

# Delhi Land Reforms Act, 1954

Compiled & Edited by:



**Centre for Urban Research**

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**Preamble.-**

(Act No. 8 of 1954)

20th July, 1954

An Act to provide for modification of zamindari system so as to create an uniform body of peasant proprietors without intermediaries, for the unification of the Punjab and Agra systems of tenancy laws in force in the State of Delhi and to make provision for other matters connected therewith.

**CHAPTER I: PARAMILITARY**

**1. Short title extent and commencement.-**

- 1) This Act may be called the Delhi Land reforms Act 1954.
- 2) It extends to the whole of the Union territory of Delhi, but shall not apply to
  - a) The areas which are or may before the first day of November, 1956 be included in a Municipality or a Notified Area under the provisions of the Punjab Municipal Act, 1911, or a Cantonment under the provisions of the Cantonments Act, 1924,
  - b) Areas included in any estate owned by the Central Government or any local authority, and
  - c) Areas held and occupied for public purpose or a work of public utility and declared as such by the Chief Commissioner or acquired under the Land Acquisition Act. 1894, or any other enactment other than this Act, relating to acquisition of land for a public purpose.
- 3) It shall come into force at once.

- 4) The declaration of the Chief Commissioner under clause (c) of sub-section (2) shall be conclusive evidence that the land is held and occupied for a public purpose or a work of public utility.

## 2. Repeal.-

- 1) The following Act, in so far as they apply to areas to which this Act extends, are hereby repealed:
  - i. The Punjab tenancy Act, 1887, as modified by Punjab Act No. 9 of 1939.
  - ii. The Agra Tenancy Act 1901
  - iii. The Punjab Tenants (Security of Tenure) Act, 1950,
  - iv. The Punjab Land Revenue Act, 1887, in so far as its provisions are inconsistent with this Act,
  - v. The U.P Land Revenue Act, 1901, in so far as its provisions are inconsistent with this Act, and
  - vi. So much of any other law or of any rule having the force of law for the time being in force as is inconsistent with the provisions of this Act.
- 2) Notwithstanding such repeal, anything done or action taken in exercise of any power conferred by or under any of the Acts aforesaid, to the extent of its being consistent with the provisions of this Act, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken.

**3. Definitions.-** In this Act, unless the context otherwise requires,-

- 1) "Agricultural year" or "fasli year" means the year commencing on the 1st day of July and ending on the 30th day of June.
- 2) All words and expressions used to denote the possessor of any right, title or interest in land, whether the same be proprietary or otherwise, shall be deemed to include the predecessors and successors in right, title or interest of such possessor;
- 3) "Charitable purpose" include relief of the poor, education, medical relief or the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or worship;
- 4) "Decree" has the meaning assigned to it in the Code of Civil Procedure, 1908;
- 5) "Delhi town" means the areas which immediately before the establishment of the Municipal Corporation of Delhi were included in the limits of Delhi Municipality, Civil Station Notified Area, West Delhi Municipality and the Fort Notified Area;
- 6) "Deputy Commissioner" includes—
  - i. A Collector;
  - ii. An Additional Collector;
  - iii. A Revenue Assistant empowered by the Chief Commissioner by notification in the Official Gazette to discharge all or any of the functions of a Deputy Commissioner under this Act; and

iv. An Assistant Collector of the first grade or class empowered as aforesaid;

7) "Economic holding" is a holding which is not an un-economic holding;

8) "Estate" means the area included under one entry in any of the registers prepared and maintained in any of the registers prepared and maintained under clause (a), (b), (c) or (d) of section 31 of the Punjab Land revenue Act, 1887, or section 32 of the U.P. Land Revenue Act, 1901, and includes share in or of an estate;

9) "Gaon sabha area fund" means the fund of the gaon sabha area constituted or established under section 150 of this Act;

10) "Gaon sabha" and "gaon panchayat" mean the gaon sabha and the gaon panchayat established under section 150 and 151 respectively of this Act;

11) "Gaon sabha area" means the gaon sabha area constituted under section 150 of this Act;

(11a) "Holding" means—

a) In respect of—

i. Bhumidar or Asami; or

ii. Tenant or sub-tenant under the Punjab Tenancy Act, 1887, or the Agra tenancy Act, 1901; or

iii. Lessee under the Bhoodan Yagna Act, 1955, a parcel or parcels of land held under one tenure, lease, engagement or grant; and

b) In respect of proprietors, a parcel or parcels of land held as sir or khud-kasht".

12) "Improvement " means with reference to a holding—

i. A dwelling house erected on the holding by the tenure- holder for his own occupation or any other constructions erected or set up by him on the holding for purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming;

ii. Any work which adds materially to the value of the holding and is consistent with the purpose aforesaid, which if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it; and subject to the foregoing provisions of this clause, includes—

a) The construction of wells, water channels and other works for the supply or distribution of water for the purposes aforesaid;

b) The construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage by water;

c) The reclaiming, clearing, enclosing, leveling or terracing of land;

d) The erection in the immediate vicinity of the holding otherwise than on the village site, of buildings required for the convenient or profitable use or occupation of the holding;

e) The construction of tanks or other works for the storage of water for purposes aforesaid;

f) The planting of trees and groves on the holding;

g) The renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto, as are not of the nature of mere repairs:

**Provide that** such water channels, embankments, enclosures, temporary wells, or other works as are made by a tenure- holder in the ordinary course of his requirements for purposes aforesaid , shall not be deemed to be improvements;

(12A) "khud-kasht" means land (other than Sir) cultivated by a proprietor either by himself or by servants or by hired labour, --

a) At the commencement of this Act, or

b) At any time during the period of five years immediately before the commencement of this Act, whether or not it was so cultivated at such commencement, provided that it has not at any time after having been so cultivate, been let out to a tenant;

13) "Land" except in sections 23 and 24, means land held or occupied for purpose connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming and includes—

a) Buildings appurtenant thereto,

b) Village abadis,

c) Grovelands,

- d) Lands for village pasture or land covered by water and used for growing singharas and other produce or land in the bed of a river and used for casual or occasional cultivation, but does not include - land occupied by building in belts or areas adjacent to Delhi town, which the Chief commissioner may by a notification in the official Gazette declare as an acquisition thereto ;
- 14) "Legal representative" has the meaning assigned to it in the Code of Civil Procedure 1908;
- 15) "New Delhi town" means the areas included in the limits of the New Delhi Municipality and Cantonment:
- 16) "Prescribed" means as prescribed by rules made under this Act;
- 17) "Proprietor" means as respects an estate a person owing, whether in trust or for his own benefit the estate and includes the heirs and successors – in – interest of proprietor;
- 18) "Proprietor's grove" means grove- land held or occupied by a proprietor as such;
- 19) "Religious purpose" includes a purpose connected with religious worship, teaching or service or with the performance of religious rites;
- (19A) "Revenue Assistant" includes any Assistant Collector of the first grade or class empowered by the Chief Commissioner to perform all or any of the function of a Revenue Assistant under this Act;
- 20) "Standard acre" means a measure of area convertible into ordinary acres of any class of land according to the prescribed scale with reference to the quantity of yield and quality of soil;
- 21) "State" means the Union territory of Delhi;

- 22) "Uneconomic holding" means a holding of less than eight standard acres which, according to local conditions, is not sufficient to maintain a family unit consisting of a person, his minor children, his wife or her husband, as the case may be, and if the person himself is a minor, his father and mother;
- 23) "Village" means any local area whether compact or otherwise recorded as a village in the revenue records of the Delhi State and includes any area which the Chief commissioner may, by a general or special order published in the official Gazette, declare to be a village;
- 24) Words and expressions, grove, grove-holder, rent, cess, Sir, rent-free grantee, landholder, exproprietary tenant, occupancy tenant, non-occupancy tenant, sub-tenant, and crops or any other expressions, not defined in this Act and used in the Agra Tenancy Act, 1901, or the Punjab Tenancy Act, 1887, shall have the meaning assigned to them in the Agra Tenancy Act, 1901, or the Punjab Tenancy Act, 1887, according as the context refers to the Shahdara or the remaining circles;
- 25) Words and expressions, land revenue, and Tahsildar, not defined in this Act and used in the U.P. Land Revenue Act, 1901, or the Punjab Revenue Act, 1887, shall have the meaning assigned to them in those Acts, as the case may be.

