

# DOWNLOAD PDF V. 1. ZAMINDARI ABOLITION AND LAND REFORMS ACT, SECS. 1-20.

## Chapter 1 : Abolition of Zamindari System in Rajasthan

*Land Reforms Acts , hereinafter referred to as the principal Act, in sub-section (4-F), for the word and figures "June 30, " the word and figures "June 3, " Shall be substituted.*

Try out our Premium Member services: Free for one month and pay only if you like it. Allahabad High Court G. AIR All 43 Author: This and the two companion writ petitions challenge the constitutional validity of the U. Government Estates Thekedari Abolition Act, , and seek to quash the notification dated June 30, , issued by the State Government under Section 3 of that Act, determining the lease held by the petitioners. The material and the relevant facts and the questions which arise for determination are common in all the three writ petitions. They can be disposed of by a common judgment. The earliest of them, namely, G. State of Uttar Pradesh, Civil Misc. The Tarai and Bhabar area was undeveloped, covered with dense forest and infested with wild animals. The State Government was anxious to develop this area by settling tenants thereon and introducing stable cultivation. It offered attractive terms and facilities to persons who were prepared to invest capital and effect improvement in it. The Government of Uttar Pradesh agreed to lease plots of land totalling The Deputy Commissioner, Naini Tal, on behalf of the Government, executed a deed of lease on 12th February, of the aforesaid plots of land in favour of Dr. Rameshwar Singh for a term of 30 years beginning with 1st July, , with option of renewal for further terms of 30 years, provided that such renewed terms together with the original term of the lease shall not exceed 90 years in the aggregate. The deed laid down the principles upon which the rent payable was to be calculated per bigha, as also the various rights and liabilities inter se between the parties. The petitioners allege that actual possession was delivered over acres only. An area of acres was utilised for planting groves of various kinds of trees. The rest of the land was put to cultivation. All this was done after clearing the land of the forest and developing it so as to make it cultivable. The petitioners installed several tubewells, inducted labourers to the farm, constructed pucca buildings and sheds for them and animals, bought tractors, tools and other instruments for mechanised farming. The petitioners allege that they spent over Rs. On 20th January, the U. On 30th June the State Government issued the impugned notification in exercise of the powers conferred by sec. This action of the respondents led the petitioners to this Court under Article of the Constitution. The constitutional validity of the Thekedari Abolition Act and the validity of the impugned notification was challenged in the petition on many grounds, but, at the hearing the learned counsel pressed the following points: The preamble of the Thekedari Abolition Act states that it was an Act to provide for the Abolition of Thekedari system in Government Estates with a view to facilitate the introduction of land reforms therein. Under Sub-section 2 of Section 1 , the Act extends to such districts of Uttar Pradesh as may be notified from time to time. Under Sub-section 3 of Section 1 , the Act is to come in force on such date as the State Government may notify and different dates may be notified for different areas in the State. Under Section 3 the State Government was authorised to determine any lease with effect from a date to be called the date of determination. Section 4 mentioned the consequences of the determination of leases. With the determination of the lease, all rights, title and interest of the lessee under the lease were to cease, as though the term of the lease had then expired. The lessee was to become the hereditary tenant of such land as he had brought under his personal cultivation upto a maximum area of 30 acres. Any area in excess of 30 acres in his personal cultivation was deemed to be vacant land and the lessee was liable to ejection from such an area. Under Clause g of Section 4 every mortgage, sub-lease or other transfer of lessee rights also determined "as if the lands included in the lease had been acquired under an enactment providing for compulsory acquisition. Section 7 provided for payment of compensation to the lessee for the determination of the lease, in accordance with the principles laid down in the Act. The amount payable as compensation was to be determined by multiplying the net income as determined under Section 10 by the number of years for which the lease had yet to run, subject to a maximum of five. For the State it was urged that the Act applies to all leases made in respect of the Government estates. The petitioners joined issue on this

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point. They urged that the Act was not intended to uproot cultivators, but only to abolish the thekedari system. The definition clauses in Section 2 operate "unless there is anything repugnant in the subject or context. Learned counsel for the petitioner sought to rely upon the statement of objects and reasons and the debates in the State Legislature to show what matters and problems were in the minds of the sponsors of the bill and the law makers while enacting this Act. For the respondents, however, this was objected to. It was urged that the statements of objects and reasons or the parliamentary debates were inadmissible in construing the provisions of a section. The Privy Council consistently refused to refer to the proceedings of the legislature as legitimate aids to the construction of a section of an Act, see *Administrator General of Bengal v. The Supreme Court* has similarly rejected the aid of debates in construing a section, see *State of Trav. The same view was expressed by Venkatarama Aiyar, J. These formidable array of authorities are, in my opinion, a little besides the point. The golden rule of construction established since the ages was reiterated by S. In Lindley M. R, in the case, In re, Mayfair Property Co. Rep 7a V was decided that: What was the mischief and defect for which the common law did not provide. What remedy the Parliament hath resolved and appointed to cure the disease of the Common-wealth, and 4th. For finding the true intention it is admissible to see what was the State of the law before the Act was made, and, what was the mischief and defect to cure which the Act was passed. In Chiranjit Lal v. This view was approved by the Supreme Court in subsequent cases. Subodh Gopal , AIR SC 92 held that reference to Statement of Objects and Reasons was permissible for ascertaining the conditions prevailing at the time which actuated the sponsor of the Bill to introduce the same and the extent and urgency of the evil which he sought to remedy. For the petitioner reliance was placed upon the Statement of Objects and Reasons and the speech of Sri Charan Singh, the Finance Minister, who piloted the Bill in the legislature, to show the historical setting of the problems and the assurances on which the Act was sought to be introduced. For this purpose the statement and the speech would be relevant and admissible. Gazette Extra-ordinary dated October 21, p. With a view to bring the rights of people in those areas in line with the rest of the State and to enable them to reap the full benefits of their efforts and investment in the land under their cultivation, it is necessary to abolish the rights and interests of such thekedars first. This Bill therefore, provides for the abolition of thekedari system in Government Estates. In 9 districts of the State i. Before the land reforms measures could be introduced, it was necessary to abolish the thekedari system. On the abolition of the thekedari system land reforms would be enforced in those districts. Thus there was no intention to uproot cultivators or tenure-holders. The thekedari system alone was to go because it was an obstacle to the conferment on cultivators the benefits of the. Zamindari Abolition and Land Reforms Act. The Bill after receiving the assent of the President of India, became law on 20th January, On 30th June, , the State Government issued notification No. The same day another notification No. The same day, the State Government issued a third notification under the powers conferred by Clause b of Sub-section 1 of Section 2 of the U. Zamindari Abolition and Land Reforms Act, This notification directed that the Zamindari Abolition and Land Reforms Act shall with effect from July 1, , apply to Government estates situate in the districts in which the Thekedari Abolition Act has been enforced by virtue of the notification dated June, 30, This notification then stated: With a single swift and an efficient stroke, the Thekedari Abolition Act was extended and enforced in the nine districts. All leases were determined and the Zamindari Abolition and Land Reforms Act enforced, in respect of all the Government Estates, with effect from 1st July, The language of the definition clauses is wide and includes every lease and lessee by whatever name called. The intention that the Act was to govern all leases of the Government estates is further strengthened by the second notification mentioned above by which all the leases were determined. Further, the third notification enforcing the Zamindari Abolition and Land Reforms Act made it clear that in the case of estates in which no intermeditary, as defined in Clause 12 of Section 3 of the Zamindari Abolition and Land Reforms Act, has any right, title or interest, the Zamindari Abolition and Land Reforms Act shall apply subject to the modifications and amendments specified in the schedule. Clause 12 of Section 3 of the U. The determination of the leases and the enforcement of the Zamindari Abolition and Land Reforms Act was not confined to those estates alone which were under a lease with a thekedar. A perusal*

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of the Schedule shows that Sections and of the Zamindari Abolition and Land Reforms Act were to apply with the modification that a lessee to whom the provisions of the Government Grants Act , apply will become a bhumidhar, if he possessed the right to transfer the holding by sale; otherwise he will become a sirdar. So, in respect of the estates in which no intermediary including the thekedar had any right, the leases made by the State Government were determined, but the lessees became bhumidhars or sirdars. The title of the thekedar determined under Section 4 of that Act, but cultivators or tenants became bhumidhars or Sirdars. In every case, all Government leases were extinguished and fresh rights conferred, on the tillers of the soil. If it were to be held that non-thekedari leases were not within the purview of the Act, the purpose mentioned in the preamble i. For instance, the Zamindari Abolition Act will confer its benefits on subtenants on land covered by thekedari leases, but will not apply to sub-tenants of other kinds of Government leases. This will be odd and discriminatory, specially when in all Government Estates in 31 other districts where no thekedars existed, the Zamindari Abolition Act had already been enforced by notification No. But, I am prepared to hold that this historical survey plainly and unambiguously establishes that the legislature in enacting the Thekedari Abolition Act did not intend that the non-thekedari lessees of Government Estates would vanish or be uprooted from the soil. Cultivatory leases were intended to be respected. Cultivators were to have the benefit of the laws relating to land reforms and were to become bhumidhar or sirdar. By a notification No. The same day by another notification No. In these villages the Government lessees had proprietary rights vide District Gazetteer Vol. Then, all leases in the Government Estates of 35 other villages in the Tarai and Bhabar area were determined by the impugned notification dated 30th June, These are non-mustajiri or kham villages, that is, directly managed; the rent being in cash, at Bighawar rate.

