18.

[X X X][1]

[1] Del. by sec. 18 ibid.

Section 19. Consolidation to be fulfilled by a consolidation scheme

[1](1) A Consolidaiton scheme shall fulfill the following conditions namely-

(a) the rights and liabilities of a tenure-holder, as recorded in the annual register prepared under section 10, are subject to the deductions, if any, made on account of contributions to public purposes under this Act, secured in the lands allotted to him ;

(b) the valuation of plots allotted to a tenure-holder subject to deductions, if any, made on account of contributions to public purposes under this Act, is equal to the valuation of plots originally held by him :

Provided that, except with the permission of the Director of Consolidaiton, the area of the holding or holdings

allotted to a tenure-holder shall not differ from the area of his original holding or holdings by more than twenty five per cent of the latter ;

(c) the compensation determined under the provisions of this Act, or the rules framed thereunder, is awarded-

(1) to the tenure-holder-

(i) for trees, wells other improvements, originally held by him and allotted to another tenure-holder; and

(ii) for land contributed by him for public purposes ;

(2) to the Gaon Sabha, or any other local authority as the case may be, for development, if any, effected by it in or over land belonging to it and allotted to a tenure-holder ;

(d) the principles laid down in the Statement of Principles are followed;

(e) every tenure-holder is, as far as possible, allotted a compact area at the place there he holds the largest part of his holding :

Provided that no tenure-holder may be allotted more chaks than three except with the approval in writing of the Deputy Director of Consolidation :

Provided further that no Consolidaiton made shall be invalid for the reason merely that the number of chaks allotted to a tenure-holder exceeds three ;

(f) every tenure-holder is, as far as possible, allotted the plot on which exists his private source of irrigation or any other improvement, together with an area in the vicinity equal to the valuation of the plots originally held by him there ; and

(g) every tenure-holder is, as far as possible, allotted chaks in conformity with the process of rectangulation in rectangulation units.

(2) A consolidation scheme before it is made final under section 23, shall be provisionally drawn up in accordance with the provisions of section 19-A.]

[1] Subs. by sec. 19 of U. P. Act no. 8 of 1963.

Section 19-A. Preparation of provisional consolidation scheme by the Assistant Consolidaiton Officer

[1][(1) The Assistant Consolidation Officer shall in consultation with the Consolidation Committee, prepare in the form prescribed, a provisional Consolidation Scheme for the unit.

(2) Notwithstanding anything contained in this Act, the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 or any other law for the time being in force, it shall be lawful for the Assistant Consolidation Officer where in his opinion it is necessary or expedient so to do to allot to a tenure-holder, after determining its valuation [any land belonging to the State Government] [2] or any land vested in the Gaon Sabha or any other local authority, as a result of notification issued under section 117 or 117-A of the U. P. Zamindari Abolition and Land Reforms Act, 1950 :

Provided where any such land is used for a public purpose, it shall be allotted only after the Assistant Consolidation Officer has declared in writing that it is proposed to transfer the rights of the public as well as all individuals in or over that land to any other land specified in the declaration and earmarked for that purpose in the provisional Consolidaiton Scheme.]

[1] Ins. by sec. 20 of U. P. Act no. 8 of 1963.

[2] Ins. by sec. 9 of U. P. Act 30 of 1991.

Section 20. Publication of the provisional consolidation scheme and receipt of objection thereon

[1][(1) Upon the preparation of the provisional Consolidaiton scheme, the Assistant Consolidation Officer shall send or cause to be sent, to the tenure-holder concerned and persons interested, notices containing relevant extracts therefrom the provisional consolidation scheme shall thereafter, be published in the unit.

(2) Subject to the provisions contained in section 11-A any person to whom notice has been sent under sub-section (!), and any other person affected by the provisional consolidation scheme disputing the propriety or correctness of the entries in the provisional Consolidation scheme, or in the extracts furnished therefrom, may within fifteen days of the receipt of the notice or of the date of the publication of the consolidation scheme, as the case may be, file an objection before the Assistant Consolidaiton Officer or the Consolidaiton Officer.

(3) Any person affected or any person having any interest or right in addition to the right of public highway in or over any public land or having other interest or right which is substantially prejudiced by the declaration made under sub-section (2) of section 19-A may within fifteen days after the publication of the provisional consolidation scheme, file an objection before the Assistant Consolidation Officer or the Consolidation Officer stating the nature of such

interest or right.]

[1] Subs. by sec. 21 of U. P. Act no. 8 of 1963.

Section 21. Disposal of objections to the provisional Consolidation Scheme

[1][(1) All objections received by the Assistant Consolidation Officer shall, as soon as may be, after the expiry of the period of limitation prescribed therefore be submitted by him to the Consolidaiton Officer, who shall dispose of the same, as also the objections received by him in the manner hereinafter provided after notice to the parties concerned and the Consolidation Committee.]

(2) Any person aggrieved by the order of the Consolidation Officer under sub-section (1) may, within [2][15] days of the date of the order, file an appeal before the Settlement Officer, Consolidation, whose decision shall except as otherwise provided by or under this Act, be final.

[3][(3) The Consolidation Officer shall, before deciding the objections, and the Settlement Officer, Consolidation may, before deciding an appeal, make local inspection of the plots in dispute after notice to the parties concerned and the Consolidation Committee.