## **CHAPTER r IIA: TENURES**

### **4. Classes of tenure and sub-tenure.-**

- 1) There shall be, for the purpose of this Act, only one class of tenure-holder, that is to say, 'Bhumidar' and one class of sub-tenure, that is to say, 'Asami'

- 2) Tenure holder means a person who holds land directly under and is liable to pay land revenue for that land to the State, and sub-tenure holder is a person who holds land from a tenure-holder or Gaon Sabha and is liable to pay rent there for to the tenure-holder or Gaon Sabha;

**Provided that** land given in exchange to a tenure holder or a sub tenure holder, as a result of consolidation of holdings, shall for the purposes of this Act be deemed to be land originally held by the tenure holder or the sub tenure holder as the case may be.

**5. Bhumidar.-** Every person belonging to any of the following classes shall be a Bhumidhar and shall have all the rights and be subject to all the liabilities conferred or imposed upon a Bhumidhar by or under this Act, namely:

- a) A proprietor holding Sir or Khudkasht land a proprietor's grove holder , an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, paying rent at revenue rates or a person holding land under Patta Dawami, or Istamrari with rights of transfer by sale , who are declared Bhumidhars on the commencement of this Act;
- b) Every class of tenants other than those referred to in clause (a) and sub-tenants who are declared Bhumidhars on the commencement of this Act; or
- c) Every person who, after the commencement of this Act, is admitted to land as Bhumidhar or who acquires Bhumidhar in rights under any provisions of this Act.

**6. Asami.-** Every person belonging to any of the following classes shall be an Asami and shall have all the rights and be subject to all the liabilities conferred or imposed upon an Asami by or under this Act, namely—

- a) Every person who, in the agricultural year immediately before the commencement of this Act, occupied or held land—
  - i. As a non- occupancy tenant of proprietor's grove;

- ii. As a sub-tenant of tenant 's grove;
  
- iii. As a non-occupancy tenant of pasture land, or of land covered by water and used for the purpose of growing singharas and other produce or land in the bed of a river and used for casual or occasional cultivation;
  
- b) Every person who, in accordance with the provisions of section 36, or section 64A, becomes a lessee of land comprised in the tenure of a Bhumidhar referred to in that section;
  
- c) Every person who is admitted as a lessee of land referred to in sub-clause (iii) of clause (a) by the Gaon Sabha or a person authorized to do so under the provisions of this Act;
  
- d) Every person who is a tenant of Sir or a sub-tenant of an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, or of a Pattadar Dawami or Istamrari, with right of transfer by sale, who belongs to any of the categories of persons referred to in sub section (2) of section 10, and every person who is a sub-tenant of tenants referred to in clauses (a) , (b) and (c) of sub-section (1) of section 12 to whom the provision of sub-section (2) of section 10 applies; and
  
- e) Every person who acquires the rights of an Asami under any other provisions of this Act.

**7. Rights of proprietors in wastelands, pasture lands or lands of common utility etc. to vest in Gaon Sabha and compensation to be paid for them.-**

- 1) All rights of an individual proprietor or proprietors pertaining to waste lands, grazing or collection of forest produce from forest or fish from fisheries lands of common utility, such as customary common pasture lands, cremation or burial grounds, abadi sites pathways, public wells, tanks and water channels, or Khalihans, whether covered by an existing contract between such proprietor or proprietors and any other person or not, shall with effect from the commencement of this Act be terminated in accordance with the provision of sub-section (2)

and the said contracts, if any, shall become void with effect from such commencement:

Provided that where such land was as a result of consolidation of holdings made available for use for any purposes other than those referred to in this sub-section, land kept aside in exchange thereof, as a result of such consolidation, shall for the purposes of this Act be deemed to be land originally meant for purposes referred to in this sub section.

**Explanation** - For the purposes of this sub-section-

- i. "Waste land" shall include cultivable and uncultivable waste area of the village including any land in the bed of a river occupied or held by an Asami referred to in section 6 (a) (iii) of the Act except the uncultivated areas—
    - a) Included in the holdings of such proprietor or proprietors, or
    - b) Used for purposes other than those mentioned in clause (13) of section 3, at any time before the 28th day of October, 1956, or
    - c) Acquired by a bona fide purchaser for value at any time before the 28th day of October, 1956, for purpose other than those mentioned in clause (13) of section 3.
  - ii. "Lands of common utility" shall include such lands as are recorded as such at the last settlement or have been or would have been customarily recorded as such on 1st July, 1950.
- 2) On the commencement of this Act, the Deputy Commissioner shall pass an order in respect of the proprietor or proprietors of each village either singly or collectively divesting the individual proprietor or proprietors of the rights mentioned in sub- section (1) and vesting those rights in the Goan Sabha or in any person or authority appointed by the Chief Commissioner under section 161 with effect from the commencement of this Act and stating that a compensation equal in value to four times the amount of annual land revenue assessed at the last settlement for the cultivable and uncultivable waste area of the village shall be paid by the government to the proprietor or proprietors concerned.

If no such assessment of land revenue was made at the last settlement the rate of land revenue applied at the last settlement for similar areas in any other village in the same assessment circle shall be taken

to be the rate of land revenue applicable to such areas or failing this the rate of land revenue applicable to such areas shall be computed at 75 per cent of the land revenue assessed on the lowest class of soil in the village.

- 3) The amount of compensation shall be calculated separately for each village for the respective proprietor or proprietors in accordance with rules made under this Act and payments thereof shall be made in such number of annual installments, not exceeding four, as the Chief Commissioner may determine, the first of which shall be paid
  - a) In any case where such calculation has been made before the date on which the Delhi Land Reforms (Amendment) Act, 1959, receives the assent of the President, on the first day of fasli year next following such date; and
  - b) In any other case, on the first day of the fasli year next following the date of such calculation.
- 4) Where the amount of compensation is not paid by the due date specified in sub-section (3), such amount shall be paid with interest thereon at the rate of 21/2 percent. Per annum from the said date until payment.

#### **8. Private wells, trees in abadi and buildings.-**

- 1) All private wells in or outside holdings, all tanks, groves and all buildings situate within the limits of an estate belonging to or held by a proprietor tenant or other person, whether residing in the village or not, shall continue to belong to or be held by such proprietor, tenant or person, as the case may be, on such terms and conditions as may be prescribed by the Chief Commissioner.
- 2) Trees planted by a person other than a proprietor of land other than land comprised in his holding shall continue to belong to or be held by such person on such terms and conditions as may be prescribed by the Chief Commissioner.