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## Chapter 2 : Zamindar - Wikipedia

*The U P Zamindari Abolition and Land Reforms Act, was passed with view to abolish the British creation Zamindari blog.quintoapp.com name of the Act itself suggestions that it was created for the abolition of Zamindari System, to reform the law relating to land tenure system and to make provision for other matters connected therewith.*

Try out our Premium Member services: Free for one month and pay only if you like it. Narain Singh Sugar Mills Ltd. AIR Utr 87 Bench: The disputed property involved in both the above appeals belongs to the same and the one Sugar Factory at one site and similar controversies are involved in these cases, hence both the appeals have been heard together and are being decided by this common judgment. The Mill worked there till and it was shifted to and established at its present site at Laksar, District Haridwar in The Mill purchased land at the site and is in exclusive possession over there. In the year Laksar was notified a Town Area and the limits of Town Area were expanded covering the area of some adjoining villages including Simli and Khera. It was also alleged that Lord Krishna Sugar Mill also sold properties to the plaintiffs. Before the declaration of Town Area the disputed land had already vested in plaintiffs on the date of vesting by virtue of provisions of Section 9 of U. Due to the ignorance of plaintiffs the Courts could not be moved for mutation in the year The application was allowed and the name of the plaintiff was entered in the register Malikan and Khasra Khautanis. In the Town Area filed Suit No. The said suit is still pending in revision No. Thereafter Haridwar was declared as District and Laksar was declared as one of the Tehsils. Laksar passed order dated expunging the name of the plaintiff from the revenue record about the disputed property without issuing any notice to the plaintiffs and the said order was mutated in the name of Gram Sabha Simli. Against this order revision was preferred before the Additional Commissioner, Meerut who stayed the operation of the order dated and the knowledge of the same was to the defendants. The plaintiff-Mill preferred suit Nos. The defendants State of U. Laksar rejected that order vide his order dated ; that it is wrong to say that the provisions of Sections. Act do not apply in the matter and that notice Under Section 80 , C. The defendant Gram Sabha Simli did not file W. Whether the plaintiff is the owner in possession of the land in question? Whether the suit is not maintainable for not serving the notice Under Section 80 , C. Whether the suit is barred by Section 1 of U. Whether the suit is liable to be stayed Under Section 10 , C. Whether the suit is barred by the provisions of Sections 34 , 38 and 41 Specific Relief Act? Whether the plaintiff is entitled to get any relief? Whether the suit is not maintainable for devaluation and insufficient Court fee? On the pleadings of parties, in O. Whether the plaintiff is the owner in possession of the disputed land? Whether the suit is barred by the provisions of Section of U. Act and the Civil Court has no jurisdiction to hear the case? Whether the suit has not been valued properly? Whether the suit is barred by the provisions of Section 80 , C. Whether the disputed land has vested in the U. Government and Gram Sabha in accordance with the provisions of Section , U. Whether the disputed land has vested in defendant No. Act and the rights of the plaintiffs have abolished? Whether the correction proceedings initiated by the plaintiff were illegal and void? If so, its effect? Whether the disputed land is a Banjar land? If so, the same has vested with the plaintiff as per the provisions of U. Whether the relief sought is the consequential relief as per the pleadings of the plaintiff? Whether insufficient Court fee has been paid-? Parties filed documentary as well as oral evidence in support of their cases. Both the Courts decreed the suits of the plaintiff for permanent injunction. We have heard the learned Counsel for the parties and perused the record. State Sugar Corporation Ltd. Director of Consolidation and Ors. Before coming to that question, it would be better to consider the background in which the U. Zamindari Abolition and Land Reforms Act was enacted which will also reveal the purpose for which it was made and the significance of "Gaon Sabha" as a governing unit in the rural areas of the State of Uttar Pradesh. The history is given in the Eastern Book Company publication of Mr. Zamindari Abolition and Land Reforms Act, a part of which is reproduced below: Although since the introduction of the U. Land Revenue Act they had a uniform system of revenue law, but the law of tenancy till the introduction of the U. Tenancy Act 17 of was absolutely different. These Regulations were

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primarily meant for the collection of revenue and had nothing for the benefit of the tenants. It was in the year that the Rent Recovery Act 10 of was introduced, which, in a way, recognised the rights of subordinate tenure-holders. Thereafter the Agra Tenancy Act of , to a certain extent, defined the rights of the tenants; but it still left the door open to arbitrary ejection and afforded no adequate protection to the tenants from enhancement of rent and wasteful litigation by unscrupulous landlords. It was generally felt that the law required drastic changes, but due to the intervention of the war nothing could be done till the year . They had different systems of collecting revenue, and collected it through mustajiri, or by appointment of Nazims, Chakladars or other collecting officials. The immediate holders of the soil had no substantive rights, and were at the mercy of these rent collectors. In anticipation of the annexation of the province Lord Dalhousie, the Governor General of India wrote to General Outram, the resident of Oudh, to do away with the landholder or Taluqdars as a class and make a summary settlement direct with the persons in possession of the soil. Oudh was annexed on and before the summary settlement could be completed mutiny broke out in Lucknow on , and the authority of the British Government having come to a standstill, the entire records so far prepared were destroyed. After the furies of the mutiny were over and the British Government was able to recontrol the province, Lord Canning issued a proclamation on , confiscating all proprietary rights in the soil of the province. The Second Summary Settlement was thereafter made on the principle of the restoration of the status quo at the time of the annexation. This secured the position of Taluqdars and landlords, but gave no relief to the under-proprietors or to other subordinate tenure-holders. With his intimate knowledge of the working of rent law in the Punjab and the North-Western Province, he was keen to recognise the rights of under-proprietors and hereditary tenants in Oudh. He succeeded in protecting the rights of the under-proprietors by the Oudh Sub-Settlement Act, , which paved a way for further recognition of the rights of subordinate tenure-holders and tenants, and culminated in the passing of the first Rent Act for Oudh in Act 19 of . This Act was soon after repealed in part by Act 7 of , and on minor points was amended by Acts 32 of , 18 of , 14 of and 14 of . It was in the year , that Act 22 of was passed, which brought some substantial relief to tenants. The changes brought about by this Act were: There were minor amendments by Acts 20 of and 12 of but they did not change the principle on which the original Act was framed. The amending Act 4 of opened two new chapters in the rent law, viz. There was growing distress and discontent all round and the pent-up feelings ultimately found expression in the shape of Kisan Sabha movement. There were serious riots in the whole of the province, made more ugly by the retaliatory measures adopted by the landlords. These riots though put down with a heavy hand, in any case, brought home to the Government, the necessity of sympathetic amendments in the rent law. This Act had repercussions in the province of Agra. There the Kisan movement gained momentum in the shape of eka, and in the words of Sir William Marris, drove the Government to two conclusions: It should not be lost sight of, that the time that these two Acts, viz. While securing protection for the tenants, the Government had to yield certain concessions to the landlords. To meet the situation the Government enacted the U. Emergency Powers Ordinance 12 of and the U. Special Powers Act 14 of . The tenants were protected from ejection on account of arrears of rent by U. Arrears of Rent Act 1 of , and were given relief by U. Assistance of Tenants Act 8 of providing remissions in arrears for and Faslis up to 25 p. In September , the Great War began. It was a fight for democracy and ended in its complete victory. Its effects could not but be felt throughout the world. A feeling had grown and developed by the year , when the Congress returned to power, that the feudal order or the existing landlord-tenant system was inconsistent with the democratic set-up of India, and the tillers of soil should be allowed to reap the full fruits of their labour. On , the following resolution was, therefore, passed by the Legislative Assembly: This Assembly accepts the principle of the abolition of the zamindari system in this province which involves intermediaries between the cultivator and the State and resolves that the rights of such intermediaries should be acquired on payment of equitable compensation and that Government should appoint a Committee to prepare a scheme for this purpose. A Committee known as the Zamindari Abolition Committee was appointed to report and make recommendations on the following matters: Accepting the principle of the abolition of] the

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zamindari system- a What rights should be acquired? The Committee submitted its report in August , which after careful consider action was crystallised into the U. Zamindari Abolition and Land Reforms Bill, We have given many long hours to the consideration of the intricate and complex problems which form the subject-matter of this Bill.