(4) If during the course of the disposal of an objection or the hearing of an appeal the Consolidaiton Officer or the Settlement Officer, Consolidation, as the case may be, is of the opinion that material injustice is likely to be caused to a number of tenure-holders in giving effect to the provisional Consolidation Scheme, as prepared by the Assistant Consolidation Officer, or as subsequently modified by the Consolidation Officer, as the case may be, and that a fair and proper allotment of land to the tenure-holders of the units is not possible without revising the provisional Consolidation Scheme, or getting a fresh one prepared, it shall be lawful, for reasons to be recorded in writing for-

(i) the Consolidation Officer to revised provisional Consolidation Scheme after giving opportunity of being heard to the tenure-holders concerned or to remand the same to the Assistant Consolidation Officer with such directions as the Consodilidation Officer may consider necessary ; and

(ii) the Settlement Officer, Consolidation to revise the provisional Consolidation Scheme after giving opportunity of being heard to the tenure-holders concerned or to remand the same to the Assistant Consolidation Officer, or the Consolidation Officer, as the Settlement Officer, Consolidation may think fit, with such directions as he may consider necessary.]

(5) [X X X][4]

(6) [X X X][4]

[1] Subs. by sec. 18 (1) of U. P. Act no. 38 of 1958.
[2] Subs. by sec. 22 (1) of U. P. Act no. 8 of 1963.
[3] Subs. by sec. 22 (2) ibid.
[4] Omit. by sec. 22 (2) ibid.

Section 22.

[X X X][1]

[1] Omit. by sec. 23 ibid.

Section 23. Confirmation of the provisional Consolidation Scheme and the issue of allotment orders

[1][(1) The Settlement Officer, Consolidation shall confirm the provisional Consolidation Scheme-

(a) if no objections are filed within the time specified in section 20 ; or

(b) where such objections are filed, after such modifications or alterations as may be necessary in view of the orders passed under sub-section (1) to (4) of section 21.

(2) The provisional Consolidation Scheme so confirmed shall be published in the unit and, except as otherwise provided by or under this Act, shall be final.

(3) (i) Where the allotments made under section 19-A are not modified under section 21 and are confirmed under sub-section (1), the extracts contained in the notice issued under section 20, shall [2][except as provided by or under this Act] be treated as final allotment orders for the tenure-holders concerned.]

(ii) In cases not covered by clause (i), revised extract specifying the modified allotments, as confirmed under sub-section (1) shall be issued by-

(a) the Consolidation Officer, where the allotments are not modified by the Settlement Officer, Consolidation ; and

(b) by the Settlement Officer Consolidation, where he has modified the allotment, and the same shall [2][except as otherwise provided by or under this Act] be the final allotment, orders for the tenure-holders concerned.]

[1] Subs. by sec. 24 ibid.

[2] Ins. by sec. 46 of U. P. Act no. 12 of 1965.

CHAPTER-IV ENFORCEMENT OF THE SCHEME

Section 24. Possession and accrual of compensation for trees, etc

[1][(1) The Settlement Officer, Consolidation shall fix the date to be notified in the unit from which the [2][final consolidation scheme] shall come into force. On and after the said date a tenure-holder shall be entitled to enter into possession of the plots allotted to him.

(2) On from the date of obtaining possession every tenure-holder getting trees, wells and other improvements existing on the plots allotted to him in pursuance of the enforcement of the [final consolidation scheme] [3] shall be liable [2][for the payment of] and pay to the former tenure-holder thereof, compensation for the trees, wells and other improvements allotted to him to be determined in the manner hereinbefore provided.

[1] Subs. by sec. 21 of U. P. Act no. 38 of 1958.
[2] Subs. by sec. 25 (1) of U. P. Act no. 8 of 1963.
[3] Subs. by sec. 25 (2) of U. P. Act no. 8 of 1963.

Section 25.

[X X X][1]

[1] Del. by sec. 22 of U. P. Act no. 38 of 1958.

Section 26.

[X X X][1]

[1] Del. by sec. 22 of U. P. Act no. 38 of 1958.

Section 26-A.

[X X X][1]

[1] Del. by sec. 22 of U. P. Act no. 38 of 1958.

Section 27. New revenue records

[1][(1) As soon as may be, after the final consolidation scheme has come into force, the District Deputy Director of Consolidation shall cause to be prepared for each village a new map filed-book and record-of rights in respect of the Consolidaiton area, on the basis of the entries in the map, as corrected under section 7, the Khasra Chakbandi, the annual register prepared under section 10 and the allotment orders as finally made and issued in accordance with the provisions of this Act. The provisions of the U. P. Land Revenue Act, 1901 shall subject to such modification as may be prescribed, be followed in the preparation of the map and records.]

[2][(2) All entries in the record-of rights prepared in accordance with the provision of sub-section (1) shall be presumed to be true until the contrary is proved.

(3) After the issue of notification under section 52, the Collector shall, instead of the map, field-book and record-of-rights previously maintained by him maintain the map, field-book and record-of rights prepared in accordance with the provisions of sub-section (1) [3][and the provisions of the U. P. Land Revenue Act, 1901, relating to the maintenance and correction of such map, field book and record-of-rights shall mutatis mutandis apply.]

[1] Subs. by sec. 26 of U. P. Act no. 8 of 1963.
[2] Subs. by sec. 47 of U. P. Act no. 12 of 1965.
[3] Subs. by sec. 23 of U. P. Act no. 34 of 1974.

