

Uttarakhand Hills Consolidation of Holdings and Land Reforms Act, 2016

UTTARAKHAND

India

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Act 21 of 2016

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Uttarakhand Hills Consolidation of Holdings and Land Reforms Act, 2016(Uttarakhand Act No. 21 of 2016)Last Updated 11th March, 2020An Act to provide the consolidation of agricultural holdings in hill areas of Uttarakhand for the enhancement of agriculture productivity, to provide commercial shape to agricultural and to create a self employment opportunities from this procedure,It is Hereby enacted by the Uttarakhand Legislative Assembly in the 67th Year of the Republic of India as follows :-

Chapter I Preliminary and Definition

1. Short title, extent and commencement.

(1)This Act may be called the Uttarakhand Consolidation of Holdings and Land Reforms Act, 2016.(2)The extension of this Act shall apply except District Haridwar and Uddham Singh Nagar and except plain area of District Dehradun, Tehri, Pauri, Nainital and Champawat.(3)This section shall come into force at once and the remainder of the Act shall come into force on such date as the State Government may, by notification in the official Gazette, appoint in this behalf and different dates may be appointed for different parts of Uttarakhand.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(1)(a)"State Government" means Government of Uttarakhand;(b)"land" means land held or occupied for purposes connected with agriculture, horticulture and animal husbandry (including pisciculture and poultry farming)

and includes: (i) the site, being a part of holding of a house or other similar structure; and (ii) trees, wells and other improvements existing on the plots forming the holding; (iii) such non-Zamindari abolition land who is in title of such holders and necessary for consolidation scheme. (c) "Unit" means village or part thereof, and where the Director of Consolidation so notifies by publication in the official Gazette, two or more villages or parts thereof or which a single scheme of consolidation is to be framed; (d) "Holding" means parcel or parcels of land held under one tenure by a tenure-holder singly or jointly with other tenure-holders. Explanation. - For the purposes of this clause, holding shall not include the following: - (i) land subject to fluvial action and intensive soil erosion; (ii) land mentioned in section 132 of the U. P. Zamindari Abolition and Land Reforms Act, 1950; (iii) such compact areas as are normally subject to prolonged water-jogging; (iv) such other areas as the Operator of Consolidation may declare to be unsuitable for the purpose of consolidation; (v) such area as after the notification of commencement of Consolidation work identify and notify as commercial area by the Deputy Operator of Consolidation. (2) (a) "Consolidation" means re-arrangement of holdings in a unit amongst several tenure-holders in such a way as to make their respective holdings more compact; (b) "Consolidation scheme" means the scheme of consolidation in a unit; (c) "Consolidation area" means the area, in respect of which a notification under section 4 has been issued, except such portion thereof to which the provisions of the U. P. Zamindari Abolition and Land Reforms Act, 1950 (UP Act no 1 of 1951) or any other Law by which Zamindari System has been abolished do not apply; (d) "Consolidation Committee" means a committee to be constituted in the manner prescribed for the purposes of the Act; (e) "Consolidation Records" means maps, registers, shape letters and notices during the proceeding of consolidation or voluntary consolidation who will be also kept as digital as may be possible; (f) "Chak" means the parcel of land allotted to a tenure holder on consolidation; (g) "Voluntary Consolidation" means such consolidation to be with mutual exchange, gift and donation under different sections of the Act; (3) (a) "Consolidation Lekhpal" means a person appointed as such by the State Government to perform the duties of a Consolidation Lekhpal under this Act or the rules made there under and shall, in areas under consolidation operations, include a Lekhpal appointed under the U. P. Land Revenue Act, 1901; (b) "Consolidator" means a person appointed as such by the State Government to exercise the powers and perform the duties of a consolidator under the Act or the rules made thereunder, and shall include a Rectangular and also, in areas under consolidation operations, the Supervisor Kanungo appointed under the U. P. Land Revenue Act, 1901 for that area; (c) "Assistant Consolidation Officer" means a person appointed as such by the State Government to exercise the powers and perform the duties of an Assistant Consolidation Officer under this Act or the rules made thereunder and shall include an Assistant Rectangulation Officer; (d) "Consolidation Officer" means a person appointed as such by the State Government to exercise the powers and perform, the duties of a Consolidation Officer under this Act or the rules made thereunder and shall include a Rectangulation Officer; (e) "Settlement Officer Consolidation" means a person appointed as such by State Government to exercise the powers and perform the duties of a Settlement Officer, Consolidation under this Act and the rules made thereunder and shall include any Additional Settlement Officer, Consolidation and Assistant Settlement Officer, Consolidation; (f) "Deputy Director of Consolidation" means a person appointed as such by the State Government to exercise such powers and perform such duties of the Director of Consolidation as may be delegated to him by the State Government and shall include a District Deputy Director of Consolidation and Assistant Director of Consolidation; (g) "District Deputy Director of Consolidation" means a person who is for the time

being the Collector of the District;(h)"Director of Consolidation" means the person appointed as such by the State Government to exercise the powers and perform the duties of the Director of Consolidation under this Act or the rules made thereunder and shall include an additional Director of Consolidation and a Joint Director of Consolidation;(4)"Prescribed" means prescribed by rules made under this Act;(5)"Legal representative" has the meaning assigned to it in the Code of Civil Procedure, 1908;(6)"Publication in the unit" or "publish in the unit" with reference to any document means reading out the document in the unit on a date of which prior notice shall be given by beat of drum, and proclamation by beat of drum, or, in any other customary mode, in the unit of the fact that the document is open to public inspection at any appointed place and time;Provided that where a Consolidation Committee has been constituted for the unit each member of the said Committee shall also be individually informed of the fact of publication;(7)"Rectangulation" means the process of dividing the area of a unit into rectangles and parts of rectangles of convenient size with a view to regulating the allotment of chaks during consolidation;(8)"Tenure-holder" means a Bhumidhar with transferable rights or Bhumidhar with non-transferable rights and includes : -(a)an asami,(b)a Government lessee or Government grantee, or(c)a co-operative farming society satisfying such conditions as may be prescribed.(9)"Publication of consolidation of records" means publication of different consolidation records to be promulgate during the consolidation scheme and also include the publication of prepared records on internet as digital;(10)Words and expressions -(a)not defined in this Act but used or defined in the U. P. Land Revenue Act, 1901, or(b)not defined in this Act or in the U. P. Land Revenue Act, 1901, but used or defined in the U. P. Zamindari Abolition and Land Reforms Act, 1950;shall have the meanings assigned to them in the Act in which they are so used or defined;(11)The references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (UP Act no 1 of 1951) (as applicable to the State of Uttarakhand) and the U. P. Land Revenue Act 1901, (UP Act no 3 of 1901) (as applicable to the State of Uttarakhand) shall be construed as references to the said Acts as amended from time to time.