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Chapter 3 : G.S. Chooramani And Ors. vs State Of U.P. And Anr. on 25 October,

*[(5) Rules C to H of the U.R Zamindari Abolition and Land Reforms Rules, , shall be and be always deemed to have been made under the U.P. Zamindari Abolition and Land Reforms Act, as amended by the Uttar Pradesh Land Laws (Second Amendment) Act, , as if this section has been in force on all material dates and shall.*

This is a paid feature. Please subscribe to download the judgment. Summary Please sign up to view Summary. By his judgment the learned Single Judge has held that the land in dispute had not vested in the State Government under the U. It appears that some land including plot No. Some of the land acquired was found to be surplus to the requirements of the Railway and was sold by auction on March 15, , through the Land Acquisition Officer, Ghaziabad. Since the purchase of plot No. Shri Mukand Lal died on October 14, Sri Nand Kishore also used the land for running the brick kiln. On October 11, , the State Government issued a notification under Section of the Act vesting certain kinds of land situate in village Bhojna in the Gaon Samaj Bhojna. By a subsequent notification dated October 11, , issued under section a of act, the State Government declared, inter alia, that certain land in village Bhojna shall vest in the Municipal Board, Ghaziabad. Under the notification the Municipal Board treated the plot No. By an order dated September 29, , the Assistant Collector held that Sri Shanti Swarup was a licensee and could not be evicted. He, however, ordered Sri Shanti Swarup to pay Rs. Seth Jai Prakash, who was owner of the plot, was not impleaded in these proceedings. After this order Sri Shanti Swarup wrote to Seth Jai Prakash informing him that he will not be paying any amount towards the rent of the plot to him and requested him to return the amounts already paid by him. Thereupon Seth Jai Prakash filed this writ petition. In this writ petition he challenged the validity of the notification dated August 11, , under Section A of the Act and of the order dated September 29, , under Rule C on the ground that the Act did not apply to the land in dispute. The learned single Judge held: On these findings the learned Single Judge allowed the writ petition, quashed the order under Rule C and directed the Municipal Board and the State Government not to act in respect of the plot in dispute under the notification under Section A of the Zamindari Abolition Act. The judgment and the findings of the learned Single Judge, referred to above, have been challenged by both the appellants. No facts relevant to the decision of this question were pleaded in the writ petition. The only fact mentioned in the writ petition is that some decades back some land had been acquired for the North Western Railway and that a portion of that land was subsequently sold to Sri Mukand Lal in By means of a supplementary affidavit filed in the appeal two further facts have been asserted, namely, that no land revenue was paid in respect of the land purchased by the purchaser or his successors and that no compensation was either stressed or paid in respect of this land under the Zamindari Abolition Act. The State Government has also filed a supplementary affidavit in the appeal and annexed a copy of the extract of the Chausala Khewat for the period of to F. Land Revenue Act as it stood immediately prior to the coming into force of this Act There is neither any pleading, nor any evidence that the land in dispute is not included in any entry in the registers mentioned in Section 32 of the Land Revenue Act. Learned counsel relied on the case of Gulabbhai v. The Supreme Court was interpreting Article A 2 and found that there was no definition of the word in the district of Daman from where the case had arisen and, therefore, resorted to the general meaning of the term in Article A 2 a. Learned counsel also referred to State of U. That case too was on the interpretation of Article A 2 of the Constitution. The case before us is different on facts in which a definite record of rights exists. Learned counsel relied also on certain observations in Ajab Singh v. Consolidation of Holdings Act was declared ultra vires. The contention is that under Section 32 a record of rights for each Mahal has to be prepared and as this is not a part of a Mahal, the Khewat prepared in respect of this area is not a Khewat prepared in accordance with law and cannot be deemed to be a Khewat for the purposes of Section 3 8 of the Act. Section 32 of the Land Revenue Act of runs as under: There shall be a record of rights for each village subject to such exceptions as may be prescribed, by rules made under the provisions of section The record of rights shall consist of a register of all persons cultivating or otherwise occupying land specifying the

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particulars required by Section Provided that i if such area consists of a single village or portion of a village, a separate record-of-rights has been framed for such village or portion; ii if such are a consists of two or more villages or portions of villages, a separate record-of-rights has been framed either for the entire area, or for such of the villages or portions of villages included therein There is no averment in the writ petition that the area is not a Mahal. Secondly, there was no allegation that Land Revenue was not settled on this land prior to its acquisition for purposes of the Central Government. Section 58 of the Land Revenue Act provides for the settlement of revenue and runs as under: The Central Government will be exempted from the liability by virtue of Section of the Government of India Act, , and subsequently by virtue of corresponding provision in the Constitution, but that will not mean that the land is free from imposition. Once the Central Government ceases to be the owner and there is no special grant or contract or law making revenue not payable to the Government, the land will become liable to revenue and it will become payable. The land thus became liable to land revenue from the date it came in the ownership of the petitioner. Mere non-assessment or non-payment of land revenue will not mean that the land is not liable to land revenue. Further, there is no evidence to show that this area was not under a separate engagement for payment of land revenue even before the land acquisition proceedings were taken. Learned counsel for the petitioner, relying on the provisions of the Revenue Manual, contended that when the land was taken for the purpose of the Central Government, the capitalised value of land revenue must have been ended in the price, and if the same had been paid it need not have been refunded after the Central Government released part of the land and sold it to the petitioner, and therefore the land must be deemed to be free from the imposition of land revenue. There is, however, no allegation in the petition and there is no evidence on record to show as to whether the capitalised value of land revenue had been paid to the State Government by the Central Government. No inference can, therefore, be drawn one way or the other from these rules in the Revenue Manual. When the entries in the Khewat have not been challenged through any specific pleading or evidence they have to be taken as correct. The area, therefore, has to be taken to lie in a Mahal, and that it was owned previously by the Nazul and later on by the petitioner. The Zamindari Abolition Act was, thus applicable to the plot in dispute. The next question which arises for consideration is whether the area in dispute was such to which the U. Zamindari Abolition Act and Land Reforms Act did not extend by reason of the fact that no notification under Section 1 3 had been, issued by the State Government in respect of the area in dispute. The contention of the contesting respondents is that the land in dispute is included in Clause c of Subsection 1 of Section 2 and, therefore, since no notification under Sub-section 3 of Section 1 has been published the Act has not come into force in this area. The Zamindari Abolition Act came into force on January 26, Sub-section 3 of Section 1 provides for the commencement of the Act. It shall come into force at once except in the areas mentioned in Clauses a to f of Sub-section 1 of Section 2 where it shall, subject to any exception or modification under Sub-section 1 of Section 2, come into force on such date as the State Government may by notification published in the Gazette appoint, and different dates may be appointed for different areas and different provisions of this Act. The relevant part of Section 2 reads as follows: Explanation-- Any area held on the seventh day of July, , for the purpose of a housing scheme by a co-operative society registered under the Co-operative Societies Act, , or society registered under the Societies Registration Act, , or a limited liability company under the Indian Companies Act, , shall be deemed to be held for a work of public utility. Learned counsel for the petitioner-respondent has contended before us that Clause c of Section 2 1 should be read in two parts. The first part being "areas held and occupied for a public purpose or a work of public utility and declared as such by the State Government", and the second part being "areas acquired under Land Acquisition Act, or other Acts. Such an interpretation will not only militate against the legislative intent but also against normal grammatical construction. Hence, the correct construction will be to read the alternative sentences as: Also because the main or opening part of Clause c seeks to postpone the applicability of the Act only to areas which were on the relevant date held or occupied for a public purpose or work of public utility, Clause c must be read as "areas held or occupied for a public purpose or work of public utility and either declared as such by the