Section 28. Delivery of possession

[1][(1) The Assistant Consolidation Officer, on the application of the tenure-holder or the Land Management Committee, to whom chak or lands have been allotted under the final consolidation scheme, [may, and where any land has been allotted to the State Government shall, without any application of the State Government, within six months of the date on which the said Scheme has come into force, put the tenure-holder or the Land Management Committee or the State Government, as the case may be, in actual physical possession of the allotted chak or lands][2] :

Provided that the delivery of possession as aforesaid shall not affect the right of the person from whom possession is transferred to tend and gather the crops standing on such chaks or land or part thereof, on the date of the delivery, unless the Assistant Consolidaiton Officer decides, for reasons to be recorded that the possession over the crop also shall be delivered :

Provided further that the person tending and gathering the standing crop, in accordance with the first proviso, shall be

liable to pay to the person who has been allotted the chak, or lands, compensation for the use of the land at such rate and in such manner as may be prescribed.

(2) On the expiry of six moths from the date on which a tenure-holder or Land Management Committee or [the State Government][3] became entitled to enter into possession of the chak or lands allotted, whether before or after the coming into force of the Uttar Pradesh Consolidaiton of Holdings (Amendment) Act, 1963, or on the expiry of six months from the date of the coming into force of that Act, whichever is later, the tenure-holder or the Land Management Committee, as the case may be, shall unless possession has been obtained earlier, be deemed to have entered in to actual physical possession of the allotted chak of land] :

Provided that the fact that a tenure-holder or the Land Management Committee has thus entered in possession shall not affect the right of the person from whom possession is deemed to have been transferred to tend and gather the crop standing on the chak or lands or part thereof, on the date of the expiry of the period of six months aforesaid.]

[1] Subs. by sec. 27 of U. P. Act no. 8 of 1963.

[2] Subs. by sec. 10 of U. P. Act no. 30 of 1991(for words, may within six months of the date on which the said scheme has come into force, put the tenure held or the LMC, as the case may be, in actual physical possession of the chak or lands allotted to the applicant)

[3] Ins. by sec. 10 (b) of U. P. Act no. 30 of 1991.

Section 29. Compensation

[1][(1) Where possession over standing crops is also delivered under section 28, the Assistant Consolidaiton Officer shall determine in the manner prescribed the compensation payable in respect of such crops by the tenure-holder put in possession.

[X X X][2]

[3][(1-A) Any person aggrieved by an order under sub-section (1) may, within fifteen days of the date of the order, prefer an appeal before the Consolidation Officer, whose decision thereon, shall be final.]

(2) [X X X][4]

(3) [X X X][4]

[1] Subs. by sec. 5 of U. P. Act no. 13 of 1955.

[2] Del. by sec. 15 (1) of U. P. Act no. 24 of 1956.

[3] Add. by sec. 28 of U. P. Act no. 8 of 1963.

[4] Del. by sec. 15 (2) of U. P. Act no. 24 of 1956.

Section 29A. Recoveries of compensation

[1][(1) Where a tenure-holder from whom compensation is recoverable under this Act, fails to pay the same within the period prescribed therefor, the person entitled to receive it, may in addition to any other mode of recovery open to him apply to the Collector within such time as may be prescribed to recover the amount due on his behalf as if it were an arrear of land revenue payable to Government.

(2) Where any compensation payable under this Act is not paid whether in whole or in part within three months of the date of obtaining possession [under section 24 or section 28, as the case may be][2], interest at the rate of 6 per cent per annum shall be charged on the amount not so paid.]

[1] Add. by sec. 16 of U. P. Act no. 24 of 1956.

[2] Subs. by sec. 24 of U. P. Act no. 38 of 1958.

Section 29-AA. Reduction of land revenue on account of contribution of land for public purposes

[1][(1) Where, as a result of contribution for public purposes under the provisions of section 8-A, the area of the original holding of a tenure-holder is reduced, the land revenue payable for the holding shall be reduced by the Assistant Consolidation Officer in the same proportion as the area so contributed bears to the original total area of the holding, and the reduced land revenue shall be shown in the provisional Consolidaiton scheme.

(2) A tenure-holder aggrieved by the reduction made under sub-section (1) may, within 15 days of the date of publication of the provisional Consolidaiton scheme under section 20, file an objection before the Assistant Consolidation Officer or the Consolidaiton Officer for getting the reduction of the land revenue determined in accordance with the provisions of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.]

[1] Add. by sec. 29 of U. P. Act no. 8 of 1963.

Section 29-B. Compensation for land contributed by tenure-holders for public purposes

[1][(1) (a) Every tenure-holder, any part of whose holding has been contributed for public purposes under this Act, shall be paid for the land so contributed, compensation equal to-

(i) in the case of land of a [2][bhumidhar with transferable rights], four times ; and

(ii) in the case of the land of a [3][bhumidhar with non-transferable rights], two times of the land revenue reduced under section 29-AA.

(b) In the case of trees, wells and other improvement falling within the land so contributed the amount of compensation shall be determined in accordance with the provisions of section 19.

(2) The compensation payable to a tenure-holder shall, after adjustment of the cost of operations under this Act, if any, be paid to him in cash.