Chapter II

Revision and Correction of Maps and Records

3. Declaration and notification regarding consolidation.

(1)(a)The State Government may where it is of opinion that a district or part thereof may be brought under consolidation operations, make a declaration to that effect in the Gazette, whereupon it shall become lawful for any officer or authority who may be empowered in this behalf by the District Deputy Director of Consolidation -(i)to enter upon and survey, in connection with rectangulation or otherwise and to take levels of any land in such area;(ii)to fix pillars in connection with rectangulation; and(iii)to do all acts necessary to ascertain the suitability of the area for consolidation operations;(b)The District Deputy Director of Consolidation shall cause public notice of the declaration issued under clause (a) to be given at convenient places in the said district or part thereof.(2)(a)when the State Government decides to start consolidation operations, either in an area covered by a declaration issued under sub-section (1) or in any other area, it may issue a notification to this effect.(b)every such notification shall be published in the Gazette and in a daily newspaper having circulation in the said area and shall also be published in each unit in the said area in such

manner as may be considered appropriate.(3)(a)Where the State Government is of opinion that in the case of a district or part thereof in respect of which a notification has already been issued under section 37, it is expedient in public interest so to do, it may make a declaration by notification in the Gazette that the such district or part thereof may again be brought under consolidation operation :Provided that no such declaration shall be issued within twenty years from the date of the notification referred to in the said section, but in special circumstances the State Government may, in public interest, issue such declaration after ten years from the said date.(b)The provisions of this Act shall mutatis mutandis apply to every notification issued under sub-section (1) as they apply to a notification under section 3.

4. Effect of notification under section 3(2).

(1)Upon the publication of the notification under sub-section (2) of section 3 in the official Gazette, the consequences, as hereinafter set forth, shall subject to the provisions of this Act, from the date specified thereunder till the publication of notification under section 37 or sub-section (1) of section 5, as the case may be, ensue in the area to which the notification under sub-section (2) of section 3 relates, namely-(a)the district or part thereof, as the case may be, shall be deemed to be under consolidation operations and the duty of maintain the record-of-rights and preparing the village map the field book and the annual register of each village shall be performed by the District Deputy Director of Consolidation, who shall maintain Or prepare them, as the case may be, in the manner prescribed;(b)notwithstanding anything contained in the U. P. Zamindari Abolition and Land Reforms Act, 1950,(UP Act no. 1 of 1951) no tenure-holder except with the permission in writing of the Settlement Officer, Consolidation, previously obtained shall use his holding or any part thereof for purposes not connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming ;Provided that a tenure-holder may continue to use his holding, or any part thereof for any purpose far which it was in used prior to the date specified in the notification issued under sub-section (2) of section 3.(2)Upon the said publication of the notification under subsection (2) of section 3 the following further consequences shall ensue in the area to which the notification relates, namely-(a)every proceeding for the correction of records and every suit and proceeding in respect of declaration of rights or interest in any land lying in the area, or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under this Act pending before any court or authority whether of the first instance or of appeal, reference or revision shall on an order being passed in that behalf by the court or authority before whom such suit or proceeding is pending, stand abated :Provided that no such order shall be passed without giving to the parties notice by post or in any other manner and after giving them an opportunity of being heard :Provided further that on the issue of the notification under sub-section (1) of section 5, in respect of the said area or part thereof every such order in relation to the land lying in such area or part, as the case may be, shall stand vacated ;(b)such abatement shall be without prejudice to the rights of the persons affected to agitate the right or interest in dispute in the said suits or proceedings before the appropriate consolidation authorities under and in accordance with the provisions of this Act and the rules made thereunder.Explanation. - For the purposes of sub-section (2), a proceeding under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 (as applicable of the State of Uttarakhand) or an uncontested proceeding under sections 134 to 137 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall not be deemed to be a

proceeding in respect of declaration of rights or interest in any land.

5. Cancellation of notification under section 3.

(1) It shall be lawful for the State Government at any time to cancel the notification made under section 3 in respect of the whole or part of the area specified therein. (2) Where a notification has been cancelled in respect of any unit under sub-section (1), such area shall be subject to the final orders relating to the correction of land records, if any, passed on or before the date of such cancellation, cease to be under consolidation operation with effect from the date of the cancellation.

6. Special provisions regarding undisputed succession.

(1) After the publication of notification under sub-section (2) of section 3 or section 4 and before start of the proceeding under section 7, a case of undisputed mutation on the basis of succession shall be disposed of by a Consolidation Officer and on the basis of a transfer shall be disposed of by the Assistant Consolidation Officer, in such manner and after making such inquiry as may be prescribed; Provided that no case shall be entertained, continued or disposed of under this section after start of the proceeding under section 7. (2) An order made under sub-section (1) shall not be a bar to an objection under section 8.

6A. provision regarding section 6.

- After the permission of disposal of transfer under section 6 in case of dispute cancel the order passed by Settlement officer (consolidation) under section 9 shall be restored for disposal.

7. Revision of village map.

- With a view to facilities the revision of records of each village or part thereof in the unit and subject to the provisions hereinafter contained the District Deputy Director of Consolidation shall, before the provisional consolidation scheme for a unit is prepared, cause to revise the village maps of such unit. In the revision procedure of records shall be prepared digital maps and records from modern technique and shall be remembered that the match of existing maps with the digital maps also.

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

(1) Upon the revision of maps under section 7, the District Deputy Director of Consolidation shall, subject to the provisions hereinafter contained, and in such manner as may be prescribed, cause to be—(i) revised, the field-book of the unit after field to field partial and the current annual register after its test and verification; (ii) determined, in consultation with the Consolidation Committee, the valuation of—(a) each plots after taking into consolidation its productivity location and availability of irrigation facilities if any; and (b) all trees, wells and other improvements existing in the plots for the purpose of calculating compensation therefor; (iii) ascertained the share of each owner, if there be

more owners than one, out of the valuation determined under sub-clause (b) of clause (ii) ; and(iv)determined the shares of individual tenure-holders in joint holdings for the purpose of effecting partition to ensure proper consolidation.(v)during the revision of maps, the differences between total area and records, correctness for corrections shall be shown.(2)The District Deputy Director of Consolidation shall cause to be prepared a "khasra chakbandi" in the form prescribed, in respect of all the plots fallen, in the unit as also a statement showing the mistakes undisputed cases of succession and disputes discovered during the test and verification of the annual register in the course of the field to field partial.

8A. Preparation of Statement of Principles.