**9. Power to make rules.-** The Chief Commissioner may make rules for the purpose of carrying into effect the provisions of this chapter.

**10. Tenants of Sir and sub-tenants of occupancy tenants under section 5 of the Punjab Tenancy Act, 1887, and sub tenants of Tenants holding land with Patta Dawami or Istamrari and having right of right of transfer by sale.-**

- 1) Every tenant of Sir and sub-tenant of an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, or sub-tenant of a tenant holding land under a Patta Dawami or Istamrari, with right of transfer by sale, who in the fasli year immediately before the commencement of this Act, is recorded as a tenant of Sir or as a sub-tenant, shall be deemed to be a non occupancy tenant of land held by him at the rate of rent payable by him in the said year and the land held by such tenant and sub-tenant shall not for the purposes of section 11 be available to the Sir-holder, occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, or to the Pattadar Dawami or Istamrari for acquisition to Bhumidhari rights.
  
- 2) Nothing in sub-section (1) shall apply to a tenant of Sir or a sub-tenant of occupancy tenant under section 5 of the Punjab Tenancy Act or of the said Pattadar, if his land holder belongs to any of the following categories of persons—
  - i. A women,
  
  - ii. A minor,
  
  - iii. A lunatic,
  
  - iv. An idiot,
  
  - v. A person incapable of cultivation by reason of blindness or physical infirmity, or
  
  - vi. A person under detention or imprisonment, on the commencement of this Act:

**Provided that** where a holding is held jointly by several landholders of whom one or more but not all are persons belonging to any of the above categories, nothing in sub-section (1) shall apply to the share of these persons in the holding and such share shall be available for the acquisition of Bhumidhari rights by these persons.

**11. Declaration of Bhumidari rights in favour of proprietors and superior class of tenants, compensation and land revenue.-**

- 1) Subject to the provisions of section 10, the Deputy Commissioner shall declare as Bhumidhars persons holding the following lands, namely: --
  - a) Khudkasht land or a proprietor's grove in the tracts to which the Punjab tenancy Act, 1887, was applicable or Sir land or khudkasht land or a proprietor's grove in the tracts to which the Agra Tenancy Act, 1901, was applicable;
  - b) Land held by occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, with right of transfer by sale; and
  - c) Land held under Patta Dawami or Istamrari by tenants with right of transfer by sale.
- 2) For the purposes of sub-section (1), the Deputy Commissioner shall take into consideration the entries in the revenue records which shall be presumed to be correct unless the contrary is proved:

**Provided that** where land held as khudkasht by a proprietor belonging to any of the categories of persons referred to in sub-section (2) of section 10 has been before the commencement of this Act, let out to another person by or on behalf of such proprietor within six months of the commencement of this Act and after giving an opportunity to the tenant of being heard, shall declare such land to be the proprietor's KhudKasht for purposes of this section.

- 3) While making a declaration under clauses (b) and (c) of sub-section (1), the deputy Commissioner shall order the occupancy tenant or the Pattadar to deposit in Government Treasury an amount equal to four times the land revenue as ascertained in sub-section (4) for the area of which he is declared as Bhumidhar as compensation thereof . If he fails to deposit

the amount within six months of the date of declaration, the same shall be realized as arrears of land revenue. The amount deposited or so realized shall be disbursed to the proprietor under the order of the Revenue Assistant.

- 4) Every person, who is declared as Bhumidhar under this section, shall, with effect from the commencement of this Act, be liable to pay to the Government for land, held by him as such, on account of land revenue, an amount which shall proportionately correspond to the land revenue payable immediately before the commencement of this Act for the area in respect of which he is declared Bhumidhar, with due regard to the class of soil comprised therein, together with the cesses and local rates.

## **12. Sub- tenants of occupancy ex-proprietary tenants, etc.-**

- 1) Every sub tenant -
  - a) Of an occupancy tenant other than an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, or
  - b) Of an ex-proprietary tenant, or of a non – occupancy tenant of over twelve years or less, or of a rent free grantee or a grantee at a favorable rate of rent or
  - c) Of a tenant holding land under a Patta Dawami or Istamrari but without right of transfer by sale, Who is recorded as such in the fasli year, before the commencement of this Act, shall be deemed to be a non- occupancy tenant of the land held by him and such land, for the purposes of section 13, shall not be available to the occupancy tenant, ex-proprietary tenant non-occupancy tenant, rent free grantee or a grantee at rate of rent or Pattadar for acquisition of Bhumidhari rights.
- 2) The provisions of sub-section (2) of section 10 shall apply, mutatis mutandis, to this section.

### 13. Bhumidhari rights in other cases.-

- 1) On the commencement of this Act, the Deputy Commissioner shall also declare the following classes of tenants as Bhumidhars, who shall, with effect from the same date, have all the rights and be subject to all the liabilities conferred or imposed upon Bhumidhars under this Act, namely: --
  - a) A rent free grantee or a grantee at favorable rate of rent;
  - b) An ex-proprietary tenant in Shahdara Circle;
  - c) An occupancy tenant except those under section 5 of the Punjab Tenancy Act,1887;
  - d) A non-occupancy tenant, who pays rent at revenue rates with or without Malikana;
  - e) A tenant of Sir or a sub-tenant declared as non- occupancy tenant under section 10 or 12;
  - f) A tenant of or over twelve years in Shahdara Circle and a non occupancy tenant in any part of the Union territory of Delhi other than a non- occupancy tenant referred to in clause (d);
  - g) A tenant grove holder; and
  - h) S holder of Patta Dawami or Istamrari without any right to sell.
- 2) Every person who, after the commencement of this Act, is admitted to land as Bhumidhar or who acquires Bhumidhari rights under any provisions of this Act, shall have all the rights and be subject to all the liabilities conferred or imposed upon Bhumidhars under this Act with effect from the date of admission or acquisition, as the case may be.

#### 14. Compensation and land revenue payable by Bhumidhars declared as such under section 13.-

- 1) Every person, declared as Bhumidhar under sub- section (1) of section 13, shall with effect from the commencement of this Act, cease to pay rent of the land in respect of this Act, cease to pay rent of the land in respect of which the declaration has been made to the proprietor or the landholder, as the case may be.
- 2) Every such person, other than a sub- tenant deemed to be a non- occupancy tenant under section 10 or 12, shall
  - a) Be liable for payment of such amount on account of land revenue for the holding or his share therein, as the case may be, as shall be one half of the amount of rent payable by him in the fasli year immediately preceding the commencement of this Act together with cesses and local rates of the area of which he is declared Bhumidhar from the commencement of this Act;

**Provided that** where half the amount of rent payable or deemed to be payable by him in the fasli year immediately preceding the commencement of this Act is less than the actual amount of land revenue payable immediately before the commencement of this Act for the holding or his share therein, the land revenue shall be the said actual amount of land revenue, and where the said half the amount of rent is greater than twice the actual amount of land revenue payable immediately before the commencement of this Act, the land revenue shall be twice the said actual amount of land revenue,

- b) Be liable to pay as compensation in the Government Treasury to the credit of the proprietor concerned an amount which shall in the case of tenants with permanent and heritable rights, i.e., in the case of tenants under clauses (b)m (c) and (h) of sub-section (1) of section 13 , be eight times the amount of land revenue so determined and in the case of non- occupancy tenants, i.e., tenants, of Sir or tenants under clauses (a), (d), (f) and (g) of sub section (1) of section 13, be sixteen times the land revenue so determined.
- 3) Every such person, being a sub-tenant who is declared as Bhumidhar under clause (e) of sub-section (1) of section 13 shall ---
  - a) Be liable for payment of such amount on account of land revenue for the holding or his share therein as is determined on the same principle as laid down in clause (a) of sub-section (2).