(3) Where any land in respect of which compensation is paid under sub-section (1), is occupation of an asami there shall be paid to the asami out of the compensation payable to the [4][bhumidhar with transferable rights or bhumidhar with non-transferable rights] as the case may be an amount equal to 5 percent of such compensation in respect of the right title and interest of the asami therein.]

[1] Subs. by sec. 30 of U. P. Act no. 8 of 1963.
[2] Subs. by sec. 11 (a) (for Bhumidhar) of U. P. Act no. 30 of 1991.
[3] Subs. by sec. 11 (a) (for Sirdar) of U. P. Act no. 30 of 1991.
[4] Subs. by sec. 11 (b) (for Bhumidhar or Sirdar) of U. P. Act no. 30 of 1991.

Section 29-C. Vesting of land contributed for public purposes

[1][(1) The land contributed for public purposes under this Act shall, with effect from the date on which the tenure-holders became entitled to enter into possession of the chaks allotted to them under the provisions of this Act as amended from time to time, vest and be always deemed to have vested in the Gaon Sabha [in an area in which section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 applies and in the State Government in any other area][2] and shall be utilized for the purpose for which it was earmarked in the final Consolidaiton scheme, or in case of failure of that purpose, for such other purposes may be prescribed.]

[3][(2) The provisions of section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, shall mutatis mutandis apply to such land [4][vested in the Gaon Sabha] as if the land had vested in the Gaon Sabha by virtue of a declaration made by the State Government under sub-section (1) of that section, and as if the declarations were made subject to the conditions respecting utilization specified in sub-section (1) of this section.]

(3) [X X X][5]

[1] Subs. by sec. 31 ibid.
[2] Ins. by sec. 12 (a) of U. P. Act no. 30 of 1991.
[3] Subs. by sec. 3 of U. P. Act no. 21 of 1966.
[4] Ins. by sec. 12 (b) of U. P. Act no. 30 of 1991.
[5] Del. by sec. 3 (2) ibid.

Section 30. Consequences which shall ensue on exchange of possession

[1][With effect from the date on which a tenure-holder enters, or is deemed to have entered in to possession of the chak allotted to him in accordance with the provisions of this Act, the following consequences shall ensue-

(a) the rights, title interest and liabilities-

(i) of the tenure-holder entering, or deemed to have entered, into possession ; and

(ii) of the former tenure-holder of the plots comprising the chak, in their respective original holdings shall cease; and

(b) the tenure-holder entering into possession, or deemed to have entered into possession, shall have in his chak the same rights title interests and liabilities as he had in the original holdings together with such other benefits of irrigation from a private source till such source exists, as the former tenure-holder of the plots comprising the chak had in regard to them ;

(c) land vested in the Gaon Sabha or any local authority, and allotted to the tenure-holder shall be deemed to have been resumed by the State Government under the provisions of section 117 or section 117-A, as the case may be, of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and settled with tenure-holder;

(d) the rights of the public as well as all individuals in or over land included in a chak following a declaration made under the proviso to sub-section (2) of section 19-A, shall cease and be created in the land specified for the purpose in the final consolidation scheme ; and

(e) the encumbrances if any upon the original holding of the tenure-holder entering or deemed to have entered into possession, whether by way of lease, mortgage or otherwise, shall in respect of that holding cease and be created on the holdings or on such part thereof as may be specified in the final consolidation scheme.]

[1] Subs. by sec. 32 of U. P. Act no. 8 of 1963.

Section 31.

[[X X X][1]

[1] Del. by sec. 33 of U. P. Act no. 8 of 1963.

Section 32. Power to transfer holdings

[1][A transfer, whether by exchange or otherwise of rights, title, interest and liabilities of tenure-holders in their holdings, involved in giving effect to the final Consolidation Scheme affecting them, shall notwithstanding anything contained in the U. P. Land Revenue Act, 1901 and the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 be valid and no tenure-holder or other person shall be entitled to object or interfere with any such transfer.]

[1] Subs. by sec. 34 of U. P. Act no. 8 of 1963.

Section 33. Costs

[1][(1) The State Government shall fix the amount of costs of the operations conducted under the Act and shall recover from the tenure-holders of the unit such part thereof and in such manner as a may be prescribed.]

(2) If the State Government so decides it may order that a specified amount be recovered in advance in the manner prescribed, as the first installment of the cost of [2][the said operations.]

(3) Any amount payable as costs under this section shall be recoverable as arrears of land revenue.

[1] Subs. by sec. 35 (1) ibid.
[2] Subs. by sec. 35 (2) ibid.

Section 34.

[X X X][1]

[1] Del. by sec. 36 ibid.

Section 35.

[X X X][1]

[1] Del. by sec. 36 ibid.

Section 36.

[X X X][1]

[1] Del. by sec. 29 of U. P. Act no. 38 of 1958.

Section 36-A.

[X X X][1]

[1] Del. by sec. 29 of U. P. Act no. 38 of 1958.

CHAPTER-V MISCELLANEOUS

Section 37.

[X X X][1]

[1] Del. by sec. 36 ibid.

Section 38. Power to enforce attendance of witnesses and in certain matters

(1) The Director of Consolidation and Deputy Director of Consolidation Settlement Officer, Consolidaiton Consolidation Officer and Assistant Consolidaiton Officer shall have all such powers and rights and privileges as are vested in a Civil Court on the occasion of any action, in respect of the following matters ;

(a) the enforcing of the attendance of witnesses and examining them on oath affirmation or otherwise and the issue of a commission or request to examine witnesses abroad;

(b) compelling any one for the production of any document;

(c) the punishing of persons guilty of contempt ; and a summon signed by such officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a Civil Court for enforcing the attendance of witnesses and compelling the production of document.