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State Government or acquired under the Land Acquisition Act Zamindari Abolition and Land Reforms Act has been made applicable generally to all areas with effect from January 26, Certain special estates and areas only were exempted. The purpose of the exemption appears to be to leave out of the immediate applicability of the Act, only such areas which though not owned by the Central Government, State Government or local authority, were being held or occupied for public purpose or work of public utility. It did not purport to save lands which were not held or occupied for such a purpose. The provisions of Section 2 1 c exempts only such areas which were on the date of the enforcement of the Act, held or occupied for a public purpose and not those which are not so held or occupied, even though in the remote past they might have been subjected to land acquisition proceedings. Lands which had at one time been subjected to land acquisition proceedings, but had ceased to be so held for the purpose for which the acquisition was made, will not be covered by this provision. Clause c, in the form it is framed, must mean that the land was still the subject-matter of acquisition proceedings, i. Otherwise, it will defeat the very purpose of the enactment of Clause c which was to maintain the status quo ante in respect of land held for special purposes of public utility. The legislative intent apparent from Clause c is to keep apart only such areas which are still the subject-matter of a live acquisition and are no longer in the ownership or possession of the body for whom the acquisition was made. Admittedly, in the present case the acquisition of land had been made for the purpose of the Central Government railways. The land is admittedly not being held or occupied for that purpose. It was found of no utility to the Government and hence was sold out to a private person for being held for any purpose he liked. It had ceased to be acquired land. It must, in the circumstances of the case, be deemed to be not an acquired land. It cannot, therefore, come within the exception mentioned in Clause c of Sub-section 1 of Section 2 of the Act. Learned counsel made an attempt to show that as the land is held for the business of brick kiln, it should be deemed to be held and occupied on the date the Act came into force, for a work of public utility and deemed to be covered by Clause c. It is, however, not open to this Court to determine it as a fact whether the land on the relevant date was or was not held or occupied for a public purpose or a work of public utility. Such a declaration could be given only by the State Government under Section 2 1 of the Act. As the petitioner had no interest in the land in dispute, his petition will not be maintainable even to challenge the order under Rule C. In the result, I would allow the appeal, set aside the judgment of the learned single Judge and dismiss the writ petition, but in the circumstances of the case would direct the parties to bear their own costs. I have, read the judgment prepared by brother Hari Swarup, J. I agree with him that the respondent No. Zamindari Abolition and Land Reforms Act. But I regret my inability to agree with him on the question whether the land in dispute is covered by Clause c of Sub-section 1 of Section 2 of the Act. The facts of the case and the relevant provisions of the law have been set out in the judgment of Hari Swarup, J. Section 2 provides for the modification of the Act in its application to certain estates and areas. Sub-section 3 of Section 1 postpones the enforcement of the Act in estates and areas covered by Section 2 till a notification is issued under this provision. It has not been asserted on behalf of the appellants that any notification under Section 1 3 has been published by the State Government in respect of the area in dispute. The question which arises for consideration is whether the area in dispute is included in Clause c of Sub-section 1 of Section 2 or not. The contention of the contesting respondents is that since the area in dispute was acquired under the Land Acquisition Act, it is covered by the provisions of Clause c. According to them Clause c contemplates two types of areas, namely: The land in dispute is included in the second category of areas mentioned above. According to the appellants Clause c contemplates only the areas held and occupied for a public purpose or a work of public utility.

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## Chapter 4 : Law a to z: U.P.Z.A. & L.R. Act

*(1) For the words "under this Act", the words "under this Act or the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, " shall be substituted; and (2) For the words "Land Reforms Commissioner", the words "Board of Revenue" shall be substituted.*

Contact Us Search The Public policy making is an essential function of all forms of government. Besides, citizens organize themselves into self-interest promoting groups based on occupation, income, language, region, political ideology, etc. These self-interest groups try to achieve their goals by seeking group identity. They form associations for achieving their goals, which their members cannot achieve individually, by reducing transaction costs, increasing the resources at their disposal including their voting strength. As a result, formulation of any public policy becomes a complex process in democracy. Further, change of any existing policy imposes varying amounts of costs and benefits on different sections of a society. Hence, it becomes very difficult for any government to change a well-entrenched policy. In recent times there has been a renewed interest in relationships between redistribution, growth, and welfare. Among the more spectacular achievements of the Indian Government during its first decade of independence were the extensive programs of land reform carried out almost in every state. Zamindars during the Mughal period came to denote all rent receivers above the actual cultivators. They were merely possessors of proprietary right in the collection of rent but not in land. The holders of land on the other hand were the raiyats peasants in whose names jamabandis or rent-rolls were prepared. In this sense zamindars were mere farmers of revenue - intermediaries between the government and the inferior revenue farmers, excluding the huzuri independent talukdars who paid revenues straight to the khalsa exchequer and the peasants. The basic rights and duties of zamindars remained the same until the introduction of the permanent settlement, some changes were occasionally brought in the structure of land control system to suit the needs of the ruling elite. To achieve the goal of maximization of public revenue and its punctual remittance, Murshid Quli divided the province into 13 chaklahs administrative divisions instead of the previous 34 sarkars and placed the smaller zamindars under the jurisdiction of chaklahdars who were none other than the larger zamindars. Chaklahdars, installed as stewards over their juniors were officials, not owners, to ensure an efficient collection of revenues. But the policy of making the principal zamindars immediately responsible to the khalsa for the imperial share of the revenue added to their traditional power and position. In addition, various government assignments offered to the promising zamindars provided wider scope to enhance their standing in the court and furtherance of their own cause. The process of change from revenue-managers to landlords was complete by the middle of the 18th century.

**Mughal Era** In the Mughal Era, the Zamindari system was begun to ensure proper collection of taxes during a period when the power and influence of the Mughal emperors was in decline. With the Mughal conquest of Bengal, "zamindar" became a generic title embracing people with different kinds of landholdings, rights and responsibilities ranging from the autonomous or semi-independent chieftains to the peasant-proprietors. All categories of zamindars under the Mughals were required to perform certain police, judicial and military duties. Zamindars under the Mughals were, in fact, more the public functionaries than revenue collecting agents. Although zamindaris were allowed to be held hereditarily, the holders were not considered to be the proprietors of their estates. The territorial zamindars had judicial powers. Naturally, judge-magistracy, as an element of state authority conferred status with attendant power, which really made them the lords of their domains. They held regular courts, called zamindari adalat. The courts fetched them not only power and status but some income as well by way of fines, presents and perquisites. The petty zamindars also had some share in the dispensation of civil and criminal justice. The Chowdhurys, who were zamindars in most cases, had authority to deal with the complaints of debts, thefts and petty quarrels and to impose paltry fines.

**British Era** Zamindar was the name of landlords in colonial India. The Zamindari system was a way of collecting taxes from peasants. The zamindar was considered a lord, and would collect all taxes on his lands

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and then hand over the collected taxes to the British authorities keeping a portion for himself. The similarities to medieval feudalism are evident. Under the British, they resembled landed gentry although they lived similarly privileged lives under the Mughals and sometimes styled themselves as little kings, or rajas. Some new Zamindars were old Rajas. Many descended from eighteenth century revenue speculators and military adventurers. Several families are of very ancient lineage, like those claiming Gujjar ancestry and had always been independent rulers at earlier periods of Indian history. They frequently intermarried with the ruling families of the princely states. Their tenants numbered from dozens to many thousands, and under imperial law, had to pay rent to Zamindars to retain rights to their land. After partition in India The Zamindari system was mostly abolished in India soon after its independence. The term is usually associated with the aristocracy as zamindars are still considered to be of the landed gentry. Zamindars tend to marry into families of the same social class; however, there have been cases of impoverished nobles marrying into rich families with no titles this is sometimes considered marrying into the same social class, even if the other family is not of the nobility.

**The Pre-independence Promises and the Zamindari Abolition Legislation**

The British rule in India introduced permanent land revenue system which, over time, became widely known as zamindari system. Under this system of land settlement, those who agreed to pay a fixed sum of land revenue regularly to the British government were made the owners of demarcated lands. They, in turn, collected whatever land revenue they wanted from the actual tillers who were their tenants. There was also a practice of sub-letting, which involved middle-level landlords in between the zamindars and the tenants. The zamindari system created one of the worst exploitative land relations in India and strengthened the feudal socio-economic system. Zamindars became staunch supporters of British rule in India. This annoyed the Congress party, which was mobilising the Indian masses against British rule. So the Congress party declared in one of its annual sessions that after independence it would support abolition of the zamindari system. In pursuance of this resolution, the Congress Agrarian Reforms Committee was appointed under the chairmanship of J. Kumarappa, which recommended a wide range of reforms in After independence the Congress government, under the leadership of Jawaharlal Nehru, abolished the zamindari system. But since the Constitution had guaranteed the right to property under Article 19, the zamindars approached the Supreme Court, which ruled that the policy of abolition of the zamindari system violated the right to property and was hence ultra vires of the Constitution. The Congress government amended the Constitution to limit the scope of the right to property. This policy helped the farming community in general and tenants of the zamindars in particular. Nobody shed tears over the demise of the zamindari system in India. There was a whole raft of measures, but importantly the tenant would get security of tenure for any field he had tilled for a certain number of years usually twelve and his rights would be more secure. It was hoped that a system, which had meant that a powerful minority held most of the power over most of the village land, was to be changed in favour of the majority who worked the land but had little power over it. The legislation was delayed by challenges in the courts<sup>[2]</sup> but was eventually enacted. However, it failed to make any significant improvement in the lives of the poorer farmers in the initial period of the enactment. The history books record many factors that lead to the failure of land reform in the years immediately following the Zamindari Abolition Act. The legislation was limited, concentrated on shoring up the rights of tenant farmers and did little to improve the lot of labourers who had no rights to land. The landlords also found ways to evade the legislation, by moving a tenant around so that he could not clock up the required number of years to gain occupancy rights, or by having the land records falsified. The Congress Party which had passed the legislation and which, in the states, also made up much of the executive was split on the issue of zamindari abolition. Much of the funding for the Congress Party came from the big landlords whom Congress could not afford to alienate and indeed many landlords joined the party. The people whose job it was to enforce the legislation often did not do so because it was against their own personal interest. All these shortcomings of the legislation are fictionalized in one or other way, many in both. The failure of land reform does not return the distribution of rights to land in the village to the status quo, instead, the peasants actually end up worse off after the Zamindari Abolition Act than they were before it. The difference does not

