

[4] Vidhayi Evam Sansadiya Karya Vibhag, Noti. No. 343/XXXVI(3)/2016/73(1)/2016, dated November 30, 2016. It received the assent of the Governor on November 29, 2016 and published in the Uttarakhand Gazette Extra., Part I, Section (Ka), dated 30th November, 2016, pp. 6-9 [R.E. 26]

The Uttarakhand Zamindari Abolition and Land Reforms (Amendment) Act, 2016

[UTTARAKHAND ACT NO. 25 OF 2016]

An Act to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (as in force applicable to State of Uttarakhand) in its application to the State of Uttarakhand

Be it enacted by the Uttarakhand State Assembly in the 67th Year of the Republic of India as follows—

1. Short title, extent and commencement.—(1) This Act may be called the Uttarakhand Zamindari Abolition and Land Reforms (Amendment) Act, 2016.

(2) It extends to the whole of the State of Uttarakhand.

(3) It shall come into force at once.

2. Insertion of sub-section (4) of Section 2.—In the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as principal Act), after sub-section (3) of Section 2, a new sub-section (4) shall be inserted as follows, namely—

“(4) The land of Non-Zamindari Abolition obtained by denotification of forest land for the purposes of non-forestry, unused barren and extended land from natural reasons and the land obtained from any other reasons, in which this Act is not extended then the State Government may extend for the commencement to the vest provisions in this Act by notification and where it is necessary, the relevant provisions of this Act shall be applicable sou-moto.”

3. Insertion of clause (c) of sub-section (1) of Section 156.—After clause (b) of sub-section (1) of Section 156 of the Principal Act, a new clause (c) shall be inserted as follows, namely—

“(c)(i) Without prejudice to the restriction content in Section 157(a) and Section 157(b) of the principle Act, the land for the purposes of agriculture, horticulture, herbs, unseasonal vegetables, medicinal and aromatic plants, production of species, plantation, animal husbandry and milk production, poultry farming and live stock procreation, apiculture, pisciculture and agricultural processing may be leased for maximum period of 30 years with fixed terms and conditions and leased the land to any person, Institution, Society, Trust and self help finance groups, cash, crops or any part of the product may be included in lease rent;

(ii) On the expiration of the term of the lease, lease may be renewed on the fresh terms and conditions. The lease agreement may be registered under the Indian Registration Act, 1908 without any fee. Lessee has no right over the land other than those set forth in the lease agreement. Any charge or interest of liability created by the lessee during the lease period shall not be binding on the land owner after expiry of the lease period;

(iii) All fees and cess on the leased land shall be paid by the land owner and shall responsible himself;

(iv) The lessee shall be entitled to obtain any agriculture loan, disaster assistance and any other prevalent facility provided by central and State Government;

(v) The lessee himself shall be entitled for the crop insurance, calamity assistance and any promotional amounts or grants provided by State Government and Central Government;

(vi) During the lease period the boundary of land, marks and survey identification of the boundary neither be removed nor be damaged by the lessee;

(vii) Regarding the leased land, the lessee has no hereditary right, in case of death, incapability of lessee during the lease period his legal successor shall be authorised to make a fresh agreement for the agriculture and allied activities;

(viii) The lesser shall have right to cancelled the lease agreement on the expiration of the lease period, lessee fails to pay the lease rent on agreed time, fails to comply with the terms and conditions of lease agreement uses of lease land for the purpose other than specified in the lease agreement, sub-lease the leased land and damage cost to the land;

(ix) The competent authority or collector shall adjudicate the dispute with in a period 4 week and thereafter if the orders does not comply with lessee or not vacate his/her possession then collector shall vacate the land forcefully and revert the land to the lesser with imposing a fine of Rs 300 per day shall be recovered from the date of the land vacation order;

(x) No effect caused on the status of lesser's land of any grant in aid and bank loans taken against the leased property the lessee shall be responsible to pay such all types of pending dues;

(xi) In special circumstances as mentioned in sub-section (viii), the lesser/lessee shall have the right to cancel the lease with 3 months prior reasoned notice to pay with all encumbrances. The District Magistrate shall act as an arbitrator in respect of the leased property utilisation and enquired the actual position of the land provided for specific purpose and shall recommend the leased land on annual basis. If the District Magistrate is not satisfied with the optimum utilisation of land in any situation; can be terminated the lease of the land with all encumbrances. The lessee will obtained maximum 30 acres of land on lease according the need of the purpose. In special circumstances if the government land is situated in the middle of the leased land, the land shall allotted with cost on lease with the permission of the State Government by the District Magistrate. The lesser promote the local products, vegetables, pulses, traditional crops and horticulture on preference the local citizens to provide the opportunity of self employment. The local citizens will prefer in employment excluding the specialised post of developed industry on the basis of products on leased property. The State Government monitor the prescribed policy regarding the distribution, sales and protection of the local products;

(xii) The concerning District Magistrate shall withdraw the lease forcefully and revert back the land to lesser, in violation of the terms and conditions of the lease agreement or on expiration of the terms of the lease. The small size of holdings of several land owners shall accumulate up to that extent, that land can be utilised for agriculture and its allied activities in beneficial stage or to create employment in leased agriculture land in Uttarakhand;

(xiii) If any difficulty arise to implement the aforesaid provisions, the State Government can clear by an order and also frame rules in connection of the lease."

4. Amendment of clause (b) of sub-section (1) of Section 161.—In clause (b) of sub-section (1) of 161 of the principle Act, shall be substituted as follows; namely—

"(b) Any Gaon sabha or local authority, lands for the time being vested in it under Section 117 with prior permission of the State Government;

Provided that no exchange shall be made except with the permission of an Assistant Collector who shall refuse permission if the difference between the rental value of land, given in exchange and of land received in exchange calculated at hereditary rates is more than 10 per cent of the lower rental value."