[X X X X][1]

[1] Del. by sec. 30 (2) of U. P. Act no. 38 of 1958.

Section 39. Power for production of documents, etc

(1) Subject to any conditions or restrictions that may be prescribed the Director of Consolidaiton, Deputy Director of Consolidation, Settlement Officer Consolidation, Consolidation Officer or Assistant Consolidation Officer may, by written order require any person to produce such documents, papers and registers or to furnish such information as he may deem necessary for the proper exercise of his powers on the proper discharge of his duties under this Act.

(2) Every person required to produce any document paper or register or to furnish an information under this section shall be deemed legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Section 40. Proceedings before Director of Consolidation, Deputy Director of Consolidation, Settlement Officer, Consolidation, Consolidation Officer and Assistant Consolidation Officer to be judicial proceedings

A proceeding before a Director of Consolidation, Deputy Director of Consolidaiton, Settlement Officer, Consolidation, Consolidation Officer and Assistant Consolidaiton Officer shall be deemed to be a judicial proceeding within the meaning of sections 93 and 228 and for the purposes of section 196 of the Indian Penal Code.

Section 41. Application of U. P. Land Revenue Act, 1901

Unless otherwise expressly provided by or under this Act, the provisions of Chapters IX and X of the U. P. Land Revenue Act, 1901, shall apply to all proceedings including appeals and applications under this Act.

Section 41-A. Affidavits

[1][Affidavits to be filed in any proceedings under this Act, including an appeal or revision, shall be made in the same manner and confirm to the same requirements as affidavits filed under the Code of Civil procedure, 1908 and may be verified by any officer or other person appointed by the High Court under clause (b) or by an officer appointed by any other court under clause (c) of section 139 of the said Code.]

[1] Ins. by sec. 2 of U. P. Act no. 31 of 1970.

Section 42. Officer and Authorities

[1][(1) The State Government may appoint such authorities and officer and for such areas as may be necessary to give effect to provisions of the Act.]

(2) The District Deputy Director of Consolidation may, subject to such directions as the director of Consolidation may, issue from time to time demarcate the circles to be assigned to Consolidation Lekhpals, Consolidators and other authorities appointed for the district under sub-section (1).

[1] Subs. by sec. 37 of U. P. Act no. 8 of 1963.

Section 42-A. Correction of clerical arithmetical error

Notwithstanding anything contained in any law for the time being in force if the Consolidation Officer or the Settlement Officer, Consolidation is satisfied that a clerical or arithmetical error apparent on the face of the record exists in any document prepared under any provision of this Act, he shall, either on his own motion or on the application of any person interested, correct the same.

Section 43.

[[X X X][1]

[1] Omit. by sec. 38 of U. P. Act no. 8 of 1963.

Section 44. Delegation

[1][The State Government may by notification in the official Gazette and subject to such restrictions and conditions as may be specified in the notification-

(i) delegate to any officer or authority any of the powers conferred upon it by this Act ; and

(ii) confer power of the Director of Consolidation, Deputy Director, Consolidation Officer, the Settlement Officer, Consolidation and the Consolidation under this Act or the rules made thereunder on any officer or authority.][1]

[1] Subs. by sec. 36 of U. P. Act no. 38 of 1958.

Section 44-A. Power of subordinate authority to be exercised by a superior authority

[1][Where powers are to be exercised or duties to be performed under this Act of the rules made thereunder, such powers or duties may also be exercised or performed by an authority superior to it.]

[1] Add. by sec. 37 ibid.

Section 45. Powers of officers to enter upon land for purposes of survey and demarcation

The officer mentioned in this Act or any person acting under the orders of any of them may in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

Section 45-A. Penalty for contravening provisions of section 5

[1][(1) Any person contravening the provisions of section 5 (c) (i) shall, on conviction by a court of competent jurisdiction be liable to a fine not exceeding rupees one thousand.

(2) A transfer made in contravention of the provisions of section 5 (c) (ii) shall not be valid or recognized anything contained in any other law for the time being to in force to the contrary notwithstanding.][2]

[1] Ins. by sec. 39 ibid.
[2] Add. by sec. 39 of U.P. Act no. 38 of 1958.

Section 46. Penalty for destruction, injury or removal of survey [or boundary][1] marks

(1) If any person destroys willfully or injures or removes without lawful authority a survey [or boundary][2] mark lawfully erected, he may be ordered by a Consolidation Officer to pay such compensation not exceeding [one thousand rupees][2] for each mark so destroyed, injured or removed, as may in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The order for the payment of compensation under sub-section (1) shall not bar a prosecution under section 434 of the Indian Penal Code.

[1] Ins. by sec. 13 of U. P. Act no. 30 of 1991.
[2] Ins. by sec. 13 (b) of U. P. Act no. 30 of 1991 (for words fifty rupees).

Section 47. Appeal etc. to be allowed by the Act

No appeal and no application for revision shall lie from any order passed under the provision of this Act except as provided by or under this Act.