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lie in the content of the historical material on land reform that they make use of, because this is often similar, but rather in the way in which it is mediated in the world of the novel. To come up with the backdrop, the Congress Government came up with the First Amendment in the year . The power of judicial review over these legislations was taken away from the courts and the fundamental right to the property was taken away. So, that the application of these Acts would be speedy and flawless[3] and further the First Five Year plan was being implemented with the object of agrarian reforms and the social security. After that the Fourth Amendment Act, was being passed with the objective of limiting the land holding by these Zamindars[4]. The Act came into force in year , the delay in enactment of the Act was because of the dominance of the Zamindars and Rajas in the assembly and even after delay the Act was successfully implemented and the tenancy was also governed by this Act approx 0. After Zamindari abolition the system of direct collection by government from bhumidhars, sirdars and assamis was introduced through the agency of the collection amins whose work is supervised by nayab-tahsildars, tahsildars and subdivisional officers. The ultimate responsibility for collection of main dues is that of the collector. On the eve of the abolition of zamindari in the state in , the total demand of land revenue was Rs 36,08, Commencing after , for some period the government had also appointed a district collection officer for doing this work exclusively but later on he was withdrawn w. But due to the droughts and unfavorable conditions for agriculture; the revenue imposition on all the agricultural lands are suspended till further notifications. Conclusion The practice of Zamindari is totally abolished from Rajasthan but there is great scope for improvement of the existing land management techniques in the Rajasthan. Integration of cadastral surveys of various provinces would be a welcome step, but it requires critical consideration of the cartographic, legal and economic aspects of the problem. Preparation and storage of land records and data should be in digital form, and it is imperative that the Govt. State of Uttar Pradesh, A. State of Madhya Pradesh, S. R, ; State of Bihar v. Jawaharlal Nehru on 10th May, stating the objects and reasons of the Amendment Act, Jawaharlal Nehru on 17th December, stating the objects and reasons of the Amendment Act, The author can be reached at: For Further Details Contact:

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Chapter 5 : Hira Lal And Another v. Gajjan And Others | Supreme Court Of India | Judgment | Law | CaseM

*Section of UP Zamindari abolition and Land Reforms Act Use of holding for industrial or residential purpose 1 Where a Bhumidhar with transferable rights uses.*

Land Reforms in India: Let us make an in-depth study of Land Reforms in India: Meaning of Land Reforms 2. Objectives of Land Reforms 3. Meaning of Land Reforms: Land reform is a broad term. It refers to an institutional measure directed towards altering the existing pattern of ownership, tenancy and management of land. Thus, in a broad sense, land reform refers to an improvement in agro-economic institutions. It includes measures and policies relating to redistribution of land, regulation of rent, improving the conditions of tenancy, cooperative organisation, agricultural education, and so on. Objectives of Land Reforms: Zamindars-intermediaries-moneylenders played a big role in exploiting the masses. It is in this background that we have to examine the objectives of land reform policy in India. Land reform measures aim not only at raising agricultural productivity. It is also viewed as a tool for social uplift. The major objectives of land reform package, as identified in the Eighth Plan, are: Restructuring of agrarian relations to achieve an egalitarian structure; ii. Elimination of exploitation in land relations; iii. Improvement of socio-economic conditions of the rural poor by widening their land base; v. Increasing agricultural production and productivity; vi. Facilitating land-based development of rural poor; and vii. Infusion of a great measure of equality in local institutions. In fine, growth and social justice are the basic objectives of land reform measures. Measures of Land Reforms: The comprehensive land reform policy that evolved so far after independence consisted of: Abolition of intermediaries between the State and tenants; ii. Tenancy reforms that provide a security to tenants, b rationalisation and regulation of rent, and c conferment of ownership rights on tenants; iii. Fixation of ceiling on landholdings; iv. Consolidation of holdings; and i Abolition of intermediaries: Abolition of zamindari and similar intermediary tenures during essentially involved removal of intermediary levels or layers of various amorphous and parasitic groups in land between the State and the actual cultivators. However, such abolition of intermediaries involved compensation to the owners of land. As a result of this measure, about 2. This facilitated distribution of 61 lakh hectares of land to landless farmers. Large areas of privately-owned forests and wasteland now vested in the State. Despite abolition of intermediary rights, poor peasantry continued to be exploited in various ways. It led to large-scale ejection of poor tenants from land. While landlordism has been abolished, absentee landlordism now continues to flourish. The legislation conferred ownership rights not upon the actual cultivator, but on the statutory tenant, who himself was an intermediary with a chain of sub-tenants under him. All this happened because: Thus, the abolition of intermediary rights on land has not been an unmixed blessing. Tenancy legislations have taken three forms: Rent payable to the landowners should not exceed one-fifth to one-fourth of the gross produce of land. In the light of this guideline, all the states have enacted laws for fixation of rent. However, large inter-state variations exist in the fixation of land rent rates. Further, one notices inter-state differences in land rents. Even the tenancy reforms have failed to regulate rent. Owing to the weak position of tenants, demand for fair and just rent from landowners occasionally lead to ejection from land. Tenancy Legislations have made it clear that in no case the tenants can be evicted except only in the situation where landlords themselves want to resume cultivation. Even in the event of resumption of cultivation by the owners, tenancy legislations have made it obligatory to leave a minimum area for the tenant. A very important aspect of land reform is the conferment of ownership rights to tenants in respect of non-resumable land. As a result of this measure, by , only around On the eve of tenancy reforms, the area under tenancy was around 50 p. As a result of this action, this area has been reduced to 15 p. Overall impact of tenancy reforms has been rather limited. Firstly, tenancy laws have been violated. For instance, in Bihar, the maximum limit of rent was kept at 25 p. But tenants are required to pay even more than 50 p. Secondly, as regards the security of tenant- cultivator, escape clauses have been misused against the interest of tenants. Due to a loose definition of the term personal cultivation, landowners

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continued to resume land for self-cultivation. The law also permitted the voluntary surrender of tenancies. Informal or concealed and oral tenancies are still prevalent. Thus, the right of resumption of land for self-cultivation has rendered all tenancies insecure. Finally, there is no legal provision for conferring ownership rights in the tenancy laws of some states. In reality, legislation for conferment of ownership rights could not yield good results because many tenants are incapable of buying land from the landowners and many of them are unwilling to do so. To reduce the existing disparities in the pattern of land-ownership and make some land available for distribution to landless agricultural workers, the Second Plan recommended the imposition of ceilings on agricultural holdings. It was envisaged that land above a certain limit would be acquired by the State and redistributed among the landless workers and small farmers so as to meet their hunger for land and, thus, to enable them to create economic holdings. Land ceiling laws were passed in two phases. The ceiling limits have also been lowered in the second phase with differences varying as between irrigated land with two crops, irrigated land with one crop, and dry land. Up to end September, the total amount of land declared surplus was A total of This amounts to saying that about 12 lakh acres of land could not be distributed because of variety of reasons, of which litigation is considered to be the most inhibiting factor. The operations of the ceiling law made virtually no impact on the agrarian structure. The enforcement of the ceiling law was preceded by a public debate spread over several years. This enabled landowners to manipulate land records leading to fictitious benami and fraudulent partitions of lands among their relations, friends, fictitious trusts, etc. We have seen that the extent of area declared surplus is much less than the estimated surplus, mainly due to a wide range of exemptions provided in the ceiling laws, shortcomings and loopholes in the laws and inefficient implementation of the laws. As a result, only the small landowners were caught in the net and most of the big landowners or jotedars circumvented it and, even if the land was taken from them, it was not redistributed among the landless peasants. Lack of political will is considered to be the greatest stumbling block for its speedy implementation. Fragmented and subdivided landholdings as well as small-sized holdings have made Indian agriculture un-remunerative. It has been completed in the states of Punjab, Haryana and Uttar Pradesh. Till December, nearly, Thus, the success story in this regard is rather disappointing. One of the reasons for the tardy progress of this aspect of land reforms is that small farmers have a strong fear that consolidation favours large farmers. That is why the threat of eviction of tenants from land out of consolidation is the greatest. An Overall Appraisal of Land Reforms: After more than 60 years of independence, one notices some achievements in the sphere of land reforms. At the same time, our efforts in this direction have not yielded desired results. Most of the planks of land reform measures are ambivalent and there are large gaps between policy and legislation and between legislation and implementation. The laws for the abolition of intermediaries had been implemented fairly well. As a result, 20 million cultivators were brought into direct relationship with the State. But this reform led to large-scale ejection of tenants from land which they had been cultivating for generations as the laws failed to offer any protection to these masses. A class of neo-zamindars or absentee landlords has sprung up in rural India who grabs the produce of the earth as well as the land! It was hoped that tenancy reforms would ensure better results as far as the lot of tenants and sharecroppers were concerned. Tenancy reforms devised so far have not brought to an end of the system of absentee ownership of land nor have led to disappearance of tenancies. Everywhere the immediate consequence was the ejection of tenants on a massive scale. The consequence of the tenancy policy was to push tenancies underground. Most of the tenancies that still exist take the form of informal or concealed crop-sharing arrangements. Again, there are reports of large-scale evasion of ceiling laws because of non-implementation of the laws. But land records show them to be owning not more than 15 acres—the upper limit according to the ceiling laws—the rest of land being transferred to mostly benamis fake owners. Rao] To sum up, land reform programmes implemented since have not led to any radical distribution of land or removal of some of the obstacles to raising agricultural productivity. It brought great changes.

