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STREAM NAME	Law
FACULTY NAME	Law
DEPARTMENT NAME -	Law
SUBJECT NAME	Land Law
COURSE	BALLB / LL.B
COURSE DURATION	5 year, 7 th sem/ 5 th sem
SUBTOPIC NAME	Special features & object of U.P.Z.A and L.R Act
CONTENT TYPE	Text
SEARCH KEYWORD	Special features & object of U.P.Z.A and L.R Act
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BA.LL.B/ LL.B – 313: Land Law (UP Land Revenue Act and ZA and LR Act)

Course Objective

The Objective of this paper is to provide understanding of basic concepts of Indian Constitution and various organs created by the Constitution and their functions.

Unit	CONTENTS	CONTACT HRS
1	<ul style="list-style-type: none">• Special features & Object of U.P.Z.A and L.R.Act,• Definitions• Acquisitions of Interest of Intermediaries & its Consequences Gram Sabha, Gram• Panchayat and Land Management Committee	10

What are the objects and reasons of the UPZA and LR Act 1950?

The UPZA is an act which provides the abolition of Zamindari system. Zamindari was a system in which the Zamindars are basically a middle man between the Britishers and farmers. Zamindars were treated as a class. The Zamindars were given a duty to collect the rents but when there is duty there is also a corresponding right.

Since they had a duty to collect the rents and so they also had a right to collect it in whichever manner they like. This right was generally abused by the Zamindars and they were torturing the miserable class, called as farmer. So to curtail this the UPZA was passed to take care of the situation.

Objects and reason of UPZA

The objects and reasons can be discussed as follows-

Preamble.

Preamble has carved out the main reason of the act. The objects of the Zamindari abolition act are as follows-

1. This act actually abolishes the Zamindari system and intermediaries.
2. To acquire the rights, title and interest.
3. To reform the tenure holding system in the state.
4. Any matter connected therewith.

The statements and objections were published in the UP gazette on 10th Jun 1949.

Apart from these reasons there were other reasons and there were also various objectives of this act. The objectives are as follows –

1. To develop village republic.
2. Prohibition of letting and sub – letting
3. To prevent the creation of uneconomic holdings and prohibition on accumulation of large holdings.
4. To vest the land of common utility into Gram Sabha and with wide powers of land management.

5. There were various other motivating factors which led to the creation of this Act. For example First it was necessary to increase the productivity in agriculture. Under the Zamindari abolition the peasants and farmers were not recognised as owners since they were not the owners, they did not have any interest in increasing the fertility of the land and also they can be thrown out any time so they really took no interest in development of the land.
6. Every body must work.
7. The landlordism was British evil. The Zamindari was created by the Britishers and now since Britishers have left, there was no reason to keep the system made by them.
8. The Zamindari was uneconomical to the State.
9. The Zamindars had betrayed the trust posed on them.
10. The continuance of the Zamindari would have let to the bloody revolution.

Salient features of the Uttar Pradesh Zamindari Abolition and land reforms Act 1950.

Introduction

The U P Zamindari Abolition and Land Reforms Act, 1950 was passed with view to abolish the British creation Zamindari System. The 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.

The U P Zamindari Abolition & land reforms Act, 1950 (in short UPZA) came into force on January 26, 1951.

The UPZA has been divided into two parts. Part one consists with chapters 1 to 6. Part two consists with chapters 6 to 12. There are total 12 chapters, Seven Schedule and 344 sections.

Salient features of the Act.

1 Salient features of the Act.

2 Abolition of Zamindari System

- 3 Payment of compensation.
- 4 Payment of Rehabilitation Grant.
- 5 Cultivating rights maintained.
- 6 Land – tenure system simplified.
- 7 Prohibition of letting and sub-letting of land. [154,156,157,165, 167]
- 8 Prohibition for the accumulation of land. [154,166,167, 156, 157,165]
- 9 Land of common utility.
- 10 Development of village republic.
- 11 Uniform rule of succession.
- 12 Prohibition on uneconomic holdings.
- 13 Provisions for Co-operative farming.
- 14 Wells, trees and buildings settled with the existing owners.
- 14.1 Share it

The salient features of the U P Z A & L R Act,1950 are as follows –

Abolition of Zamindari System

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, 1952. 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.(which is called date of vesting).

Payment of compensation.