Section 48. Revisions and reference

[1][(1) The Director of Consolidaiton may call for and examine the record of any case decided or proceedings taken by any subordinate authority for the purpose of satisfying himself as to the regularity of the proceedings ; or as to the correctness legality or propriety of any order [2][other than an interlocutory order] passed by such authority in the case or proceedings and may, after allowing the parties concerned an opportunity of being heard, make such order in the case or proceedings as he thinks fit.

(2) Power under sub-section (1) may be exercised by the Director of Consolidation also on a reference under sub-section (3).

(3) Any authority subordinate to the Director of Consolidaiton may, after allowing the parties concerned an opportunity of being heard, refer the record of any case or proceedings to the Director of Consolidation for action under sub-section (1).]

[3][Explanation [4][(1)-For the purposes of this section, Settlement Officer, Consolidation, Consolidation Officer, Assistant Consolidation Officer, Consolidators and Consolidaiton Lekhpals shall be subordinate to the Director of Consolidation.]

[1][Explanation (2)- For the purpose of this section the expression 'interlocutory order' in relation to a case or proceeding, means such order deciding any matter arising in such case or proceedings or collateral thereto as does not have the effect of finally disposing of such case or proceeding.]

[Explanation (3) - The power under this section to examine the correctness, legality or propriety of any order includes the power to Examine any finding, whether of fact or law recorded by any subordinate authority, and also includes the power to re-appreciate any oral or documentary evidence.][5]

[1] Subs. by sec. 39 of U. P. Act no. 8 of 1963.
[2] Ins. by sec. 20 (1) of U. P. Act no. 20 of 1982.
[3] Add. by sec. 25 of U. P. Act no. 4 of 1969.
[4] Existing Explanation re-numbered as Explanation (1) and new Explanation (2) ins. by sec. 20 (ii) of U. P. Act 20 of 1982 .
[5] Ins. by sec. 3 of U. P. Act no. 3 of 2002.

Section 48-A. Special provisions with respect to evacuee property

[1][(1) Notwithstanding anything contained in the foregoing provisions of this Act-

(a) no decision of the Custodian Evacuee Property (hereinafter in this section referred to as the Custodian) in relation to title to any land vested in him as evacuee property under the provisions of the Administration of Evacuee Property Act, 1950, shall be called in question and varied or reversed by any officer or authority under this Act; and

(b) nothing in this Act shall be construed as requiring the Custodian to stay any proceedings in relation to title to any such land pending before him on the date of the coming into force of those provisions of this Act under which proceedings in relation to title to land are required to be stayed or as empowering the Consolidation Officer or any other officer or authority to refer for determination of any question of title in relation to such land involved in any proceedings pending before the Custodian on such date.

(2) Where as a result of consolidation operations in any village-

(a) lands, which are vested as evacuee property in the Custodian under the provisions of the Administration of Evacuee Property Act, 1950, are included in holdings which are not vested in the Custodian as evacuee property, such land shall, on and from the date of the coming into force of the consolidation scheme cease to be so vested in the Custodian, and the provision of the said Act shall thereupon cease to apply in relation thereto; and

(b) in lieu of such lands, corresponding lands shall be included in holdings which are vested in the Custodian as evacuee property, and such lands shall, on and from the date of the coming into force of the consolidation scheme, be deemed to be evacuee property declared as such within the meaning of the aforesaid Act and be vested in the Custodian and the provision of the said Act shall thereupon apply, so far as may be, in relation to such lands.]

[1] Add. by sec. 19 of U. P. Act no. 26 of 1954.

Section 48-B. Exchange of possession

[1][(1) Where change of possession becomes necessary amongst tenure-holders including the Land Management, Committee of the circle as a result of orders passed [XXX] [2] under section 48, it shall be lawful for them to exchange possession amongst themselves in accordance with such orders.

(2) Where change of possession cannot be effected by mutual arrangement, the Assistant Consolidaiton Officer shall affect delivery of possession to such tenure-holders and the Land Management Committee in accordance with the provisions of section 28.]

[1] Add. by sec. 41 of U. P. Act no. 38 of 1958.
[2] Omit. by sec. 40 of U. P. Act no. 8 of 1963.

Section 49. Bar to civil jurisdiction

[1][Notwithstanding anything contained in any other law for the time being in force, the declaration and adjudication of rights of tenure-holders in respect of land lying in an area, for which a [2][notification] has been issued [3][under sub-section (2) of section 4] or adjudication of any other rights arising out of consolidation proceedings and in regard to which a proceeding could or ought to have been taken under this Act, shall be done in accordance with the provisions of this Act and no civil or revenue court shall entertain any suit or proceeding with respect to right in such land or with respect to any other matters for which a proceeding could or ought to have been taken under this Act.]

[4][Provided that nothing in this section shall preclude the Assistant Collector from initiating proceedings under section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 in respect of any land possession over which has been delivered or deemed to be delivered to a Gaon Sabha under or in accordance with the provisions of this Act.]

[1] Subs. by sec. 42 of U. P. Act no. 38 of 1958.
[2] Subs. by sec. 41 of U. P. Act no. 8 of 1963.
[3] Subs. by sec. 48 of U. P. Act no. 12 of 1965.
[4] Ins. by sec. 21 (1) of U. P. Act no. 20 of 1982.

Section 49-A. Protection of action taken under this Act or rules made thereunder

[1][No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or rules made thereunder.]

[1] Add. by sec. 43 of U. P. Act no. 38 of 1958.