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## Chapter 6 : Bare Acts | Law Library | AdvocateKhoj

*Cases on the U.P. zamindari abolition and land reforms act (act no. 1 of ), with U.P. land revenue act, , reported and unreported, complete reports of cases decided by the Supreme Court, Allahabad High Court, and Board of Revenue arranged both sections-wise and alphabetically.*

Gazette Extraordinary , 5th April, 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 1. Short title, extent and commencement. 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. The conditions obtaining in this Pargana are peculiar and it is not possible to apply the Uttar Pradesh Zamindari Abolition and Land Reforms Act to it without making substantial changes in it. Government have, therefore, decided to introduce this Bill. The salient features of the Bill are- 1 Distribution of land revenue at present assessed on each khat or khag among its zamindars. Gazette Extraordinary , dated September 28,], 2. Zamindari Abolition and Land Reforms Act, , 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. Tenancy Act, , shall have the meaning assigned to them in that Act; n words and expressions "revenue", "Board" and "Tahsildar" not herein defined but used in the U. Notification as to settlement. Appointment and powers of Settlement Officers. Inspection and preparation of records. Register showing particulars of zamindars. Determination of land revenue of each zamindar. Publication of proposals regarding assessment of land revenue. Declaration of land revenue payable by individual zamindars. 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. Application of the provisions of Sections to and of U. Act IV of Land Revenue Act, , shall mutatis mutandis apply to an appeal under this chapter as they apply to an appeal under the said Act. Acquisition of rights, title and interests of intermediaries. Consequences of acquisition of right, title and interest under Section Provided that no decree for any arrear of rent or order for ejection in default of an arrear of rent shall be executed by ejection of the judgement-debtor from his holding; and h all suits and proceedings 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. Intermediary entitled to receive compensation. Presumption regarding entries in the records prepared under U. Act VI of Compensation to the intermediary. Appeal to the Collector. The Compensation Officer shall sign the statement and affix his seal thereto. Zamindari Abolition and Land Reforms Act, , shall mutatis mutandis apply to the payment of compensation under this Act. Chapter IV Land Management Superintendence, management and control of land. Application of Sections to of U. Act I of Zamindari Abolition and Land Reforms Act, , and of the rules connected therewith framed under Section 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. Bhumidhar with transferable rights. Bhumidhar with non-transferable rights. Act I of ]. Zamindari Abolition and Land Reforms Act, , and of the rules framed under Sections and 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 be in its opinion appear necessary and any such adaptation, modification,

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alteration or exception shall not be questioned in any court of law:

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### Chapter 7 : Land Reform in post independent India [Part-I] | Aspirant Forum

*1 of ) : Zamindari abolition and land reforms act, secs. Volume 1 of Cases on the U.P. Zamindari Abolition and Land Reforms Act (act No. 1 of ) : With U.P. Land Revenue Act, , Reported and Unreported, Complete Reports of Cases Decided by the Supreme Court, Allahabad High Court, and Board of Revenue Arranged Both Sections.*

These two connected writ petitions filed by Smt. Prema Devi, widow of Asharfilal and Satnarainlal and other have been referred to a Division Bench by a learned single judge of this Court as he found it difficult to agree with a single judge decision of this Court *Ram Jag Mistri v. Deputy Director of Consolidation*: The facts of the case are now no more in dispute and have been decided finally by the Joint Director of Consolidation who, in turn, accepted the findings of fact arrived at in Second Appeal by the Deputy Director of Consolidation. The relevant facts may now be stated in short. One Udaibhan Lal had four sons, namely, Bhagwati Pd. When Udaibhan Lal died in , he left zamindari as also sir and khudkasht plots. On the death of Udaibhan Lal, the names of his three surviving sons, namely, Bhagwati Pd., Prema Devi, widow of Asharfi Lal, were mutated in all the three villages, pasuati, Spnahti and Pathkauli in the district of Basti where the properties of Udaibhan Lal were situated. Prema Devi had no share in the property and to this suit Smt. Prema Devi was made a defendant. The third brother Daya Shankar Lal was also joined as a pro forma defendant. This suit was ultimately compromised in and a compromise decree was passed. Under the compromise decree. Prema Devi was given certain plots for her maintenance in two villages, Dasuati and Pathkauli. It is now a finding of fact that after the compromise in Smt. Prema Devi is in possession of those plots. She is not in possession of any other property of the family. In this compromise it was expressly provided that she would be entitled to maintain herself out of the income of those plots but she would have no right to alienate the same. It was further provided in the compromise that on her death, the property would revert back to the collaterals of her husband. But it appears that even after the compromise the revenue records were not corrected and her name continued as a co-proprietor in all the three villages. On the coming into force of the U. Zamindari Abolition and Land Reforms Act, her name was recorded as co-bhumidhar of all the khudkasht and sir plots in all the three villages. In , consolidation proceedings started and objections were filed by Satya Narain Lal and others that the name of Smt. Prema Devi was wrongly entered in the revenue records which should be expunged and that she was only entitled to be entered as an Asami over the plots given to her in the compromise in the two villages. Since the property lay in three villages and related to three different khatas, three separate objections were filed. The Consolidation Officer allowed all the three objections and expunged the name of Smt. Prema Devi as co-bhumidhar from all the three khatas. He directed her name to be recorded as an Asami over the plots given to her under the compromise. On appeal, the decision was reversed and her name was maintained as co-bhumidhar in all the khatas. On second appeal, the Deputy Director of Consolidation restored the order of the Consolidation Officer and allowed the appeal. On revision by Smt. Prema Devi, the learned Joint Director of Consolidation maintained the order expunging her name as co-bhumidhar in the two villages in which she had been given, plots under the compromise and retaining her name as a Asami over the plots given to her. But he allowed the revision regarding village Sonahti where she had not been given any plot. The Joint Director of Consolidation thought that her rights in that village were not governed by the compromise. He directed that her name as co-bhumidhar would continue on the plots relating to that village Sonahti. Against this decision of the Joint Director of Consolidation, one writ petition has been filed by Smt. Prema Devi challenging the correctness of the order in two revisions which were dismissed by the Joint Director of Consolidation and the other cross-writ petition has been filed by Satya Narain Lal and others challenging the correctness of the decision relating to village Sonahti. Both the writ petitions depending on common facts and law have been heard together and are being disposed of by this common judgment. To deal first with writ petition of filed by Satya Narain Lal and others, it is sufficient to say that the learned Joint Director of Consolidation completely misdirected himself. The compromise in the civil suit related to all the three villages