(1)The Assistant Consolidation Officer shall, in consultation with Consolidation Committee, prepare in respect of each unit under consolidation operations, a statement in the prescribed form (hereinafter called the Statement of Principles) setting forth the principles to be followed in carrying out the consolidation operations in the unit.(2)The Statement of Principles shall also contain -(a)details of areas, as far as they can be determined at this stage, to be earmarked for extension of abadi Including areas for abadi site for Harijans and landless persons in the unit and for such other public purposes as may be prescribed;(b)the basis on which the tenure-holders will contribute land for extension of abadi and for other public purposes; and(c)details of such land to be earmarked for State land and to be appropriate to include consolidation scheme by prior permission of the State.(d)the standard plots for each unit.(3)The standard plots referred to in clause (d) of sub-section (2) shall be determined by the Assistant Consolidation Officer after ascertaining from the members of the Consolidation Committee and the tenure-holders of the units the best plot or plots of the unit, regard being had to productivity, location and the existing soil class of the plot or plots.(4)The Additional principles shall be include in notified area for voluntary consolidation.

9. Issue of extracts from records and statements and publication.

(1)Upon the preparation of the records and the statements mentioned in section 8 and 8-A, the Assistant Consolidation Officer, shall -(a)correct the clerical mistakes, undisputed cases of succession if of the records mentioned in sections 8 and 8-A and the issue of notices for inviting objections any, and send or cause to be sent to the tenure-holder concerned and other persons interested, notices containing relevant extracts from the current annual register and such other record as may be prescribed showing -(i)their rights in and liabilities in relation to the land;(ii)mistakes undisputed cases of succession and disputes discovered under section 8 in respect thereof;(iii)specific shares of individual tenure-holder in joint holdings for the purpose of effecting partitions, where necessary, to ensure proper consolidation;(iv)valuations of the plots ; and(v)valuation of trees, wells and other improvements for calculating compensation there or and its Apportionment amongst owners, if there be more owners than one;(b)publish in the unit the current Khasra and the current annual register, the Khasra Chakbandi, the Statement of Principles prepared under section 8-A and any other records that may be prescribed to show, inter alia, the particulars referred to in clause (a),(2)Any person to whom a notice under sub-section (1) has been sent, or any other person interested, may, within 21 days of the receipt of notice, or of the publication under sub-section (1), as the case may be, file before the Assistant Consolidation Officer

objections in respect thereof disputing the correctness or nature of the entries in the records or in the extracts furnished therefrom, or in the Statement of Principles, or the need for partition.

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

(1)The Assistant Consolidation Officer shall-(i)where objections in respect of claims to and or partition of joint holdings are filed, after hearing the parties concerned; and(ii)where no objections are filed, after making such enquiry as he may deem necessary, settle the disputes, correct the mistakes and effect partition as far as may be by conciliation between the parties appearing before him and pass orders on the basis of such conciliation;Provided that where the Assistant Consolidation Officer, after making such enquiry as he may deem necessary, is satisfied that a case of succession is undisputed, he shall dispose of the case on the basis of such enquiry.(2)All cases which are not disposed of by the Assistant Consolidation Officer under sub-section (1), all cases relating to valuation of plots and all cases relating to valuation of trees, wells or other improvements for calculating compensation therefore, and its appointment amongst, co-owners, if there be more owners than one, shall be forwarded by the Assistant Consolidation Officer to the Consolidation Officer, who shall dispose of the same in the manner prescribed.(3)The Assistant Consolidation Officer, while acting under sub-section (1) and the Consolidation Officer while acting under sub-section (2), shall be deemed to be a court of Competent jurisdiction anything to the contrary contained in any other law for the time being in force notwithstanding.

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

(1)Where objections have been filed against the Statement of Principles under section 9, the Assistant Consolidation Officer shall after affording opportunity of being heard to the parties concerned and after taking into consideration the views of the Consolidation Committee, submit his report to the Consolidation Officer who shall dispose of the objections in the manner prescribed.(2)Where no objections have been filed against the Statement of Principles within the time provided therefor under section 9, the Consolidation Officer shall, with a view to examining the correctness, make local inspection of the unit, after giving due notice to the Consolidation Committee and may thereafter make such modification or alterations in the Statement of Principles as he may consider necessary.(3)Any person aggrieved by an order of the Consolidation Officer under sub-section (1), or sub-section (2), may, within 21 days of the date of the order, file an appeal before the Settlement Officer, Consolidation, whose decision except as otherwise provided by or under this Act shall be final.(4)The Consolidation Officer and the Settlement Officer, Consolidation shall before deciding an objection or an appeal, make local inspection of the unit after giving due notice to the parties concerned and the Consolidation Committee.

9C. Partition of joint-holdings.

(1)The Assistant Consolidation Officer or the Consolidation Officer may partition joint holdings under section 9-A notwithstanding anything to the contrary contained in 178 of the Uttar Pradesh

Zamindari Abolition and Land Reforms Act, 1950, or any other law, and may also partition the same suo moto.(2)The partition of joint holdings shall be effected on the basis of shares;Provided that where the tenure-holders concerned agree, it may be effected on the basis of specific plots.

10. Preparation and maintenance of revised Annual Registers.

(1)The Annual Register shall be revised on the basis of the orders passed under sub-section (1) and sub-section (2) of section 9-A. It shall thereafter be prepared in the form prescribed and published in the unit.(2)Where any entry in the annual register, published under sub-section (1), is modified in pursuance of an order passed under this Act or under any other law, a reference to the order along with an extract of its operative portion shall be noted against the said entry.

11. Appeals.

(1)Any party to the proceedings under section 9-A, aggrieved by an order of the Assistant Consolidation Officer or the Consolidation Officer under that section, may, within 21 days of the date of the order, file an appeal before the Settlement Officer, Consolidation, who shall, after affording opportunity of being heard to the parties concerned, give his decision thereon which, except as otherwise provided by or order under this Act, shall be final and not be questioned in any court of law.(2)The Settlement Officer, Consolidation, hearing an appeal under sub-section (1) shall be deemed to be a court of competent jurisdiction, anything to the contrary contained in any law for the time being in force notwithstanding.

11A. Bar on objections.

- No question in respect of relating to the consolidation area which has been raised under section 9 or which might or ought to have been raised under that section, but has not been so raised shall be raised or heard at any subsequent stage of the consolidation proceedings : -(i)claims to land,(ii)partition of joint-holdings, and(iii)valuation of plots, trees, wells and other improve merits, where the question is sought to be raised by a tenure-holder of the plot or the owner of the tree, well or other improvements recorded in the annual register under section 10.

11B.

In course of hearing of an objection under section 9-A or an appeal under section 11 or in proceedings, under section 33, the Consolidation Officer, the Settlement Officer (Consolidation) or the Director of consolidation, as the case may be, may direct that any land which vests in the State Government or the Gaon Sabha or any other local body or authority may be recorded in its name, even though no objection, appeal or revision has been filed by such Government, Gaon Sabha, body or authority.

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

(1) All matters relating to changes and transfers affecting any of the rights or interest recorded in the revised records published under sub-section (1) of section 10 for which a cause of action had not arisen when proceedings under sections 7 to 9 were started or were in progress may be raised before the Assistant Consolidation Officer as and when they arise, but not later than the date of notification under section 37, or under subsection (1) of section 5. (2) The provisions of sections 7 to 11 shall, mutatis mutandis, apply to the hearing and decision of any matter raised under subsection (1) as if it were a matter raised under the aforesaid section.