- b) And be liable to pay as compensation an amount equal to 20 times the land revenue so determined under clause (a) which shall be distributed between his immediate landholder and the proprietor in accordance with the following scale: --

Tenants with a right of transfer, i.e. tenants holding land under clauses (b) & (c) of sub-section (1) of section 11. Occupancy tenants with permanent and heritable rights, i.e., tenants under clauses (b), (c) (h) of sub-section (1) of section 13. Non-occupancy tenants, i.e., tenants of Sir and tenants under clauses (a) (d), (f) and (g) of sub-section (1) of section 13.

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- 4) The tenant or sub tenant declared as Bhumidhar under section 13 shall pay the compensation either in one lump sum within six months of his declaration, or if he does not elect to pay the compensation in one lump sum, in ten annual equal installments together with interest at such rate as may be prescribed, beginning from the commencement of this Act.
- 5) In the case of default in the payment on the date fixed of any installment under sub-section (4), the amount shall be recovered as arrear of land revenue.
- 6) If during the period of installment the land revenue is postponed, suspended or remitted for reasons of agricultural calamity in the area concerned, the payment of compensation shall also be postponed or suspended but in the case of remission of land revenue, the payment of compensation shall not be remitted but recovered in subsequent installments to be fixed by the Deputy Commissioner.
- 7) The Revenue Assistant shall annually disburse the installment of the compensation paid by the Bhumidhar under sub-section (4) or direct the payment of the amount deposited as

compensation by the Bhumidar in one lumpsum under sub section (2) or (3) of this section to the proprietor or to the proprietor and landholder or their successor- in – interest, as the case may be, in accordance with the rules on the subject. The annual disbursements made to a proprietor and landholder in cases under sub section (3) , where payments are made by installments, shall be in the same proportion as the total compensations payable to them bear to each other,

- 8) In this section the expression "rent deemed to be payable" means—
- i. Where the rent is paid in kind, or is based on an estimate or appraisal of standing crops or on rates varying with the crops sown or partly in one of such ways and partly in another or other of such ways, the rent shall be deemed to be an amount, which the average value of the landlord's share of the crops grown in the preceding five years, subject to such rules as may be prescribed and
  - ii. Where there was no rent payable or fixed for the holding or area concerned or part thereof, or where it was held rent-free or at favorable rate of rent, the rent for the said area shall be calculated at the prevailing village rate of rent.
  - iii. Where it is not possible to ascertain the crops grown in the preceding five years, the rent shall be calculated at the prevailing village rate of rent.
- 9) Every person, who, after the commencement of this Act, is admitted to land as Bhumidhar or who acquired Bhumidhari rights under any provisions of this Act, shall pay the same amount of land revenue as was payable for the land immediately before his admission to or acquisition of Bhumidhari rights in the land, together with cesses and local rates:

**Provided that** if the last Bhumidhar, he has replaced was to pay compensation, he shall resume and complete the payments in the same manner:

**Provided further that** in any other case, i.e., where the last Bhumidhar had already paid up the total amount of compensation to the proprietor, he shall not be called upon to pay any compensation.

## CHAPTER IIIB: GENERAL CONSEQUENCES OF THE TERMINATION OF INTERMEDIARIES RIGHTS

### 15. Estate in possession of a mortgagee with possession.-

- 1) A mortgagee in possession of an estate or share therein shall cease to have any right in such estate or share, if the proprietor mortgagor deposits the mortgage money together with interest thereon in Government Treasury and applies for redemption of the mortgage in the proper court, within a period of nine months from the commencement of this Act.
- 2) If the proprietor mortgagor deposits the amount and applies for redemption as provided in sub section (1), he shall be declared as Bhumidhar in respect of the mortgaged area which was under the personal cultivation of the mortgagee on the date of such application for redemption, and if any part of the mortgaged area was on the said date let out to a tenant , such tenant shall be declared as Bhumidhar in respect of the area that was so let out to him.
- 3) Where the proprietor mortgagor fails to take action under sub section (1) within the time specified therein, the mortgagee of the area mortgaged with possession, shall be declared as the Bhumidhar of so much of the area mortgaged as is under the personal cultivation of the mortgagee.
- 4) Where the area mortgaged or part thereof is let out to tenants, the mortgagee shall be declared as the Bhumidhar of the part under his personal cultivation and the tenants shall be declared as Bhumidhars of their respective areas let out to them.
- 5) Subject to section 11 or 13 the provisions of sub section (1) to (4) shall apply mutatis mutandis to mortgagees with possession where the mortgagors were---
  - a) Occupancy tenants under section 5 of the Punjab Tenancy Act, 1887,

- b) Tenants holding land on Patta Dawami or Istamrari, with right of transfer by sale, or
  
- c) Exproprietary tenants, occupancy tenants other than those under section 5 of the Punjab Tenancy Act, 1887, grove holders or tenants holding land on Patta dawami or Istamrari without right of transfer by sale.

**16. Consequences of acquisition of Bhumidhari rights by mortgagees etc, under section 15.-**

Notwithstanding anything contained in any other law for the time being in force or in any mortgage deed or other instrument or agreement, where a proprietor mortgagor fails to apply for the redemption of his mortgage within the time specified in sub section (1) of section 15 and the mortgagee and tenants, if any, in respect of the mortgaged property or any portion thereof are declared Bhumidhars in accordance with the provisions of sub section (3) or sub section (4) as the case may be, of that section, the following consequences shall follow, namely:-

- 1) The proprietor mortgagor shall be absolutely debarred of his right to redeem the mortgage;
  
- 2) The mortgagee and the tenants, if any; in respect of the mortgaged property or any portion thereof, who have been declared as Bhumidhars as aforesaid, shall pay to the proprietor mortgagor compensation which shall be determined as follows:
  - a) The amount of compensation payable by the mortgagee and each of the tenants, if any, shall be determined separately in accordance with the provisions laid down in clauses (a) and (b) of sub section (2) of section 14 for determining the amount of compensation, payable by a Bhumidhar;
  
  - b) The amount of compensation as determined under clause (a) payable by each of the tenant shall be paid by him to the proprietor mortgagor through court either in one lump sum or in installments in the manner laid down in sub section (4) of section 14;