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and in lieu of her right of maintenance. Prema Devi was allowed only the plots in two villages. It was not necessary to allow plots in all the three villages to satisfy her need of maintenance. The position on the date of the suit was that Smt. Prema Devi got no interest in the joint family property. She was merely entitled to maintenance. Under this compromise she got certain plots of land in her possession for her maintenance. After the compromise she was merely in possession of those plots and her rights were confined to those plots only. Even if her name continued, as joint owner by mistake, it could not give her any rights. The Deputy Director of Consolidation in Second Appeal was, therefore, right in expunging her name from all the three villages. In the petition filed by Smt. Prema Devi, the contention of the learned counsel for the petitioner is that upon the passing of the Hindu Succession Act, , Smt Prema Devi acquired full Bhumidhari rights and in any case the compromise decree not having been enforced, had no effect upon her rights which she acquired by her name having been retained on the whole of the property as co-bhumidhar. The second point is concluded by a finding of fact that she was never in pos-session of the property other than the plots given to her by the compromise decree and the mere fact of her name remaining on the revenue records cannot be sufficient to invest her with any right. Under the Hindu Law, as it stood in , she got no right in the joint family property and the only property which came into her possession by means of the compromise decree were the specific plots. Even under Section 14 1 of the Hindu Succession Act, 1, she could improve her position only in respect of property in her possession. So its effect has to be considered only regarding the specific plots given to her in lieu of maintenance. In the first place, we are of the opinion that the Hindu Succession Act, , cannot be made applicable to agricultural plots. This Act was passed by the Central Legislature in and the only entry under which the Central Legislature had the jurisdiction to pass the Act, was entry No. This entry is as follows: They merely determine the personal law. In List 2, Entry No. All laws relating to land and land tenures are therefore, within the exclusive jurisdiction of the State Legislature. Even personal law can become applicable to land tenures if so provided in the State Law, but it cannot override State legislation. For instance, Entry No. While legislating in respect of such general subject the Legislature must be assumed to pass law only affecting property which it had jurisdiction to legislate about. It had no reference to any kind of property in particular and was not meant to govern rights in agricultural tenancies. Sub-section 2 of S. Even without this provision, the Act could not apply to agricultural holdings. Zamindari Abolition and Land Reforms Act which regulated the tenancy rights, there is no provision applying personal law to any of the tenures created under that Act and thus the provisions of the Hindu Succession Act are wholly inapplicable to the land tenures under the U. Zamindari Abolition and Land Reforms Act. Even if it be assumed that this Act is applicable to agricultural land and land tenures, it is obvious that Section 14, which is the only provision possibly applicable to the facts of the case and which is relied upon by the learned counsel on behalf of Smt. Prema Devi, cannot give her any benefit. Prema Devi who was in possession of certain plots of land in lieu of her maintenance, became an Asami under Section 11 of that Act Section 11 of the U. Zamindari Abolition and Land Reforms Act is as follows: Prema Devi became an Asami of the plots which had been given to her in lieu of maintenance. Subsequently, when the Hindu Succession Act, , came into force, she could not become a bhumidhar, that is a tenure-holder of another class. Tenancy rights were created by the U. Zamindari Abolition and Land Reforms Act and bhumidhari rights could only be acquired under the provisions thereof. It is not possible to hold that the nature of her tenure would change on the passing of the Hindu Succession Act. Section 14, Sub-section 1 of the Hindu Succession Act runs as follows: Prema Devi held was Asami right in specific plots. She could not possibly become the full owner of those plots, for proprietary rights vest in the Government. Apart from this, Sub-section 2 of Section 14 of the said Act is as follows: Prema Devi got these plots of land by means of a compromise decree. Before that decree, she had no right in the land. It was for the first time under the decree which was passed on a compromise that she got these plots of land. Even if it be assumed that this decree itself is a record of the compromise between the parties, then she got the property under the compromise which was filed in Court in writing and on the basis of which the decree was passed. Prema Devi under the compromise decree cannot be enlarged under Sub-section 1 of the section. The scheme of Section 14 apparently is to give

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full proprietary rights to Hindu women where she got only limited rights by virtue of ancient Hindu Law but not to affect those which were received under an instrument by deliberate human volition. In the present case, limited rights were acquired under a compromise decree and are thus not affected even if the provisions of Section 14 of the Hindu Succession Act are applicable to the case. Learned counsel on behalf of Smt. Prema Devi drew our attention to the case of Shakuntala Devi v. Act are applicable to agricultural land also which decision has been followed by another single Judge of this Court in: We have carefully gone through these cases but, with respect, we are unable to agree with this conclusion. Learned counsel also relied upon the case of Amar Singh v. In that case personal law was applicable to the land in dispute and the matter for consideration was, whether Section 14 of the Hindu Succession Act was valid. It was held valid as it related to a matter of personal law. We respectfully agree with the conclusion. The result therefore, is that Civil Misc.

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## Chapter 8 : Land Reforms in India: Objectives, Measures and Impact

*The first case challenging the land law was Kameshwar Singh V State of Bihar, in this case the Bihar Land Reforms Act was challenged on the ground that the classification of zamindars made for the purpose for giving compensation was discriminatory and denied equal protection of laws guaranteed to the citizen under Article 14 of the.*

These exemptions as provided in the ceiling laws gave rise to problems of law evasion by manipulating the classification of land. Also the size of the ceiling surplus land available for redistribution was consequently reduced. Analysis of Land Ceiling Act: From to , several States brought into force the Land Ceiling Acts. However, there was no proper result till due to the following; the zamindars transferred the lands on to the names of their farm servants, the act exempted the plantation industries and co-operative farming has got exemption which was tactfully utilized by the landlords. In , Basing on the recommendations of the Central land reforms committee, government of India issued the following new guidelines to the states with regard to land ceiling act; Ceiling for the double crop irrigated lands; limit shall be 10 to 18 acres. Ceiling for the single crop irrigated lands; limit shall be 27 acres. Ceiling for the dry land it shall be 54 acres. The above ceiling measurements were applicable to a family of five members. The family with more than five can have additional area of land for each additional member but the same cannot be extended beyond twenty acres. The objective was to persuade landowners and leaseholders in each concerned village to renounce their land rights, after which all the lands would become the property of a village association for the egalitarian redistribution and for purpose of joint cultivation. Vinoba Bhave hoped to eliminate private ownership of land through Bhoodan and Gramdan and maintained that the movement would go a long way to ensure the just redistribution of land, the consolidation of holding and their joint cultivation. However, the movement failed to achieve its targetted objectives and the degree of success in respect of both land acquisition and land distribution was very limited. Of the total land of about In most cases, the village landlords donated only those pieces of land which were either unfit for cultivation or were in dispute with tenants or government. In fact, the landlords preferred to part away with their disputed lands as a compromise formula for there was little hope under the existing law, of being able to keep this land with them. Besides, in return for such land donation, the landlords also received input subsidies and other facilities, which was no less an inducement to part away with the land unfit for cultivation. Furthermore, while it was provided under the Gramdan movement that private ownership in land is to cease, only the landholders right to sell land was restricted though not banned , leaving intact the right of inheritance on such lands by the children. In all the scheduled areas, land transfer from tribal to non-tribal population was prohibited by law. But due to various legal loopholes and administrative lapses, alienation of the tribals from their land continued on a large scale. In fact, mortgaging of land to moneylenders due to indebtedness, poverty and acquisition of tribal land for irrigation, dams and other public purposes were largely responsible for alienation of tribal land. Since land is the main source of livelihood for the tribal people and they do not have much upward mobility, indiscriminate acquisition of tribal land for public purposes should be avoided. Due to growing pressure of population on land and the limited opportunities for work in the non-agricultural sector, there is an increasing trend towards sub-division and fragmentation of land holdings. This makes the task of irrigation management, land improvement and personal supervision of different plots very difficult. After independence, almost all states excepting Tamil Nadu, Kerala, Manipur, Nagaland, Tripura and parts of Andhra Pradesh enacted laws for consolidation of holdings. But the nature of legislation and the degree of success achieved varied widely. While in Punjab including Haryana it was made compulsory, in other states law provided for consolidation on voluntary basis, if majority of the land owners agreed. Generally speaking, the consolidation acts provided for “ prohibition of fragmentation below standard area ” fixation of minimum standard area for regulating transfers “ schemes of Consolidation by exchange of holdings ” reservation of land for common areas “ procedure for payment of compensation to persons allotted holdings of less value in exchange “

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administrative machinery for carrying consolidation schemes – Filing of objections, appeals and penalties.

**Advantages of Consolidation of Holdings:** It prevents the endless subdivision and fragmentation of land holdings. It saves the time and labour of a farmer. It effect improvement on land in the form of bunding, fencing etc. It promotes large-scale cultivation. It brings down the cost of cultivation and reduces litigation among farmers. However, due to lack of adequate political and administrative support, the progress made in terms of consolidation of holding was not very satisfactory, excepting in Punjab, Haryana and western Uttar Pradesh where the task of consolidation was accomplished. But in these states, there is a need for reconsolidation again due to subsequent fragmentation of holdings under the population pressure.