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

(1) Notwithstanding anything contained in U. P. Zamindari Abolition and Land Reforms Act, 1950, the Settlement, Officer, Consolidation, may subject to the, rules made in this behalf- (a) determine the amount of land revenue payable by a tenure-holder on land on which he acquires rights as a result or orders under this Act, and (b) where necessary, also determine the amount of land revenue payable in respect of a portion of the tenure-holders holding. (2) In assessing the amount of land revenue payable under sub-section (1), the provisions of the U. P. Zamindari Abolition and Land Reforms Act, 1950 and the rules made thereunder shall mutatis mutandis apply.

12B. Amalgamation of holdings.

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

Chapter III

Preparation of Consolidation Scheme

13. Consolidations to be fulfilled by a consolidation scheme.

(1) A consolidation scheme shall fulfil the following conditions; namely- (a) the rights and liabilities of a tenure-holder, as recorded in the annual register prepared under section 10, are subject to the deductions, if any, made on account of contributions to public purposes under this Act, secured in the lands allotted to him. (b) the valuation of plots allotted to a tenure-holder subject to deductions, if any, made on account of contribution to public purposes under this Act, is equal to the valuation of plots originally held by him; (c) the compensation determined under the provisions of this Act, or the rules framed thereunder, is awarded- (1) To the tenure-holder-s- (i) for trees, wells other improvements, originally held by him and allotted to another tenure-holder and, (ii) for land

contributed by him for public purposes;(2)To the Gaon Sabha, or any other local authority, as the case may be, for development, if any, effected by it in or over land belonging to it and allotted to a tenure-holder ;(d)the principles laid down in the Statement of Principles are followed;(e)every tenure-holder is, as far as possible, allotted a compact area ,at the place where he holds the largest part of his holding :Provided that no tenure-holder maybe allotted more chaks than three except with the, approval in writing of the Deputy Director of Consolidation.Provided further that no consolidation made shall be invalid for the reason merely that the number of chaks allotted to a tenure holder exceeds three ;(f)every tenure-holder is, as far as possible, allotted the plot on which exists his private source of irrigation or any other improvement together with an area in the vicinity equal to the valuation or the plots originally held by him there; and(g)every tenure-holder is, as far as Possible, allotted chaks in conformity with the process of rectangulation in rectangulation units.(h)the principles of voluntary consolidation shall be accorded and shall be comply fix terms for voluntary consolidation according section 13 and section 19.(2)A consolidation scheme before it is made final under section 16, shall be provisionally drawn up in accordance with the previsions of section,13.

13A. Preparation of provisional consolidation scheme by the Assistant Consolidation Officer.

(1)The Assistant, Consolidation officer shall in consultation with the consolidation Committee, prepare in the form prescribed, a provisional Consolidation Scheme for the unit,(2)Notwithstanding anything contained in this Act, the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (UP Act no. 1 of 1951) or any other law for the time being in, force, it shall be lawful for the Assistant Consolidation Officer where in his opinion it is necessary or expedient so to do to allot a tenure-holder, after determining its valuation any land belonging to the State Government, or any, land vested, in the Gaon Sabha, or any other local authority or as a result of notification issued under section 117, or 117-A of the U. P. Zamindari Abolition and Land Reforms Act 1950;Provided where any, such, land is used for a public purpose, it shall be allotted only after the Assistant Consolidation Officer has declared in writing that it is proposed to transfer the rights of the public as well as all individuals in or, over that land to any either and specified in the declaration and earmarked for that, purpose in the provisional Consolidation Scheme.

14. Publication of the provisional consolidation scheme and receipt of objection thereon.

(1)Upon the preparation of the provisional consolidation scheme, the Assistant, Consolidation officer shall send or cause to be sent, to the tenure-holder concerned and persons interested, notices containing relevant extracts therefrom. The provisional consolidation scheme hereafter, be published in the unit.(2)Subject to the provisions contained in section 11-A any person to whom notice has been sent under sub-section (1), and any other person affected by the provisional consolidation scheme, disputing the property or correctness of the entries in the provisional consolidation scheme; or in the extracts furnished therefrom may, within 45 days of the receipt or the notice or of the date of the publication of the consolidation scheme, as the case may be

file an objection before the Assistant Consolidation Officer or the Consolidation Officer.(3)Any person affected, or any person having any interest or right, in addition to the, right of public highway in, or over any public land, or having other interest or right which is substantially prejudiced by the declaration made under sub-section (2) of section 19-A, may, within 45 days after the publication of, the provisional consolidation scheme file an objection before the Assistant Consolidation or officer or the Consolidation Officer stating the nature of such interest or right.

15. Disposal of objections to the provisional Consolidation Scheme.

(1)All objections received by the Assistant Consolidation Officer shall, as soon as may be, after the expiry of the period of limitation prescribed therefore be submitted by him to the Consolidation Officer who shall dispose of the same, as also the objections received by him, in the manner hereinafter provided after notice, to the parties concerned and the Consolidation Committee.(2)Any person aggrieved by the order of the Consolidation Officer under sub-section (1) may, within 45 days of the date of the order file an appeal before the Settlement Officer, Consolidation, whose decision shall, except as otherwise provided by or under this Act, be final.(3)The Consolidation Officer shall, before deciding the objections, and the Settlement Officer, Consolidation may, before deciding an appeal, make local inspection of the plots in dispute after notice to the parties concerned and the Consolidation committee.(4)It during the course of the disposal of an objection or the hearing of an appeal, the Consolidation Officer or the Settlement Officer, Consolidation, as the case, may be, is of this opinion that Material injustice is likely to be caused to a number of tenure-holders in giving-effect to, the provisional Consolidation Scheme as prepared by the assistant Consolidation Officer, or as, subsequently modified by the Consolidation Officer, as the case may and, that, a fair and proper allotment of land to the, tenure-holders of the units is not possible without revising the provisional Consolidation Scheme, or getting a fresh one prepared, it shall be lawful, for reasons to be recorded in writing for-(i)the consolidation officer to revised provisional consolidation scheme, after giving opportunity of being heard to the tenure-holders concerned, or to remand the same to the Assistant consolidation officer, with such directions as the Consolidation officer may consider necessary; and(ii)the Settlement Officer, Consolidation to revise the provision of Consolidation Scheme after giving opportunity of being heard to the tenure-holders concerned or to remand the same to the Assistant Consolidation Officer, or the Consolidation Officer as the Settlement Officer Consolidation may think fit with such directions as they may consider necessary.