Section 50. Exemption from court-fee

[1][No court-fee shall be payable on any application made or any document filed, with the exception of a Vakalatnama, in any suit or proceedings under the provisions of this Act.]

[1] Subs. by sec. 44 ibid.

Section 51. Instrument not necessary to effect transfer

[1][Not-withstanding anything contained in any other law for the time being in force, no instrument in writing shall be necessary for effecting a transfer of holdings involved in giving effect to a final consolidation scheme nor shall any instrument, if executed, require registration.]

[1] Subs. by sec. 42 of U. P. Act no. 8 of 1963.

Section 52. Close of consolidation operations

(1) as soon as may be after fresh maps and records have been prepared under sub-section (1) of section 27, the State Government shall issue a notification in the official Gazette that the consolidation operations have been closed in the unit and the village or villages forming part of the unit shall then cease to be under consolidation operations.

[1][Provided that the issue of the notification under this section shall not affect the powers of the State Government to fix, distribute and recover the cost of operations under this Act.]

[(1-A) The notification issued under sub-section (1) shall be published also in a daily newspaper having circulation in the area and in such other manner as may be considered proper.][2]

[3][(2) Notwithstanding anything contained in sub-section (1), any order passed by a court of competent jurisdiction in cases of writs filed under the provisions of the Constitution of India, or in cases or proceedings pending under this Act on the date of issue of the notification under sub-section (1), shall be given effect to by such authorities as may be prescribed and the consolidation operations shall, for that purpose, be deemed to have not closed.]

[4][(3) Where the allotment or lease of any land made before the consolidation scheme becomes final under section 23, is cancelled by an order under sub-section (4) of section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and such order becomes final. Then notwithstanding anything contained in the provision of this Act, such order shall be given effect to by such authorities as may be prescribed in the following manner, and the consolidation operation shall, for that purpose, be deemed to have not closed, namely-

(a) the value of the land which was the subject-matter of such allotment or lease shall first be ascertained in the manner prescribed ;

(b) the value referred to in clause (a) shall be deducted from the total value of land allotted to the tenure-holder concerned during consolidation proceedings ;

(c) the tenure-holder shall been titled, during consolidation proceeding, to land equivalent in valuation of the said land.]

[1] Add. by sec. 43 of U. P. Act no. 8 of 1963.
[2] Ins. by sec. 14 (1) of U. P. Act no. 30 of 1991.
[3] Add. by sec. 43 ibid.
[4] Ins. by sec. 32 of U. P. Act no. 35 of 1976.

Section 52-A. Special provisions for Chak Roads and Chak Guls

[1][(1) In the case of a unit in relation to which a notification under sub-section (1) of section 52 has been issued before the commencement of the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 1970, the Collector may, if he is of opinion that there exists no provision or inadequate provision of Chak roads or chak guls in the unit, and shall, if a representation in that behalf by not less than ten percent of the total number of tenure-holders is made to him within six months of the said commencement, proceed to take action under sub-section (2), anything to the contrary contained in section 52 notwithstanding.

(2) The Collector shall cause a notice of the proposal to take action under this section and also of the representation, if any, received under sub-section (1) to be given in the unit by beat of drum and in such other manner, if any, as he thinks fit and direct any Consolidation Officer to inspect the locality and take reasonable steps to ascertain the wishes of the tenure-holders or as the case may be of such of them as have not joined in the representation, and to make such other inquiry into the matter as he thinks fit.

(3) Such Consolidaiton Officer shall make a report to the Collector on the advisability or otherwise of drawing up a plan making provision or, as the case may be, more adequate provision for chak roads or chak guls in the unit, and the Collector on being satisfied after considering such report that it is necessary or expedient so to do shall cause a draft plan to be prepared.

(4) The Assistant Consolidation Officer shall thereupon, after ascertaining informally the wishes of as many tenure-holders of the unit as he considers practicable, prepare a draft plan in the prescribed form proposing such provision or additional provision of chak roads or chak guls as may be necessary. In preparing the draft plan the Assistant Consolidation Officer shall have regard to the following principles, namely-

(a) that as far as practicable, provision of chak roads and chak guls should be made primarily by utilizing land vested in the Gaon Sabha and secondarily out of land held by those tenure-holders whose chaks are connected with the proposed chak roads or chak guls and in the last resort, out of any other land.

(b) the re-arrangement of chak should be made only to the extent it is really necessary for making provision of chaks roads and chalk guls with minimum possible dislocation in the consolidation scheme already confirmed.

(5) The draft plan prepared under sub-section (4) shall be published in the prescribed manner.

(6) Any person affected by the draft plan may, within 15 days from the date of such publication, file an objection in writing before the Consolidation Officer.

(7) (a) The Consolidaiton Officer shall dispose of all objections after notice to the parties concerned.

(b) Any person aggrieved by the order of the Consolidaiton Officer under clause (a) may, within 15 days from the date of the order, file an appeal before the Settlement Officer, Consolidation, whose decision thereon shall be final.

(c) Before deciding the objections under clause (A) the Consolidaiton Officer, and before deciding the appeal under clause (b) the Settlement Officer, Consolidation, may make a local inspection of the site in dispute after notice to the parties concerned.