- c) The total amount due from the proprietor mortgagor to the mortgagee under the mortgage deed on the date of the commencement of this Act shall then be determined in the prescribed manner after deducting the receipts if any, by the mortgagee from the mortgaged property;
- d) If the amount of compensation payable by the mortgagee to the proprietor mortgagor to the proprietor mortgagor is greater than the amount determined under clause (c) the mortgagee shall pay through court to the proprietor mortgagor as compensation the difference between the two in one lump sum; within six months from the date of the order and where the amount of compensation payable by the mortgagee is less than the amount determined under clause (c), the entire mortgage money with interest , if any thereon, shall be deemed to have been fully satisfied by the enjoyment of the usufruct of the mortgaged property and the proprietor mortgagor shall not be required to pay anything under the mortgage deed to the mortgagee.
- 3) Where a tenant mortgagor, referred to in sub section (5) of section 15, fails to apply for redemption within the period specified in sub section (1) and of clause (a) of sub section (2) shall apply mutatis mutandis and the amount of compensation payable by the mortgagee and his tenants, if any, in respect of mortgaged land in possession of each to the proprietor shall be determined separately, in accordance with the provisions of clauses (a) and (b) of sub section (2) of section 14 . The compensation so determined shall be paid as follows: --
- i. Where the mortgagor tenant is an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, or a Pattadar Dawami or Istamrari with right of transfer by sale, the amount due from the mortgagor to the mortgagee under the mortgage shall also be determined in accordance with clause (c) of sub section (2). The mortgagee or his tenants shall each first pay out of the total compensation determined above, an amount equal to four times the land revenue payable for the land in his possession immediately before the commencement of this Act, to the proprietor, If the balance of the compensation payable by the mortgagee and his tenants, is greater than the amount due to the mortgagee from the mortgagor under the mortgage, the difference shall be paid by the mortgagee and his tenants, as compensation to the mortgagor tenant in one lump sum within six months from the date of the order, first by the mortgagee's tenant up to the extent of the amount left over , if any If it is less, the entire mortgage money with interest shall be deemed to have been fully satisfied by the enjoyment of the usufruct and nothing shall be payable to the mortgagee in adjustment of the mortgage money.

- ii. Where the mortgagor tenant is a tenant, other than an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, or a Pattadar Dawami or Istamrari with right of transfer by sale, the entire amount of compensation payable by the mortgagee and his tenants, if any, shall be paid direct to the proprietor of the mortgagor tenant and the mortgage money, shall be deemed to have been fully satisfied by the enjoyment of the usufruct.

**16A Compensation payable by tenant declared Bhumidhar of redeemed land.-** Where tenant is declared as Bhumidhar in respect of any part of mortgaged area that has been redeemed under sub-section (1) of section 15, the compensation payable by such tenant to the mortgagor shall be determined and paid in the manner provided in clause (2) or clause (3) of section 16 according as such tenant is declared a Bhumidhar under sub- section (2) or sub- section(5) of section 15.

**17. Variation in rent on or after July 1, 1950, not to be recognized.-** Notwithstanding any contract made or anything done or permitted to be done, on or after the first day of July, 1950 by or on behalf of a proprietor or a tenant, in respect of any land in the State, the rent payable there for by the tenant in the fasli year immediately preceding the commencement of this Act shall be deemed to be an amount equal to the rent payable by the tenant or his predecessor – in – title on the date aforesaid and any reduction or remission made therein after the said date otherwise than in pursuance of a decree or order of a court shall not be taken into account:

**Provided that** where the rent reduced in pursuance of any decree or order aforesaid is less than the amount computed at the prevailing village rate of rent the rent payable shall be an amount so computed.

**18. Contract agreement or eviction to defeat provisions of this Act to be void.-**

- 1) Any contract or agreement made between a proprietor and any person on or after the 1st day of July, 1950, which has the effect, directly or indirectly of defeating the provisions of this Act shall be and is hereby declared null and void.
- 2) Notwithstanding any decree or order where a tenant of Sir or sub tenant of tenants referred to in sub section (1) of section 10 or sub-tenant of tenants referred to in section 12 or a non-occupancy tenant referred to in clause (f) or sub- section (1) of section 13 was evicted from land

after 1st July 1950, on any ground other than for arrears of rent, the tenant or the sub-tenant shall be entitled to regain possession thereof on his making an application in this behalf to the Revenue Assistant and, shall on regaining possession have the same rights as he would have had but for such eviction decree of order.

**Provided that** the land is not in the possession of any other tenant in the fasli year immediately before the commencement of this Act.

- 3) Nothing in this section shall affect the rights of a proprietor in any land held or occupied at the commencement of this Act for purposes other than those mentioned in clause (13) of section 3.

**19. Cesses, Local rates and Sayar.-** A Bhumidhar shall pay to Government all the cesses, local rates and sayar proportionately to his land revenue, in respect of his holding.

Any contract or agreement between the proprietor and any person compounding, releasing or reducing the payment of cesses, local rates or sayar after the 1st of July, 1950, shall be void.

**20. Stay of proceedings.-** All proceedings whether of the first instance, appeal or revision, of the nature specified in Schedule II, pending in any court for hearing on the commencement of this Act shall be stayed.

**21. Stay of proceedings.-** All proceedings whether of the first instance, appeal or revision, of the nature specified in Schedule II, pending in any court for hearing on the commencement of this Act and all proceedings (except in so far as they relate to the realization, otherwise than by ejection of the judgment debtor, of cost of compensation awarded in any suit or proceedings) upon any decree or order, unless it is a decree or order which become final before the commencement of this Act, but is not decree which may be executed by ejection of the judgment debtor passed in any such suit or proceedings previous to the commencement of this Act, shall be stayed.

## **CHAPTER IIIC: USE OF LAND AND IMPROVEMENTS (BHUMIDHARS AND ASAMIS)**

**22. Right of Bhumidhar or Asami to the exclusive possession of land in his holding.** - A Bhumidhar or Asami shall, subject to the provisions of this Act, have the right to the exclusive possession of all land comprised in his respective holding and to use land for any purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming and make any improvement.

### **23. Use of holding for industrial purposes.-**

- 1) A Bhumidhar or Asami shall not be entitled to use his holding or part thereof for industrial purposes, other than those immediately connected with any of the purposes referred to in section 22, unless the land lies within the belt declared for the purpose by the Chief Commissioner by a notification in the official Gazette:

**Provided that** the Chief Commissioner may, on application presented to the Deputy Commissioner in the prescribed manner, sanction the use of any holding or part thereof by a Bhumidhar for industrial purposes even though it does not lie within such a belt.

- 2) Where permission for industrial purposes is accorded the provisions of this Chapter relating to devolution shall cease to apply to the Bhumidhar with respect to such land and he shall thereupon be governed in the matter of devolution of the land by personal law to which he is subject.

### **24. Reversion to agriculture.-**

- 1) Whenever any land held by a Bhumidhar which is used for industrial purposes has become land used for purposes connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming, the Deputy Commissioner on being so satisfied, may with the sanction of the Chief Commissioner make a declaration to that effect and thereupon the Bhumidhar shall, as respects the land, be subject to the provisions relating to devolution in this chapter.

- 2) Upon the grant of the declaration under sub- section (1) in respect of any land any person other

than the Bhumidhar in possession of the land shall—

- a) If he holds it under any contract or lease, which is inconsistent with any of the provisions of this chapter, be deemed to be an occupant liable to ejection under section 84.
- b) If he holds it under any contract or lease, which is not inconsistent with any of the provisions of this chapter, be entitled to the rights in the land determined in accordance with the provisions thereof.
- 3) Any contract or lease referred to in sub-clause (a) of sub section (2) which is inconsistent with the provisions of this chapter shall, to the extent of the inconsistency, become void with effect from the date of declaration:

**Provided that** any mortgage with possession existing on any such land shall, to the extent of the amount due and secured on such land, be deemed to have been substituted by a simple mortgage carrying such rate of interest as may be prescribed.

**25. Registration of the sanction or declaration under section 23 or 24.-** A copy of every sanction given or declaration made under section 23 or 24 shall be forwarded by the Deputy Commissioner to the Sub-Registrar concerned, who shall, notwithstanding anything contained in the Indian Registration Act, 1908, register the same free of cost in the manner prescribed.