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.² The Act provides compensation to every intermediary, whether he is bigger or smaller, natural person or artificial person or main Zamindar or his Thekadar.

Payment of Rehabilitation Grant.

The Zamindars paying annual land revenue up to Rs. 10000 are entitled to get rehabilitation grant along with Compensation. In other words intermediary paying land revenue more than Rs. 10000 are not entitled to Rehabilitation Grants.(except waqf,trust or endowments). 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.

Cultivating rights maintained.

The UPZA is based the following principle -" He who cultivates the land , he should be owner of the land."This principle is fully applied in the Act. 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,1950 there were fourteen variety of land tenures. The UPZA substituted and classified them into three categories⁴ which are as follows -a. Bhumidhar with transferable rights.(sec 130)b. Bhumidhar with non transferable rights (131,131B)c. Assami. (133)A fourth class of tenure was also created for short times called Adhiwasi. In October, 1954 all Adhiwasi were made Sirdar. So at present there are 3 types of tenure holders.

Prohibition of letting and sub-letting of land. [154,156,157,165, 167]

The Act prohibits letting and sub – letting in order that Zamindari system may not spread again.Section 154 prohibits the tenure holders not to let out the whole or part of their

holdings for any period. If tenure holders lets his land his right shall come to an end. (Section 165 & 167). However section 157 provides certain grounds on which, the persons who are unable to cultivate may let out the the holdings.

Prohibition for the accumulation of land.

[154,166,167, 156, 157,165]

The UPZA prohibits accumulation of land. Section 154 provides that from the commencement of this Act no tenure holder with his or her spouse and minor children can acquire by purchase or gift land the result of which he becomes the owner of sum aggregate 12½ Acre land. The violation of this mandate will render transfer void as per section 166 and consequences of void transfer have been given under section 167. Section 154(3) which has been inserted in 2005, is an exception to the above mandate. According to this clause with the previous approval of State Government any one can cross this limit. If he does so without previous consent of State Government then in such a situation he will be responsible to pay 25% of the valuation of excess land. But the second proviso of section 154(3), inserted by amendment of 2006, 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. Section 117 deals with land of common utility and ejectment of trespasser from the land of public utility has been given under sections 212 & 212-A.

Development of village republic.

Prior to the enforcement of the UPZA there were two institutions Gaon Sabha and Gram Panchayat constituted under U.P. Panchayati Raj Act, 1947. The UPZA established two more institutions namely Gaon Samaj and Land Management Committee. All the estates vested in the State Government later on vested in Gaon Samaj (now Gaon Sabha) and it was to be managed by Land Management Committee. 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.

[171 to 175, 143, 169] Before the commencement of UPZA the law of succession was not clear and it was applicable according to the personal laws of tenure holders. Under UPZA law of succession has been made universal for all the tenure holders irrespective of their religion. The law of succession has been given under sections 171 to 175 of this Act. There are two situations in the Act which can disturb the universal rule of succession; these are – Declaration under section 143 and Execution of will under section 169.

Prohibition on uneconomic holdings.

The UPZA prohibits the Court from dividing the holdings the area of which is $3\frac{1}{8}$ acres. Whenever the court finds that the subject matter of division is not more than $3\frac{1}{8}$ acres, the court instead of dividing the land, directs the land to be sold and distributes the sale proceeds in accordance with their respective shares. By the amendment on 23-08-2004 this restriction has been removed. The restriction imposed by section 168-A has now been repealed. It means any tenure holder having agriculture holdings up to the area of $3\frac{1}{8}$ acre may sell the part of it.

Provisions for Co-operative farming.

In order to encourage Co-operative farming under UPZA the concept of co-operative farming has been adopted. Sections 295 to 318 are related with co-operative farming. But now these provisions have been repealed by section 134(3) of The Co-operative Societies Act, 1965. Section 134(4) of this Act provides that all references relating to co-operative farming contained in UPZA shall be construed as reference to The Co-operative Societies Act, 1965. The result of sections 134(3) and 134(4) is that the provisions relating to co-operative farming have been taken out from UPZA and contained in The Co-operative Societies Act, 1965.

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.

References

1. awatoz.com/what-are-the-objects-and-reasons-of-the-upza-and-lr-act-1950/
2. <https://www.lawatoz.com/salient-features-of-the-uttar-pradesh-zamindari-abolition-and-land-reforms-act-1950/>