16. Confirmation of the provisional Consolidation Scheme and the issue of a allotment orders.

(1)The Settlement Officer, Consolidation shall confirm the provisional Consolidation Scheme-(a)if no objections are filed within the time specified in section 14 ; or(b)Where such objections are filed, after such modifications or alterations as may be necessary in view of the orders passed under sub-sections (1) to (4) of section 15.(2)The provisional Consolidation Scheme so confirmed shall be published in the unit and, except as otherwise provided by or under this Act shall be final.(3)(i)Where the allotments made under section 13(1) are not modified under section 15 and are confirmed under section 16, the extracts contained in the notice issued under section 14, shall except as provided by or under this Act be treated as final allotment orders for the tenure-holders

concerned;(ii)In cases not covered by clause (i), revised extract specifying the modified allotments; as confirmed under sub-section (1) shall be issued by-(a)the Consolidation Officer, where the allotments are not modified by the Settlement Officer, Consolidation; and(b)by the Settlement Officer, Consolidation, where he has modified the allotment, and the same shall except as otherwise, provided by or under this Act be the final allotment orders for the tenure-holders concerned.(4)After completion of initial scheme of voluntary consolidation under section 13, the consolidation officers of such other equivalent officer who is authorised by Deputy Operator Consolidation for this purpose, as initial scheme the permission letter shall be issue exchange of land with the one land holder to other land holder. In addition he also entertain the gift or donation to be transfer with one land holder to other land holders. If any land holder to give land as gift or donation for the public proposes than he will records accordingly. Such all exchange permissions of the gift and donations after entertain in records by the orders, the final shape shall be given to the voluntary consolidation scheme.

Chapter IV

Enforcement of The Scheme

17. Possession and accrual of compensation for trees, etc.

(1)The Settlement Officer, Consolidation, shall fix the date to be notified in the unit, from which the final consolidation scheme shall come into force. On and after the said date a tenure-holder shall be entitled to enter into possession of the plots allotted to him.(2)On from the date of obtaining possession every tenure holder getting trees, wells, and other improvements existing on the plots allotted to him in pursuance, of the enforcement of the final consolidation scheme shall be liable, for the payment of and pay to the former tenure-holder thereof, compensation for the trees wells and other improvements allotted to him, to be determined in the manner hereinbefore provided.

18. New revenue records.

(1)As soon as may be, after the final consolidation scheme has come into force, the District Deputy Director of Consolidation shall cause to be prepared for each village, a new map filed book and record of rights in respect of the consolidation area, on the basis of the entries in the map as corrected under section 7 the Khasra Chakbandi, the annual register prepared under section 10 and the allotment, orders as finally made and issued in accordance With the provisions or this Act. The provisions of the U. P. Land Revenue Act, 1901 shall, subject to such modification as maybe prescribed, be followed in the preparation of the map and records.(2)All entries in the record of rights prepared in accordance with the provision of sub-section (1) shall be presumed to be true until the contrary is proved.(3)After the issue of notification under section 37, the Collector shall, instead of the map, field-book and record of rights previously maintained by him maintain the map, field-book and record of rights prepared in accordance with the provisions of sub-section (1) and the provisions of the U. P. Land Revenue Act, 1901 relating to the maintenance and correction of such map, field book and record of rights shall mutatis mutandis apply.

19. Delivery of possession.

(1) The Assistant Consolidation Officer on the application of the tenure-holder or the Land Management Committee, to whom chak or lands have been allotted under the final Consolidation scheme, may, and where any land has been allotted to the State Government shall, without any application off the State Government, within six months of the date on which the said scheme has come into force, put the tenure-holder or the Land Management Committee or the State Government, as the case may be, in actual physical possession of the allotted chak or lands, and for so doing shall have all the powers including powers as regards contempt, resistance and the like as are exercisable, by a Civil Court in execution of a decree for delivery of possession of immovable property; Provided that the delivery of possession as aforesaid shall not affect the right of the person from whom possession is transferred to tend and gather the crops standing on such chaks or land or part thereof, on the date of the delivery, unless the Assistant Consolidation Officer decides, for reasons to be recorded that the possession over the crop also shall be delivered : Provided further that the person tending and gathering the standing crop, in accordance with the first proviso, shall be liable may to the person, who has been allotted the chak, or lands, compensation for the use of the land at such rate and in such manner as may be prescribed. (2) On the expiry of six months from the date and which a tenure-holder or Land Management Committee or State Government became entitled to enter into possession of the chak or lands allotted, whether before or after the coming into force of the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 1962, or on the expiry of six months from the date of the coming into force of that Act, whichever is later, the tenure holder in the Land Management Committee or State Government, as the case may be shall unless possession has been obtained earlier, be deemed to, have entered in to actual physical possession of the allotted chak of land : Provided that the fact that a tenure-holder or the Land Management Committee or State Government has thus entered in possession shall not affect the right or the person from whom possession is deemed to have been transferred to tend and gather the crop standing on the chak or lads or part thereof, on the date of the expiry of the period of six months aforesaid.

20. Compensation.

(1) Where possession over standing crops is also delivered under section 28, the Assistant Consolidation Officer shall determine in the manner prescribed, the compensation payable in respect of such crops by the tenure-holder put in possession. (2) Any person aggrieved by an order under sub-section (1), may within fifteen days of the date of the order, prefers an appeal before the Consolidation Offices, whose decision thereon, shall be final.

20A. Recoveries of compensation.

(1) Where a tenure-holder from whom compensation is recoverable under this Act fails to pay the same within the period prescribed therefore, the person entitled to receive it, may in addition to any other mode of recovery open to him, apply to the Collector within such time as may be prescribed to recover the amount due on his behalf as if it were an arrear of land revenue payable to Government. (2) Where any compensation payable under this Act is not and whether in whole or in

part within three months of the date of obtaining possession under section 17 or section 19, as the case may be interest at the rate of six per cent per annum shall be charged on the amount not so paid.

20B. Reduction of land revenue on account of contribution of land for public purposes.

(1)Where, as a result of contribution for public purposes under the provisions of section 8-A, the area of the original holding of a tenure-holder is reduced, the land revenue payable for the holding shall be reduced by the Assistant Consolidation Officer, in the same proportion as the area so contributed bears to the original total area of the holding, and the reduced land revenue shall be shown in the provisional consolidation scheme.(2)A tenure-holder aggrieved by the reduction made under sub-section (1) may, within 15 days of the date, of publication of the provisional consolidation scheme under section 14 file an objection before the Assistant Consolidation Officer or the Consolidation Officer for getting the reduction of the Land revenue determined in accordance with the provisions of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

20C. Compensation for land contributed by tenure-holders for public purposes.