**26. Restriction on improvements.-** No Bhumidhar or Asami shall make an improvement on, or detrimental to, any land which is not included in the holding to be benefited thereby except

- a) With the written permission of the landholder of such land or the Gaon Panchayat, as the case may be, or
- b) Where such permission is not given within the prescribed period, with the written permission of the Revenue Assistant granted in accordance with rules made under this Act on his behalf.

## **27. Works benefiting other land.-**

- 1) Where a Bhumidhar or Asami has made an improvement on land and such land is sold in lieu of arrears of land revenue or in execution of a decree for payment of money or the Bhumidhar or Asami is ejected from such land, the purchaser or the landholder, as the case may be, shall become the owner of the improvement but the Bhumidhar or Asami shall be entitled to other benefit of the improvement in respect of the land remaining in his possession to the same extent and in the same manner as it had hitherto benefited thereby.
- 2) Where the Bhumidhar or Asami has made an improvement on land which remains in his possession after a portion of his land has been sold in lieu of arrears of land revenue or in execution of a decree or order of Court for payment of money or after he has been ejected from a portion of his land, the purchaser or the landholder, as the case may be, shall be entitled to the benefit of such improvement in respect of land which does not remain in the possession of the Bhumidhar or Asami to the same extent and in the same manner as it had hitherto benefited thereby.

## **28. Right to compensation for improvement made by an Asami.-**

- 1) An Asami who has made any improvement with the written permission of the landholder the Gaon Panchayat or the Revenue Assistant , as the case may be, shall be entitled to compensation—
  - a) When a decree or order for his ejection is passed on any ground other than his making any transfer in contravention of the provisions of this Act or on the ground of his using the land for any purpose other than agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming;
  - b) When he has been wrongfully deprived of possession by the Gaon Panchayat or his landholder, as the case may be, and has not recovered possession of his holding; or
  - c) When he vacates the holding on the expiry of his lease or on becoming liable to ejection on any ground mentioned in clause (a)

- 2) No compensation shall be payable to an Asami where the improvement was made without the written permission as aforesaid.

**29. Determination of the amount of compensation.-** In determining the amount of compensation for improvement regard shall be had to –

- a) The cost of the work,
- b) The condition of the work and the period during which it is likely to add materially to the value of the holding,
- c) The amount by which the quantity or value of the produce of the holding is increased by the work,
- d) The length of time during which the Asami claiming compensation has had the benefit of the improvement, and
- e) The age of the trees, their class and the income likely to accrue from them.

**30. Court to assess the compensation for improvements.-**

- 1) In any suit or other proceeding for ejection of an Asami, the Court shall, where compensation for improvement is payable, before passing a decree or order for ejection, assess the amount of compensation payable to the Asami under section 29.
- 2) If the amount of compensation exceeds the amount recoverable from the Asami as arrears of rent, whether decreed or not, on account of the holding, together with costs, if any, the decree of order for ejection shall be conditional on the payment by the landholder or the Gaon Sabha of the balance due to the Asami within such time as the Court may direct.
- 3) If the amount of compensation does not exceed the amount recoverable from the Asami as specified in sub-section (2), the same shall be deemed to have been satisfied on his ejection, and the balance shall, subject to the Asami rights to the value of the standing crops and trees be recoverable from him.

## **CHAPTER IIID: TRANSFERS (BHUMIDHARS AND ASAMIS)**

**31. Interest of a Bhumidhar to be transferable.** - The interest of a Bhumidhar shall be transferable subject to the conditions hereinafter contained.

**32. Interest of an Asami not transferable.** - The interest of an Asami shall not be transferable except as expressly permitted by this Act.

### **33. Restrictions on the transfers by a Bhumidhar.-**

- 1) No Bhumidhar shall have the right to transfer by sale or gift or otherwise any land to any person, other than a religious or charitable institution or any person in charge of any such Bhoodan movement, as the Chief Commissioner may, by notification in the Official Gazette, specify, where as a result of the transfer, the transferor shall be left with less than eight standard acres in the Union Territory of Delhi:

**Provided that** the Chief Commissioner may exempt from the operation of this section, the transfer of any land made before the 1st day of December, 1958, if the land covered by such transfer does not exceed one acre in area and is used or intended to be used for purposes other than those mentioned in clause (13) of section 3 (2) Nothing contained in sub section (1) shall preclude the transfer of land by a Bhumidhar who holds less than eight standard acres of land, if such transfer is of the entire land held by him;

**Provided that** such Bhumidhar may transfer a part of such land to any religious or charitable institution or other person referred to in sub section (1)

**Explanation** – For the purposes of this section, a religious or charitable institution shall mean an institution established for a religious purpose or a charitable purpose, as the case may be.

**34. Only simple mortgage of land by a Bhumidhar allowed.-** No Bhumidhar shall have the right to mortgage any land belonging to him as such where possession of the mortgaged land is transferred or is

agreed to be transferred in future to the mortgagee as security for the money advanced or to be advanced.

**35. Letting of land.** - No Bhumidhar or Asami shall let, for any period whatsoever, any land comprised in his holding except in the cases provided for in section 36.

**Explanation** - Any arrangement whereby a person is entitled to a right merely to share in the produce grown on the land in consideration of such person assisting or participating with the tenure holder in the actual performance of agricultural operations is not a "lease".

**36. Lease by a disabled person.-**

- 1) A Bhumidhar who is—
  - a) An unmarried woman, or if married, divorced or separated from her husband, or a widow;
  - b) A minor whose father has died;
  - c) A lunatic or an idiot;
  - d) A person incapable of cultivating by reason of blindness or physical infirmity;
  - e) Prosecuting studies in a recognize institution and does not exceed 25 years in age;
  - f) In the armed forces of the Indian union;
  - g) Dependent for assistance in agricultural operation on a person serving in the armed forces of the Union and certified by the Deputy Commissioner to be so dependent; or
  - h) Under detention or imprisonment; may let the whole or any part of his holding;

**Provided that** in the case of a holding held jointly by more persons than one where but one or more of

them, but not all, are subject to the disabilities mentioned in clauses (a) to (h) , the person or persons may let out his or their share in the holding.

- 2) Where any share of a holding has been let out under the proviso to sub-section (1), the Court may, on the application of the Asami or any tenure –holder, determine the share of the lessor in the holding and partition the same.
- 3) A Bhumidhar, who holds only less than 8 standard acres in the State, may where he does not join a co-operative farm lease the whole of his holding to an Asami;

**Provided that** the lease is for not less than 5 years.

**Provided further that** the Bhumidhar shall not be entitled to resume it except for self-cultivation or for breach of terms of the lease.

**37. Registration of a lease.-** Notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908, a lease for a term exceeding one year or from year to year may be made either by a registered instrument or in the prescribed manner.

**38. Failure to register the lease under section 37.-** A lease which fails merely to comply with the provisions of section 37 shall not, for purposes of section 42, be deemed to be a transfer made in contravention of the provisions of this Act.

**39. Successor –in – interest bound by a lease. -** When a holding has been let in accordance with the provisions of section 36, the successor in interest of the Bhumidhar shall be bound by the terms of the lease in so far as they are not consistent with the provision of this Act.

