

# Jaunsar-Bawar Security of Tenure and Land Records Act, 1952

UTTAR PRADESH

India

## Jaunsar-Bawar Security of Tenure and Land Records Act, 1952

### Act 6 of 1953

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Jaunsar-Bawar Security of Tenure and Land Records Act, 1952(U.P. Act No. 6 of 1953)[Dated 13th February, 1953](As passed by the U.P. Legislature)Received the assent of the Governor on 13th February, 1953 and published in the U.P. Gazette (Extraordinary), dated 15th February, 1953.An Act to provide for security of tenure and for the preparation of land records in Pargana Jausar-Bawar of Dehra Dun DistrictWhereas it is expedient to provide for security of tenure and preparation of land records in Pargana Jausar-Bawar of Dehra Dun District;It is hereby enacted as follows :

### 1. Short title, extent and commencement.

(1)This Act may be called the Jaunsar-Bawar Security of Tenure and Land Records Act, 1952.(2)It shall extend to the whole of Pargana Jaunsar-Bawar of Dehra Dun District.(3)It shall come into force at once.

### 2. Definitions.

- In the Act, unless there is anything repugnant in the subject or context,-(a)"Collector" means the Collector of Dehra Dun District and includes an Assistant Collector of 1st Class empowered by the State Government by notification in the Official Gazette, to discharge the functions of the Collector under this Act;(b)"Holding" and "Land-holder" shall have the meaning respectively assigned to them in the U. P. Tenancy Act, 1939;(c)"Law" includes any order, ordinance, rule, regulation, custom or usage having in the Pargana Jaunsar-Bawar the force of law;-(d)"State Government" means the Government of Uttar Pradesh;(e)"Tenant" includes a maurusi tenant or ghair-maurusi tenant as recognised in the dastur-ul-amal of Jaunsar Bawar or a tenant holding land in lieu of service.

### **3. Ejectment of tenants.**

- Notwithstanding any law to the contrary, a tenant shall not be liable to ejectment from his holding or any portion thereof except on one or more of the following grounds, that is to say : (i) that he is in arrears of rent for more than two years, or (ii) that he has committed an act detrimental to the land in the holding or inconsistent with the purpose for which it was let, or (iii) that he has sub-let his holding or any part thereof in contravention of the provisions of this Act.

### **4. Sub-letting by tenants.**

- No tenant shall sub-let the whole or any portion of his holding except where the lessor is - (i) an unmarried woman; or, if married, has been divorced, or separated from her husband, or is a widow; (ii) a minor whose father is dead; (iii) a person prosecuting studies in a recognised institution and is not more than 25 years of age; (iv) a lunatic or an idiot; (v) a person incapable of cultivating by reason of blindness or other physical infirmity; (vi) in the military, naval or air service of the Union; or (vii) undergoing imprisonment for a term exceeding three years : Provided that in the case of holding held jointly by more persons than one, this exception shall not apply unless all such persons are at the commencement of the lease subject to one or other of the aforesaid disability.

### **5. Records operations.**

- The State Government may for purposes of preparation of a general or partial revision of the records specified in Section 6 - (a) appoint an officer (hereinafter called the Special Record Officer) to be in-charge of the record operations for the Pargana of Jaunsar-Bawar and such officers as may be necessary to assist the Special Record Officer; (b) regulate the procedure of the officers so appointed, but not so as to restrict the operation of any enactment for the time being in force in any such area; and (c) specify the powers or duties incidental to the record operations to be exercised by such officers.

### **6. Record to be prepared.**

(1) The records to be prepared in respect of each village of Pargana Jaunsar-Bawar shall consist of - (a) a map and a field book; (b) a register - (i) of all the proprietors; (ii) of all persons cultivating or otherwise occupying land; and (iii) of all persons holding land revenue-free specifying the nature and extent of the interest of each. (2) The record shall also specify the following particulars : (a) the land revenue payable by the proprietor; (b) the rent payable by the tenants; (c) the nature and class of each tenure-holder; and (d) any other conditions of tenure or particulars which the State Government may require to be recorded.

### **7. Attestation of entries and decisions of disputes.**

(1) All undisputed entries in the record shall be attested by parties interested and all disputes regarding such entries shall be decided on the basis of possession. (2) If in the course of enquiry into

the dispute under this section the Special Record Officer is unable to decide as to which party is in possession, he shall ascertain by summary enquiry, who is the person best entitled to the property and shall put such person in possession.(3)No order as to possession passed under this section shall debar any person from establishing his right to property' in any Civil or Revenue Court having jurisdiction.

## **8. Presumption regarding entries.**

- All entries in the record prepared in accordance with the provisions under this Act shall be presumed to be true until the contrary is proved.

## **9. Validation.**

- Whereas with a view to the stabilizing and reforming the land tenure system in Jaunsar-Bawar Pargana, the State Government directed the preparation and revision of land records in the said area in accordance with the principles laid down in the U. P. Land Revenue Act, 1901;And whereas the State Government has issued rules, orders and instructions for the said purpose;And whereas these records have already been prepared in the case of some areas and are under preparation in others;And whereas it is necessary that the rules, orders and instructions so issued and the records insofar as they have been prepared as aforesaid should be conferred legal validity;Now, therefore, it is hereby declared that all rules, orders and instructions issued for the preparation or revision of records aforesaid shall, within three months of the commencement of this Act, be published by notification in the Gazette and upon such publication the rules, orders and instructions so published shall, insofar as they are not inconsistent with the provisions of this Act be and be deemed to be the rules, orders or instructions duly made or issued under or in pursuance of the provisions of this Act and every action or proceeding taken, entry made- or thing done, powers and jurisdiction exercised will be as good and valid in law as if the provisions of this Act had been in force on all material dates.

## **10. Delegation of powers.**

- The State Government may by notification in the official Gazette delegate to any officer or authority subordinate to it any of the powers conferred on it by this Act to be exercised subject to any restrictions or conditions as may be specified in the notification.

## **11. Rules.**

- The State Government may, by order, frame rules for:-(a)the procedure to be followed in ejectment under Section 3;(b)the matters relating to sub-letting of holdings by tenant;(c)the form, contents, method of preparation, attestation and maintenance of the records prepared under this Act;(d)the procedure to be followed in suits, applications, and other proceedings under this Act;(e)the time within which applications and appeal may be presented under this Act;(f)the fees to be paid in respect of appeals and applications under this Act;(g)the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer or authority;(h)the

transfer of proceedings from one officer or authority to another;(i)the guidance generally of officers for carrying out the provisions of this Act; and(j)any other matter for which provision is in the opinion of the State Government necessary for giving effect to the provisions of this Act.