

No. 356/XXXVI(3)/2023/53(1)/2023
 Dated Dehradun, October 16, 2023

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand (The Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Amendment) Act, 2023' (Act No. 19 of 2023).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 7th October, 2023.

The Uttarakhand (The Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Amendment) Act, 2023
 (Uttarakhand Act No. 19 of 2023)

An

Act

Further to amend in the Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Act No. 1 of 1951) (Adaptation and Modification Order, 2001) in the context of the State of Uttarakhand,

Be it enacted by Uttarakhand State Legislative Assembly in the Seventy fourth year of the Republic of India as follows:-

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| Short
Extent
and
commencement | Title, I.
and | (1) | This Act may be called the Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Amendment) Act, 2023. |
| | | (2) | It shall extend to the whole of the State of Uttarakhand except the areas included and to be included from time to time in any Municipal Corporation, Nagar Panchayat, Nagar Parishad and Cantonment Board limits. |

(3) It shall come into force at once.

Amendment of 2.
section 154

In section 154 of the Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Act No. 1 of 1951) (Adaptation and Modification Order, 2001), in sub-section (4).-

(i) After para (vi) of sub clause (a) of clause (3), a new para shall be inserted as follows, namely:-

“(vii) For the establishment of affordable residential buildings in accordance with the Pradhan Mantri Awas Yojana, and the housing policy of the Government of India/State Government and sports training academy and stadium etc. as per the policy of sports department.”

(ii) Sub clause (b) of clause (3) shall be substituted as follows, namely :-

“(b) A person, society or company may purchase land with prior sanction of the Collector of the district for Agricultural or Horticultural purposes. as may be prescribed, on furnishing an affidavit to the effect that such land shall be used for Agricultural or Horticultural purposes and for uses incidental to and connected with Agriculture or Horticulture only. If the land use of such land as mentioned in the Affidavit is changed, the said transfer shall be void and consequences of section 167 shall apply:

Provided that a person who is a non-tenure holder but purchases land either without approval under section 154(4)(1)(a), 154(4)(2)(e) and 154(4)(2)(f) or under the sanction granted under section 154(4)(3) shall, irrespective of such purchase of land, continue to be a bhumidhar of special category as provided under section 129-B and such bhumidhar shall be eligible to purchase land in future only with the permission. of the State Government or collector of the district as the case may be:

Provided further that such bhumidhar may mortgage or hypothecate such land for obtaining loan from banks and financial institutions and deriving any other benefit accruing from his bhumidhari rights under section 129:

Provided also that if such land holder is unable to pay the loan taken from the bank or financial institutions and such land is auctioned/sold for repayment of the loan by the said bank or financial institution, while taking action under the 'Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002' (SARFAESI Act) or its prevailing Act, i.e. for the same purpose for which such land was purchased, then the receiver/buyer of such land received by the auction shall not be required to obtain land purchase permission separately.

Provided further also that a non-tenure holder who has purchased land without permission under section 154(4)(2)(e), 154(4)(2)(f) and who has purchased land under section 154(4)(3) under the sanction of Government or Collector, as the case may be, shall put land to such use for which the sanction has been granted within a period of three years or further such period as may be allowed by the State Government for reasons to be recorded in writing, to be counted from the date of registration of sale deed. If he fails to do so or diverts the use of the land for which it was sanctioned or transfers the land by way of sale, gift or otherwise except for the purpose for which it was purchased, such transfer shall be void for the purpose of this Act, and consequences of section 167 shall apply."

By Order,

SHAHANSHAH MUHAMMAD DILBER DANISH,

Secretary,

Statement of objectives and Reasons

Under the public welfare concept to provide, the people of the State the benefits of affordable residential buildings according to the Pradhan Mantri Awas Yojana and the housing policy of the Government of India /State Government, and for the purpose of encouraging sports activities in the State, according to the policy of the sports department, it is proposed to amend section 154 of the Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) to include purchase of land for the establishment of sports training academy, stadium etc. in the purposes mentioned in the Act.

2- The proposed bill fulfills the said objectives.

Pushkar Singh Dhami
Chief Minister.