(1)(a)Every tenure-holder any part of whose holding has been, contributed for public purposes under this Act, shall be paid, for the land so contributed, compensation equal to-(i)in the case of land of a bhumidhar with transferable rights, four times; and(ii)in the case of the land of a bhumidhar with non-transferable rights two times of the land revenue reduced under section 29-B.(b)In the case of trees, wells and other improvements, falling within the land so contributed, the amount of compensation behalf be determined in accordance with the provisions of section 13.(2)The Compensation payable to a tenure-holder shall after adjustment of the cost of operations under this Act, if any be paid, to him in cash.(3)Where any land, in respect of which compensation is paid under-sub-section (1), is in occupation of, an, asami, there shall lie paid to the asami out of the compensation payable to the bhumidhar with transferable rights or bhumidhar with non-transferable rights as the case may be, an amount equal to 5 per cent of such compensation in respect of the right title and interest of the asami therein.

20D. Vesting of and contributed for public proposes.

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

such land vested in the Gaon Sabha as if the land had vested in the Gaon Sabha by virtue of a declaration made by the State Government under sub-section (1) of that section and as if the declarations were made subject to the conditions respecting utilization specified in sub-section (1) of this section.

21. Consequences which shall ensue on exchange of possession.

- With effect from the date on which a tenure-holder enters or is deemed to have entered in to possession of the chak allotted to him in accordance with the provisions of this Act, the far awing consequences shall ensue-(a)the rights title, interest and liabilities -(i)of the tenure-holder entering or deemed to have entered, into possession; and(ii)of the former tenure-holder of the plots comprising the chak, in their respective original holdings shall cease, and(b)the tenure-holder entering into possession, or deemed to have entered into possession, shall have in this chak the same rights title interests and liabilities as he had in the original holdings together with such other benefits of irrigation from a private source till such source exists, as the former tenure-holder of the plots comprising the chak had in regard to them;(c)land vested in the Gaon Sabha, or any local authority, and allotted to the tenure-holder shall be deemed to have been resumed by the State Government under the provisions of section 117 or section 117-A, as the case may be, of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and settled with tenure-holder;(d)the rights of the public as well as all individuals in or over land included in a chak following a declaration made under the proviso to sub-section (2) of section 13-A, shall cease and be created in the land specified for the purpose in the final consolidation scheme; and(e)the encumbrance if any, upon the original holding at the tenure-holder entering, or deemed to have entered, into possession, whether by way of lease, mortgage or otherwise shall in respect of that holding, cease, and be created on the holdings, or on such part thereof, as may be specified in the final consolidation scheme.

22. Power to transfer holdings.

- A transfer, whether by exchange or otherwise of rights, title, interest and liabilities of tenureholders in their holdings, involved, in giving effect to the final Consolidation Scheme affecting them, shall notwithstanding, anything contained in the U. P. Land Revenue Act, 1961 and the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 be valid and not tenure holder or other person shall be entitled to object or interfere with any such transfer.

23. Costs.

(1)The State Government shall fix the amount of costs of the operations conducted, under the Act and shall recover from the tenure-holders of the unit such part thereof and in such manner as may be prescribed.(2)If the State Government so decides it, may order that a specified amount be recovered in advance in the manner prescribed, as the first instalment of the cost of the said operations.(3)Any amount payable as costs under this section shall be recoverable as arrears of land revenue.

Chapter V

Miscellaneous

24. Power to enforcer attendance of witnesses and in certain Matters.

- The Director of Consolidation Land Deputy Director of Consolidation Settlement Officer, Consolidation Officer and Assistant Consolidation Officer shall have all such powers and rights' and privileges as are vested in a Civil Court on the occasion of any action; in respect of the following matters:(a)the enforcing of the attendance of witnesses and examining them on oath. affirmation or otherwise and the issue of a commission or request to-examine witnesses abroad;(b)compelling anyone for the production of any document;(c)the punishing of persons guilty of contempt and a summon signed by such officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a Civil Court for enforcing the attendance of witnesses and compelling the production of document.

25. Power for production of documents, etc.

(1)Subject to any conditions or restrictions that may be prescribed, the Director of Consolidation Deputy Director of Consolidation Settlement Officer Consolidation, Consolidation Officer, or Assistant, Consolidation Officer may, by written order require any person to produce such documents papers and registers or to furnish such information as .he may deem necessary for the proper exercise of his powers or the proper discharge of his duties under this Act.(2)Every person required to produce any document, paper or register or to furnish information under this section shall be deemed legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

26. Proceedings before Director of Consolidation, Deputy Director of Consolidation, Settlement Officer Consolidation, Consolidation Officer and Assistant Consolidation Officer to be judicial Proceedings.

- A proceeding before a Director of consolidation, Deputy Director of Consolidation, settlement officer, consolidation, consolidation officer and assistant Consolidation officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

26A. Powers of the consolidation authorities.

(a)The consolidation authorities shall be conferred powers of the Magistrate according the powers vested under section 1 to 11 of the CrPC.(b)Challenge of order of the cheating- If any order were made passed with cheating by a party of any considerable suit or proceedings or any consolidation court than such order may be challenge in this ground that the order is get by cheating to the aforesaid court or party but no believe may be made on the review of the cheating on the basic of

presumption, for proof of the cheating the party shall essentially produce relevant evidence.(c)Self right to void consolidation court passed order on the basic of cheating or fraudantly- If any person were get order from the court with cheating or fradently then on the knowledge of actual facts the court selfly or by the request of the any aggrieved person. In such matters the consolidation authority may be exercise powers invested under section 151 of the Civil Procedure Code, 1908. No time limit is fixed for proceeding of any request letter for void of orders to be passed with the cheating. Any person whether he is not a party in the concerning proceedings on the intimation received by him of such order he can produce request letter within the appropriate time.

27. Application of U. P. Land Revenue Act, 1901.

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

27A. Affidavits.

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

28. Officer and Authorities.

(1)The State Government may appoint such authorities and officers, and for such areas as may be necessary to give effect to provisions of the Act.(2)The District Deputy Director of Consolidation may, subject to such directions as the director of Consolidation may, issue from time to time demarcate the circles to be assigned to Consolidation Lekhpals, Consolidators and other authorities appointed for the district under subsection (1).

28A. Correction of clerical arithmetical error.

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

29. Delegation.

- The State Government may by notification in the official Gazette and subject to such restrictions and conditions as may, be specified in the notification:-(i)delegate to any officer or authority any of the power conferred upon it by this Act ; and(ii)confer power of the Director of Consolidation,

Deputy Director, Consolidation; the Settlement Officer, Consolidation and the Consolidation Officer under this Act or the rules made thereunder on any officer or authority.

29A. Powers of subordinate authority to be exercised, by a superior authority.

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

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

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

30A. Penalty for contravening provisions of section 5.

(1) Any person contravening the provisions of section 4 (b) shall, on conviction by a court of competent jurisdiction, be liable, to a fine not exceeding rupees one thousand. (2) A transfer made in contravention of the provisions of section 4 (b) shall not be valid or recognized, anything contained in any other law for the time being in force to the contrary notwithstanding.