#### **40. Exchange.-**

- 1) Subject to the provisions of section 33, Bhumidhar may exchange lands held by him as such—
  - a) For lands held by any other Bhumidhar as such or
  - b) For lands for the time being vested in a Gaon Sabha or local authority or in Government:

Provided that no such exchange shall be made except with permission of the Deputy Commissioner, who will refuse permission if the difference between the area of the land given in exchange and of land received in exchange in terms of standard acres is more than ten per cent. Of the area in standard acres of the land which is smaller in area.

- 2) Where the Deputy Commissioner permits exchange, he shall also order the relevant annual register to be corrected accordingly.
- 3) On exchange made in accordance with the sub section (1), the parties to such exchange shall have the same rights in the land received in exchange as they had in the land given in exchange.

**41. Land revenue not affected by exchange. -** Nothing in section 40 shall affect the amount of the land revenue assessed on or payable for land so exchanged.

#### **42. Transfer in contravention section 33.-**

- 1) Where a transfer of any holding or part thereof has been made in contravention of the provisions of this chapter by a Bhumidhar or Asami, the transferee and every person who may have obtained possession of such holding or part shall, notwithstanding anything in any law, be liable possession of such holding or part shall , notwithstanding anything in any law, be liable to ejectment from such holding or part on the suit of the Gaon Sabha, or the landholder as the may be, which shall thereupon become vacant land; but nothing in this section shall prejudice the right of the transferor to realize the whole or portion of the price remaining unpaid, or the right of any other person other than the transferee to proceed against such holding or land in enforcement of any claim thereto.

- 2) To every suit for ejectment under this section the transferor shall be made a party.
  
- 3) Notwithstanding anything contained in sub section (1), the Revenue Assistant also may on receiving information or on his own motion, take action to eject the transferee and every person who have may obtain possession aforesaid, after following such procedure as may be prescribed.

**43. Transfer with possession by a Bhumidhar to be deemed a sale.-** Any transfer of any holding or part thereof made by a Bhumidhar by which possession is transferred to the transferee for the purpose of securing any payment of money advanced or to be advanced by way of loan, and existing or future debt or the performance of an engagement which may give rise to a pecuniary liability, shall, notwithstanding anything contained in the document of transfer or any law for the time being in force, be deemed at all times and for all purposes to be a sale to the transferee and to every such sale to the provisions of section 33 and 42 shall apply.

**44. Effect of lease in contravention of section 36. -** When a Bhumidhar other than one referred to in section 36 has let out his holding or any part thereof, the lessee will, notwithstanding anything contained in any law or contract or document of lease become and be deemed to be a purchaser and the provisions of section 33 and 42 shall mutatis mutandis apply.

**45. Transfer made in contravention of this Chapter to be void.-**

- 1) Any transfer made by or on behalf of a Bhumidhar or Asami in contravention of the provision of this Chapter shall be void.
  
- 2) Nothing in sub- section (1) shall apply to any transfer which has been exempted by the Chief Commissioner under the proviso to sub- section (I) of section 33.

**46. Consequences of void transfers. Omitted.** - (Note: Omitted by Act 38 of 1965).

**47. Consequences of ejectment under section 46.** - Upon ejectment under section 42, all the rights and interests of the Bhumidhar or Asami in the holding or in any improvements made therein or to get compensation for such improvements shall be extinguished.

### **CHAPTER III: DEVOLUTION (BHUMIDHAR AND ASAMI)**

**48. Bequest by a Bhumidhar.-**

- 1) A Bhumidhar may by will bequeath his holding or any part thereof except as provided in sub-section (2).
- 2) No Bhumidhar entitled to any holding or part thereof in the right of a widow, mother, step-mother, father's father, father's mother, unmarried daughter, or unmarried sister, may bequeath by will such holding or part.
- 3) Every will made under provisions of sub-section (1) shall, notwithstanding anything contained in any law, custom or usage, be in writing and attested by two persons.

**49. Bequest by an Asami.** - No Asami shall have the right to bequeath by will his holding or part thereof.

**50. General order of succession from males.-** Subject to the provisions of section 48 and 52, when a Bhumidhar or Asami being a male dies, his interest in his holding shall devolve in accordance with the order of the succession given below:

a) Male lineal descendants in the male line of the descent:

**Provided that** no member of this class shall inherit if any male descendant between him and the deceased is alive:

**Provided further that** the son or sons of a predeceased one shall inherit the share which would have devolved upon the deceased if he had been then alive:

b) Widow

c) Father

d) Mother, being a widow;

e) Step mother, being a widow;

f) Father's father

g) Father's mother, being a widow;

h) Widow of a male lineal descendant in the male line of descent;

- i) Brother, being the son of same father as the deceased;
  
- j) Unmarried sister;
  
- k) Brother's son, the brother having been a son of the same father as the deceased;
  
- l) Father's father's son;
  
- m) Brother's son's son;
  
- n) Father's father's son's son;
  
- o) Daughter's son.

**51. Succession in the case of a woman holding an interest inherited as a widow, mother, daughter etc.-**

- 1) When a Bhumidhar or Asami, who has after the commencement of this Act inherited an interest in any holding as a widow, mother, step-mother, father's mother, unmarried daughter or unmarried sister, dies or marries or the Asami abandons or surrenders such holding, it shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provisions of section 50) of the last male Bhumidhar or Asami other than one who inherited as a father's father.
  
- 2) When a Bhumidhar who has before the commencement of this Act, inherited an interest in any holding as a widow, mother, step- mother, father-mother, father's mother, daughter, sister or step- sister.

**52. Succession in the case of a holding inherited as father's father.-** When a Bhumidhar or Asami, who has, whether before or after the commencement of this Act, inherited an interest in a holding as a father's father dies or the Asami abandons or surrenders such holding, it shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provisions of section 50) of the last male Bhumidhar or Asami from whom such father's father inherited the interest in the holding.

**53. Succession to a woman holding an interest otherwise.-** When a Bhumidhar or Asami, other than one mentioned in section 50 or 51, who is a woman dies, her interest in the holding shall devolve in accordance with the order of succession given below:

- a) Male lineal descendants in the male line of descent:

**Provided that** no member of this class shall inherit if any male descendant between him and the deceased is alive:

**Provided further that** the son or sons of a predeceased son how low so ever shall inherit the share which would have developed upon the deceased if he had been then alive;

- b) Husband

- c) Widow of male lineal descendant in the male line of descent;

- d) Daughter;

- e) Daughter's son;

- f) Husband's brother;

- g) Husband brother's son

**54. Passing of interest by survivorship.** - In the case of a co- widow or a co-tenure or co-sub-tenure holder, who dies living no heir entitled to succeed under the provision of this Act, the interest in such holding shall pass by survivorship.

### **CHAPTER IIIF: PARTITION (BHUMIDHAR)**

#### **55. Holding of a Bhumidar partible.-**

- 1) A Bhumidar may sue for partition of his holding.
- 2) To every such suit the Gaon Sabha concerned shall be made a party.

**56. One suit for partition of several holdings.** - One suit may be instituted for the partition of more than one holding provided that all the parties to the suit are jointly interested in each of the holdings.

#### **57. Mode of partition of a holding.-**

- 1) Except as provided in sub-section (3) whenever in a suit for partition, the Court finds—
  - a) That the aggregate area of holding or holdings to be partition does not exceed eight standard acres, or
  - b) That the partition will result in a holding of less than eight standard acres,
- 2) The Court shall in the cases falling under clause (a) instead of proceeding to divide the holding or holdings direct the sale of the same and a distribution of the proceeds thereof, and in cases falling under clause (b) either proceed to divide the holding in accordance with such principles as may be prescribed or in the alternative dismiss the suit.