**Legal Obstacles in land reform:** After independence, zamindari abolition and land reforms laws were passed as a move towards more egalitarian society, but the Government efforts of social engineering faced several problems, the land legislations were challenged in the courts. The first case challenging the land law was *Kameshwar Singh V State of Bihar*, in this case the Bihar Land Reforms Act was challenged on the ground that the classification of zamindars made for the purpose for giving compensation was discriminatory and denied equal protection of laws guaranteed to the citizen under Article 14 of the Constitution. The Patna High Court held this piece of legislation as violative of Article 14 as it classified the zamindars for the purpose of payments of compensation in a discriminatory manner. As a result of these judicial pronouncements, the Government got apprehensive that the whole agrarian reform programmes would be endangered. To ensure that agrarian reform legislation did not run into heavy weather, the legislature amended the Constitution in the year which inserted Ninth Schedule. Article B of the Constitution of India ensured that any law in the Ninth Schedule could not be challenged in courts and Government can rationalize its programme of social engineering by reforming land and agrarian laws. In other words laws under Ninth Schedule are beyond the purview of judicial review even though they violate fundamental rights enshrined under part III of the Constitution. The other feature of Article B is that it is retrospective in nature. The rationale for Article B and the Ninth Schedule was to protect legislation dealing with property rights and not any other type of legislation. But, in practice, Article B has been used to invoke protection for many laws not concerned with property rights in anyway.

**Choice of appropriate form of farm organisation:** After Independence there was also a debate on the choice of farm organisation. The Kumarappa Committee expressed the view that peasant farming would be the most suitable form of cultivation although small farmers should be pooled under a scheme of cooperative or joint farming. Besides, collective farming and state farming was for the development of reclaimed wasteland where landless agricultural workers could be settled. According to the First Five Year Plan, the formation of co-operative farming associations by small holders would ensure efficient cultivation. The Second Five Year plan asserted that a step should be taken for development for co-operative farming, so that a substantial proportion of land is cultivated on co-operative lines. The Third Five Year Plan agreed to this proposal, but maintained that with the implementation of the programme of land reforms, the majority of cultivators in India would consist of peasant proprietorship. They should be encouraged and assisted in organizing themselves on voluntary basis for credit, marketing, processing, and distribution and also for production.

**Changes in Agrarian Structure:** After Independence, a number of land reform measures were undertaken in the s and s which were quite revolutionary in nature and impact. As a result of abolition of zamindari, the feudal mode of production came to an end. Also the proportion of area under tenancy declined. However, tenancy reforms failed to yield much positive impact, as a large number of tenants-at-will were evicted from land. Also the benefits of consolidation of holdings remained confined to Punjab, Haryana and western Uttar Pradesh. Thus, the first phase of post-independence land reforms in the s and s yielded a mixed result. It could be termed successful in the sense that all intermediaries were abolished which provided the basis for improvement in agricultural productivity. Nevertheless, the unequal agrarian structure remained in place. In nearly 8 per cent of the ownership holdings accounted for about 51 per cent of the total area, while in , about 10 per cent of the holdings accounted for 54 per cent of the total land. While at the all India level, the Gini co-efficient of concentration ratio marginally declined during the s, in several states including Bihar,

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Punjab and Haryana, Tamil Nadu, Uttar Pradesh and West Bengal, it increased. In other words, there was an increasing tendency towards unequal power structure in terms of land ownership. Although the average size of holdings declined from 2. By , laws had been passed in all the States to abolish intermediaries. All of them had two principles in common: But there was no clear mention about just and equitable compensation. But the Government accomplished the task of abolishing intermediary tenures bringing nearly 20 million cultivators into direct contact with the state. The abolition also had a favourable economic impact on the country. By conferring the ownership of land to the tiller, the Government provided an incentive to improve cultivation. This paved the way for increase in efficiency and yield. This was an important step towards the establishment of socialism and the Government revenue increased. It also ushered in cooperative farming. Analysis of Zamindari abolition Act: The provision in Zamindari Abolition Act accommodates that the Zamindars can retain some lands for their personal use. However, how much personal cultivable land can be retained was never defined. Ceiling of holdings was not yet introduced by that time. When the act was passed, there were no records that have the information about the tenancy. Zamindars showed the tenants as their servants and retained the lands. Forests were massively depleted as there was a provision in the act that forests under the control of Zamindars shall be transferred to the village panchayats. The government has to pay compensation for the confiscated lands. This provision in the act increased heavy pressure and burden on the State treasury. States in the India were empowered to make laws related to Zamindari abolition act since the land comes under state list of the seventh schedule of the constitution of India. There was no uniformity in the act in each State. In a discussion of the pattern of landholdings we include the size distributions of ownership holdings area owned by a single household as well as of cultivation or operational holdings. Nearly million acres of land were estimated to be owned by rural households in This was nearly The owned area of million acres was held by 66 million households. The average size of ownership holdings in the rural areas was thus only 4. But when we look at the size-distribution of holdings, the situation is found to be far worse. Nearly 22 per cent of the households in the rural areas did not hold any land. These households would be largely of agricultural labourers who did not own any land, and particularly of cultivating small tenants. Thus, nearly 47 per cent of the households either held no land or held and of area less than one acre. At the other extreme, less than 1 per cent of the households owned among themselves nearly 16 per cent of the owned area, and the size of each of these holdings was 50 acres and above. If we add the immediate lower groups also, then nearly 3.

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## Chapter 9 : First Amendment of the Constitution of India - Wikipedia

*Land Reforms Act, the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, the Uttar Pradesh Consolidation of Holdings Act, or the U.P. Imposition of Ceiling on Land Holdings Act. as.*

The name of the Act itself suggests that it was created for the abolition of Zamindari System, to reform the law relating to land tenure system and to make provision for other matters connected therewith. Part one consists with chapters 1 to 6. Part two consists with chapters 6 to There are total 12 chapters, Seven Schedule and sections. Salient features of the Act. The primary object of the Act is to remove the Zamindari System. Zamindari system was British creation for expediency and administrative convenience. The Zamindari System has always been criticised because it was against our traditional principles and ideology. Therefore the Act abolished the Zamindari System from July 1, Section 4 of the UPZA provides that after the commencement of the Act, the State Government may by notification declare that all estate situated in Uttar Pradesh shall vest in the State free from all encumbrances. The UPZA is not confiscatory in nature. Section 27 read with section 54 of the Act provides that every intermediary whose rights, title or interest in any estate are acquired under the provisions of this Act shall be entitled to receive and be paid compensation. The compensation is to be paid to them equal to eight times of their net assets. Payment of Rehabilitation Grant. In other words intermediary paying land revenue more than Rs. Thekadar is not entitled to Rehabilitation Grant. Compensation is payable at the uniform rate of eight times of the net income but rehabilitation grant is payable on the graded rates ranging from one to 20 times of the net income. The rehabilitation grant is maximum for low income and minimum for those who has large income. The UPZA is based the following principle - " He who cultivates the land , he should be owner of the land. In other words the Act maintained the cultivating rights of every person whether he be a Zamindar or any other person. Land - tenure system simplified. Prior to the enforcement of Zamindari Abolition Act, there were fourteen variety of land tenures. Bhumidhar with transferable rights. Bhumidhar with non transferable rights ,B c. In October, all Adhiwasi were made Sirdar. So at present there are 3 types of tenure holders. Prohibition of letting and sub-letting of land. If tenure holders lets his land his right shall come to an end. However section provides certain grounds on which, the persons who are unable to cultivate may let out the the holdings. Section 3 which has been inserted in , is an exception to the above mandate. According to this clause with the previous approval of State Government any one can cross this limit. But the second proviso of section 3 , inserted by amendment of , states that if the State Government is satisfied that such transfer has been made in public interest then the State Government may exempt him from the fine. Land of common utility. The land of public utility have been vested in Gram Sabha. Development of village republic. Panchayati Raj Act, Land Management Committee is the special executive body of Gaon Sabha. All lands of public utility vested in the Gaon Sabha. This makes the village a small republic. Uniform rule of succession [ to ,.]Before the commencement of UPZA the law of succession was not clear and it was applicable according the personal laws of tenure holders. Under UPZA law of succession has been made universal for all the tenure holders irrespective of their religion. There is two situation in the Act which can disturbs the universal rule of succession these are - Declaration under section Execution of will under section Prohibition on uneconomic holdings. By the amendment on this restriction has been removed. The restriction imposed by section A has now been repealed. Provisions for Co-operative farming In order to encourage Co-operative farming under UPZA the concept of co - operative farming has been adopted. Section to are related with co -operative farming. But now these provisions have been repealed by section 3 of The Co - Operative Society Act, The result of the sections 3 and 4 is that the provisions relating to co-operative farming has been taken out from UPZA and contained in The Co-operative Society Act, Wells, trees and buildings settled with the existing owners. All wells, trees and buildings has been settled with the existing owners. Section 9 of the UPZA provides it. Chapter IV sections 65 to 72 2.