31. Penalty for destruction, injury or removal of survey or boundary marks.

(1) If any person destroys or fully or injures or removes without law-full authority a survey or boundary mark lawfully erected, he may be ordered by a consolidation officer to pay such compensation not exceeding one thousand rupees for each mark so destroyed, injured or removed, as may in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal. (2) The order for the payment of compensation under sub-section (1), shall not bar a prosecution under section 434 of the Indian Penal Code.

32. Appeal etc. to be allowed by the Act.

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

33. Revisions and reference.

(1) The Director of Consolidation may call for and examine the record of any case decided or proceedings taken by any sub-ordinate authority for the purpose of satisfying himself as to the

regularity of the proceedings, or as to the correctness, legality or propriety of any order other than an interlocutory order passed by such authority in the case or proceedings and may after allowing the parties concerned an opportunity of being heard, make such order in the case or proceedings as he thinks fit.(2)Power under sub-section (1) may be exercised by the Director of Consolidation also on a reference under sub-section (3).(3)Any authority subordinate to the Director of Consolidation may after allowing the parties concerned an opportunity of being heard, refer, the record of any case or proceedings to the Director of Consolidation for action under sub-section (1).Explanation (1). - For, the purposes of this section, Settlement Officers Consolidation, Consolidation Officers, Assistant Consolidation Officers, Consolidators and Consolidation Lekhpals shall be subordinate to the Director of Consolidation.Explanation (2). - For the purposes of this section the expression interlocutory order in relation to a case or proceeding, means such order deciding any matter arising in such case or proceedings or collateral thereto as does not, have the effect of finally disposing of such case or proceeding.Explanation (3). - Any decision in the write of purity, legality or interpretation of any order under this section whether by recorded facts by the subordinate authority or by legality and also be include review of any voice or recorded evidence.

33A. Special provisions with respect to evacuee property.

(1)Notwithstanding anything contained in the foregoing provisions of this Act:-(a)no decision of the Custodian (Evacuee Property thereafter in this section referred to as the Custodian) in relation to title to any land vested in him as evacuee property under the provisions of the Administration of Evacuee property Act, 1950, shall be called in question and varied or reversed by any officer or authority under this act: and(b)nothing in this Act, shall be construed as requiring the Custodian to stay any proceedings in relation to title to any such land pending before him on the date of the coming into force of those provisions of this Act under which proceedings in relation to title to land are required to be stayed or as empowering the consolidation officer or any other officer or authority to refer for determination of any question of title in relation to such land involved in any proceedings pending before the custodian on such date.(2)Where as a result of consolidation operations in any village-(a)lands, which are vested as evacuee property in the Custodian under the provisions of, the Administration of Evacuee Property Act, 1950, are included in holdings which are not vested in the Custodian as evacuee property, such land shall, on and from the date, of the coming into force of the consolidation scheme cease to be so vested in the Custodian, and the provision of the said Act shall thereupon cease to apply in relation thereto; and(b)in lieu of such lands, corresponding lands shall be included in holdings which are vested in the Custodian as evacuee property, and such lands shall, on and from the date of the coming into force of the consolidation scheme, be deemed to be evacuee property declared as such within the meaning of die aforesaid Act and be vested in the Custodian and the provision of the said Act shall thereupon apply, so far as may be, in relation to such lands.

33B. Exchange of possession.

(1)Where change of possession becomes' necessary amongst tenure-holders including the Land Management Committee of the circle as a result of orders passed under section 33, it shall be lawful for them to exchange possession amongst themselves in, accordance with such orders.(2)Where

change of possession cannot be effected by mutual arrangement, the Assistant Consolidation Officer shall affect delivery of possession to such tenure-holders and the Land Management Committee in accordance with the provisions of section 19.

34. Bar to civil jurisdiction.

- Notwithstanding anything contained in any other law for the time being in force, the declaration and adjudication of rights of tenure-holders in respect of land lying in an area, for which notification has been issued under sub-section (2) of section 3 or adjudication of any other rights arising out of consolidation proceedings and in regard to which a proceeding-could or ought to have been taken under this Act, shall be done in accordance with the provisions of this Act and no civil or revenue court shall entertain any suit or proceeding with respect to rights in such land or with respect to any other matters for which a proceeding could or ought to have been taken under this Act; Provided that nothing in this section shall preclude the Assistant Collector from initiating proceedings under section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 in respect of any land possession over which has been delivered or deemed to be delivered to a Gaon Sabha under or in accordance with the provisions of this Act.

34A. Protection of action taken under this Act or rules made thereunder.

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

35. Exemption from court-fee.

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

36. Instrument not necessary to effect transfer.

- Notwithstanding anything contained in any other law for the time being in force, no Instrument in writing shall be necessary for effecting a transfer of holdings involved in giving effect to a final consolidation scheme not shall any instrument, if executed, require registration.

37. Close of consolidation operations.

(1) As soon as may be after fresh maps and records have been prepared under subsection (1) of section 18, the State Government shall issue a notification in the official Gazette that the consolidation operations have been closed in the unit and the village or villages forming part of the unit shall then cease to be under consolidation operations; Provided that the issue of the notification under this section shall not affect the powers of the State Government to fix distribute and recover the cost of operations under this Act. (2) The notification issued under sub-section (1) shall be published also in a daily newspaper having circulation in the area and in such other manner as may

be considered proper.(3)Notwithstanding anything contained in sub-section (1), any order passed by a court of competent jurisdiction in cases of writs filed under the provisions of the Constitution of India, or in cases for proceedings pending under this Act on the date of issue of the notification under sub-section (1), shall be given effect to by such, authorities as may be prescribed and the consolidation operations shall, for that purpose be deemed to have not closed.(4)Where the allotment or lease of any land, made before the consolidation scheme becomes final under section 16, is cancelled by an order under sub-section (4), of section 198 of the Uttar Pradesh Zamindari abolition and Land Reforms Act, 1950 and such order becomes final then notwithstanding anything contained in the provision of this Act, such order shall be given effect to by such authorities, as may be prescribed in the following manner, and the consolidation operation shall for that purpose, be deemed to have not closed; namely-(a)the value of the land which was the subject matter of such allotment or lease shall first be ascertained in the manner prescribed ;(b)the value referred to in clause (a), shall be deducted from the total value of land allotted to the tenure-holder concerned during consolidation, proceedings;(c)the tenure-holder shall be entitled during consolidation proceeding to land equivalent in valuation of the said land.

37A. Special provisions for Chak Roads and Chak Guls.