(d) It shall be lawful, for reasons to be recorded in writing, for the Consolidation Officer under clause (a) and the Settlement Officer, Consolidaiton under clause (b) to modify the draft plan in the Settlement with the principles specified in sub-section (4) and for the Settlement Officer, Consolidation, to remain the same either to the Consolidaiton Officer or to the Assistant Consolidation Officer with such directions as he thinks fit.

(8) The Settlement Officer, Consolidation, shall confirm the plan-

(a) if no objections are filed within the time specified in sub-section (6); or

(b) where such objections are filed, after the modifications or alternations as may be necessary in view of the orders passed on objections and appeal under sub-section (7).

(9) The plan confirmed under sub-section (8) shall be published in the unit in the prescribed manner and shall come into force on the date of such publication, and thereupon the consolidation scheme and the allotment orders made final under section 23 shall stand amended to the extent indicated in the plan, and fresh allotment orders shall be issued by the Settlement Officers, Consolidation, accordingly.

(10) The provisions of Chapter IV shall mutatis mutandis apply in relation to the said plan as they apply in relation to the final, consolidation scheme, and for the purposes of application of Chapter IV land contributed for chak roads and chak guls provided under this section shall be deemed to be land contributed for public purposes under section 8-A.]

[1] Ins. by sec. 3 of U. P. Act no. 31 of 1970.

Section 53. Mutual exchange of chaks between tenure-holders

[It shall be lawful for the Settlement Officer, Consolidation, at any stage of the consolidation proceedings but before the preparation of the final records under section 27, to allow mutual exchange of chaks, or part thereof [1][by agreement] between the tenure-holders, where he is satisfied that the exchange will improve the shape of chaks, or reduce their number and generally lead to greater satisfaction amongst them.

[1] Ins. by sec. 44 of U. P. Act no. 8 of 1963.

Section 53-A. Recognition of [1][consolidation scheme] prepared by tenure-holders

(1) The Deputy Director of Consolidaiton may recognize a [1][consolidation scheme] in respect of a village within or without a consolidation area, prepared voluntarily by the tenure-holders of the village, where he is satisfied that it conforms to the broad principles of consolidation under this Act, and has support of all the tenure-holders concerned and is otherwise fair to all concerned.

(2) The [1][consolidation scheme] recognized under sub-section (1) shall be deemed to have been prepared and confirm under the provisions of this Act and shall be enforced thereunder.

[1] Subs. by sec. 45 of U. P. Act no. 8 of 1963.

Section 53-B. Limitation

The provision of section 5 of [1][the Limitation Act, 1963] shall apply to the application, appeals, revisions and other proceedings under this Act or the rules made thereunder.][2]

[1] Subs. by sec. 26 of U. P. Act no. IV of 1969.

[2] Ins. by sec. 46 of U. P. Act no. 38 of 1958.

Section 54. Rules

(1) The State Government may [1][by notification in the Gazette make rules] for the purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of foregoing power, such he may provide for :-

(a) the form of [2][notification] [3][under sub-section (2) of section 4 ;]

(b) the constitution of consolidation committee under clause (2-AA) of section 3, determination of the terms of members of the Consolidation Committee and action to be taken on a vacancy occurring therein ;

(c) the procedure for the disposal of suits and proceedings stayed under section 5 ;

[4][(cc) the condition to be observed by the Settlement Officer (Consolidation) in granting permission referred to in clause (c) of sub-section (1) of section 5, for transfer of holdings of in the consolidation area ;]

[5][(d) procedure relating to the revision of maps and records including declaration of rights, partition of joint-holdings, valuation of plots, determination and apportionment of compensation for wells, trees and other improvements and the preparation and publication of the statement of principles under section 7 to 11 and 12 ;]

(e) the determination of land revenue over new holding and distribution thereof on the portions of old holdings under section 12-A ;

[5][(f) procedure relating to amalgamation of holding under section 12-D ;

(g) the procedure and the manner relating to the preparation publication and confirmation of the consolidation scheme under sections 19-A, 21 and 23;

(h) the procedure and the manner of issue of allotment orders under section 23 ;]

(i) the procedure and the manner in which the views of the Consolidation Committee shall be obtained on matters specified for this purpose ;

(j) the determination of the public purposes for which areas may be earmarked and the manner in which this shall be done ;

(k) the matters relating to transfer of rights from the public land to other land earmarked for public purposes ;

(l) the procedure for entering into possession under sections 24 and 28 ;

(m) the procedure and the manner for determination of compensation to be paid to or recovered from any person under this Act ;

(n) the circumstances and the matters which shall be taken into consideration in distributing the cost of consolidation, including the proportion in which the distribution may be made ;

(o) the matters relating to the mode of service of notice or documents under this Act ;

(p) the procedure to be followed in all proceedings including applications and appeals under this Act ;

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

(r) 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 herein ;

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

(t) the transfer of proceedings from one authority or officer to another ; and

(u) any other matter which is to be, or may be prescribed.

[(3) 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 modification 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.][6]

[1] Subs. by sec. 47 (1) of U. P. Act no. 30 of 1975.
[2] Subs. by sec. 46 (1) of U. P. Act no. 8 of 1963.
[3] Subs. by sec. 50 of U. P. Act no. XII of 1965.
[4] Ins. by sec. 33 of U. P. Act no. 35 of 1976 and shall be deemed always to have been inserted.
[5] Subs. by sec. 46 of U. P. Act no. 8 of 1963.
[6] Subs. by sec. 47 of U.P. Act no. 30 of 1975.

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