(1)In the case of a unit in relation to which a notification under sub-section (1) of section 37 has been issued before the commencement of the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 2015 the Collector may, if he is of opinion that there exists no provision or inadequate provision of chak roads or chak guls in the unit, and shall if a representation in that behalf by not less than ten per cent of the total number of tenure holders is made to him within six months of the said commencement proceed to take action under sub-section (2), anything to the contrary contained in section 37 notwithstanding.(2)The Collector shall cause a notice of the proposal to take action under this section and also of the representation, if any, received under sub-section (1) to be given in the unit by beat of drum and in such other manner, if any, as he thinks fit and direct any Consolidation Officer to inspect the locality and take reasonable steps to ascertain the wishes of the tenure-holders or as the case may be of such of them as have not joined in the representation, and to make such other inquiry into the matter as he thinks fit.(3)Such Consolidation Officer shall make a report to the Collector on the advisability or otherwise of drawing up a plan making provision or as the case may be, more adequate provision, for chak roads or chak guls in the unit, and the Collector on being satisfied after considering such report that it is necessary or expedient so to do, shall cause a draft plan to be prepared.(4)The Assistant Consolidation Officer shall thereupon, after ascertaining informally the wishes of as many tenure-holder as of the unit as he considers practicable, prepare a draft plan in the prescribed form proposing such provision or additional provision of chak roads or chak guls, as may be necessary. In preparing the draft plan the Assistant Consolidation Officer shall have regard to the following principles, namely-(a)that as far as practicable, provision of chak roads and chak guls should be made primarily by utilising land vested in the Gaon Sabha and secondarily out of land held by those tenure holders whose chaks are connected with the proposed chak roads or chak guls and in the last resort, out of any other land;(b)the arrangement of chak should be made only to the extent it is really necessary for making provision of chak roads and chak guls with minimum possible dislocation in, the consolidation scheme already confirmed.(5)The draft plan prepared under sub-section (4) shall be published in the prescribed manner.(6)Any person affected

by the draft plan may within 15 days from the date of such publication file an objection in writing before the Consolidation Officer.(7)(a)The Consolidation Officer shall dispose of all objections after notice to the parties concerned:(b)Any person aggrieved by the order of the Consolidation Officer under clause (a) may Within 15 days from the date of the order, file an appeal before the Settlement Officer, Consolidation, whose decision thereon shall be final.(c)Before deciding the objections under clause (a), the Consolidation Officer, and before deciding the appeal under clause (b), the Settlement Officer, Consolidation, may make a local inspection of the site in dispute after notice to the parties concerned.(d)It shall be lawful, for reasons to, be recorded in writing, for the Consolidation Officer under clause (a) and the Settlement Officer, Consolidation under clause (b) to modify the draft plan in the settlement with the principles specified in sub-section (4) and for the Settlement Officer, Consolidation, to remand the same either to the Consolidation Officer or to the Assistant Consolidation Officer with such directions as he thinks fit.(8)The Settlement Officer, Consolidation, shall confirm the plan-(a)if no objections are filed within the time specified in sub-section (6); or(b)where such objections are filed, after the modifications or alternations as may be necessary in view of the orders passed on objections and appeal under sub-section (7).(9)The plan confirmed under sub-section (8) shall be published in the unit in the prescribed manner and shall come into force on the date of such publication, and thereupon the consolidation scheme and the allotment orders made final under section 16 shall stand amended to the extent indicated in the plan, and fresh allotment orders shall be issued by the Settlement Officer, Consolidation accordingly.(10)The provisions of Chapter IV shall mutatis mutandis apply in relation to the said plan as they apply in relation to the final, consolidation scheme, and for the purposes of application of Chapter IV land contributed for chak roads and chak guls provided under this section shall be deemed to be land contributed for public purposes under section 8.

38. Mutual exchange of chaks between tenure-holders.

- It shall be lawful for the Settlement Officer, Consolidation, at any stage of the consolidation proceedings but before the preparation of the final records under section 18, to allow mutual exchange of chaks, or part thereof by agreement between the tenure-holders, where he is satisfied that the exchange will improve the shape of chaks, or reduce their number and generally lead to greater satisfaction amongst them.

38A. Recognition of consolidation scheme prepared by tenure-holders.

(1)The Deputy Director of Consolidation may recognize a consolidation scheme in respect of a village within or without a consolidation area, prepared voluntarily by the tenure-holders of the village, where he is satisfied that it conforms to the broad principles of consolidation under this Act, and has support of all the tenure-holders concerned and is of her wise fair to all concerned.(2)The consolidation scheme recognized under sub-section (1) shall be deemed to have been prepared and confirmed under the provisions of this Act and shall be enforced thereunder.

38B. Limitation.

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

39. Power to make Rules.

(1)The State Government may by notification in the Gazette make rules for the purposes of carrying into effect the provisions of this Act.(2)Without prejudice to the generality of foregoing power, such he may provide for :-(a)the form of notification under sub-section (2) of section 3 ;(b)the constitution of consolidation committee under clause (d) of section 2, determination of the terms of members of the Consolidation Committee and action to be taken on a vacancy occurring therein;(c)the procedure for the disposal of suits and proceedings stayed under sub section (2) of section 3 ;(d)the condition to be observed by the Settlement Officer (Consolidation) in granting permission referred to in clause (c) of sub-section (1) of section 3, for transfer of holdings of in the consolidation area;(e)procedure relating to the revision of maps and records including declaration of rights, partition of joint-holdings, valuation of plots, determination and apportionment of compensation for wells, trees and other Improvements and the preparation and publication of the statement of principles under sections 7 to 11 and 12 ;(f)the determination of land revenue over new holdings and distribution thereof on the portions of old holdings under section 12-A ;(g)procedure relating to amalgamation of holding under section 12-B ;(g)the procedure and the manner relating to the preparation publication and confirmation of the. consolidation scheme under sections 13-A, 14 and 16;(i)the procedure and the manner of issue of allotment orders under section 16;(j)title procedure and the manner in which the views of the Consolidation Committee shall be obtained on matters specified for this purpose ;(k)the determination of the public purposes for which areas may be earmarked and the manner in which this shall be done ;(l)the matters relating to transfer of rights from the public land to other land earmarked for public purposes;(m)the procedure for entering into possession under sections 17 and 19;(n)the procedure and the manner for determination of compensation to be paid to or recovered from any person under this Act;(o)the circumstances and the matters which shall be taken into consideration in distributing the cost of consolidation. including the proportion in which the distribution may be made;(p)the matters relating to the mode of service of notice or documents under this Act ;(q)the procedure to be followed in all proceedings including applications and appeals under this Act ;(r)the duties of any officer, or authority having jurisdiction under this Act and the procedure to be followed by such officer and authority;(s)the time within which applications and appeals may be presented under this Act in cases for which no specific provision in that behalf has been made herein;(t)imposing limits of time within which things to be done for the purposes of the rules must be done, with or without powers to any authority therein specified to extend limits imposed;(u)the transfer of proceedings from one authority or officer to another; and(v)any other matter which is to be or may be prescribed.(3)All rules made under this section shall, as soon as may, after they are made, be laid before each House of the State Legislature, while it is in session, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modification or annulments as the two Houses of the Legislature may, during the said period agree to make so, however, that any such modification or annulment shall be without prejudice to the validity of

anything previously done thereunder.