The rules framed under sub-section (1) shall prescribe the circumstances in which compensation may be awarded to a co-tenure holder to land under provisions of section 73.

- 3) In the case of a co-tenure – holder to whom the provisions of section 36 apply and such tenure holder has let out his share or part thereof in the holding, the Court shall divide the holding by separating the share aforesaid, but in respect on the remainder of the holding the Court will proceed in accordance with the provisions of this section, if applicable.

**58. Valuation of the holding to be sold.** - Where a Court has under section 57, ordered a sale of the holding or holdings, it shall a order a valuation of the same to be made in such manner as may be prescribed and shall offer to sell the same at the price so ascertained to the co-tenure holders in such order of preference as may be prescribed.

**59. Preferential right of purchase.**- If two or more co-tenure holders having an equal preferential right severally ask for leave to buy, the Court shall order the sale of the same to such one of them as offers to pay the highest price above the price ascertained under section 58.

**60. Sale in default of purchase under Section 59.** - If no shareholder offers to buy at or above the price ascertained under section 58, the Court shall order the sale of the same to the share- holder who offers to pay the highest price.

**61. Procedure in sale.**- Save as hereinbefore provided, when any holding is ordered to be sold in pursuance of any order made under section 57, the Court shall follow such procedure as may be prescribed.

## **CHAPTER III G: SURRENDER, ABANDONMENT, EXTINCTION AND ACQUISITION (BHUMIDHARS AND ASAMIS)**

**62. Surrender of holding by Asami.**- An Asami may surrender the whole of his holding but not any part thereof by giving a notice in writing to the Gaon Sabha or the land holder, as the case may be, intimating his intention to do so and by giving up possession thereof.

**63. Notice of surrender.-** Notwithstanding the surrender, unless the Asami applies or gives notice in writing before the first day of April, he shall be able to pay the rent for the holding for the agricultural year next following the date of surrender.

**64. Abandonment.-**

- 1) Where an Asami has not used his holding for a purpose connected with agriculture, horticulture, or animal husbandry, which includes pisciculture and poultry farming, for two consecutive agricultural years, the Gaon Sabha or the land-holder may apply to the Tahsildar for a notice to such Asami to show cause why the holding be not treated as abandoned.
- 2) The application shall contain such particulars as may be prescribed.
- 3) If the Tahsildar finds that the application has been duly made he shall cause to be served on the Asami or publish in the manner prescribed a notice in the form to be prescribed requiring him to appear and show cause on a date to be fixed why the holding be not held as abandoned.
- 4) If the Asami does not appear in answer to the notice or appears but does not contest it, the Tahsildar shall declare the holding as abandoned and thereupon, except as provided in section 51 and 52, the holding shall be deemed to be vacant land.

**65. Admission of Asami to the holding of a disabled Bhumidhar.-** Where a Bhumidhar, being minor, lunatic or idiot, has not used his holding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, for two consecutive agricultural years, the Gaon Sabha may, notwithstanding anything contained in any law, after notice to the Bhumidhar and his guardian and after such enquiry as may be prescribed, after the expiry of the two years aforesaid, admit on behalf of the Bhumidhar, any person as Asami to the land comprised in the holding in the manner and upon the terms as may be prescribed and all the provisions of this Act applicable to an Asami shall apply to him as if he had been admitted to the land by the Bhumidhar personally.

**65A. Consequences where Bhumidhar or Asami leaves land uncultivated.-**

- 1) Where on the basis of any information received by him or otherwise the Deputy Commissioner has reason to believe that any land included in the holding of a Bhumidhar or Asami has not been used for two consecutive agricultural years immediately preceding for a purpose connected with agriculture, horticulture or animal husbandry which includes or poultry farming, he may, unless the land lies within the belt referred to in section 23 or unless sanction under that section has been obtained in respect thereof, notice require---
  - i. The Bhumidhar to appear and show cause why the land may not be let out for any such purpose as aforesaid to any person;
  - ii. The Asami to appear and show cause why his interest may not be extinguished and the land restored to the Bhumidhar or the Gaon Sabha, as the case may be.
- 2) The notice under sub-section (1) shall state the grounds for believing that the land has not been used for any purpose referred to in that sub- section and such other particulars as may be prescribed.
- 3) If the Bhumidhar or the Asami appears and satisfies the Deputy Commissioner—
  - a) That the land was used for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming during the period mentioned in sub-section (1);
  - b) That he had sufficient cause for not using it as aforesaid; or

- c) That he shall, within one year next following the date of service of the notice under sub-section (1), use the land for any such purpose as aforesaid unless in the meantime the land is included within any belt referred to in section 23 or the use of the land for industrial purposes is sanctioned under that section, the Deputy Commissioner shall, in a case falling under clause (a) or clause (b), discharge the notice forthwith and in a case falling under clause (c), postpone further proceedings to a date one year after the date of service of the said notice.
- 4) On the date fixed under sub-section (3) or any other date to which the proceeding may be adjourned, the Deputy Commissioner, if he is satisfied that the land has been used for any such purpose as aforesaid during the said period of one year or that the land has been included within the belt referred to in section 23 or that sanction as aforesaid has been obtained in respect thereof, discharge the notice of if he is not so satisfied, unless for reasons to be recorded in writing he allows further time, he shall—
- i. If the land is that of the Bhumidhar, lease it on behalf of the Bhumidhar to any person for a period of five years in such manner and on such terms and conditions as may be prescribed;
- ii. If the land is that of the Asami of the Bhumidhar, terminate the lease and restore the land to the Bhumidhar subject to the condition that the Bhumidhar shall undertake to cultivate the land within six months from the date it is restored to him; and if the Bhumidhar does not give such undertaking or fails, after giving such undertaking, to cultivate the land within the said period, the Deputy commissioner may lease the land on behalf of the Bhumidhar, to any person for a period of five years in such manner and on such terms and conditions as may be prescribed; and
- iii. If the land is that of the Asami of Goan Sabha, terminate the lease and restore the land to the Gaon Sabha;

**Provided that** the restoration of the land of the Asami under this sub—section shall be without prejudice to any right of the Bhumidhar or Gaon Sabha, as the case may be, to recover any rent due from the Asami.

- 5) If the Bhumidhar or Asami appears in response to the notice under sub-section (1) but does not undertake to use the land as provided in clause (c) of sub section (3) or if the Bhumidhar or Asami does not appear in response to such notice and the Deputy Commissioner, after such inquiry as he may consider necessary, is satisfied that the Bhumidhar or Asami has failed to use

the land as aforesaid during the period referred to in sub-section (1), he shall, unless for reasons to be recorded in writing he decides to discharge the notice, take action under clause (I) or clause (ii) or, as the case may be, clause (iii) of sub section (4).

- 6) On the expiry of the period of any lease of land under sub-section (4) or sub section (5), if the Deputy Commissioner, after making such inquiry as he thinks fit, is satisfied—
  - a) That the land has been properly cultivated, he may declare the lessee to be Bhumidhar in respect of such land subject to the payment by him to the original Bhumidhar of compensation equal to twenty times the land revenue then payable for such land either in one lump sum or in such installments together with interest as may be prescribed and upon such declaration the interest of the original Bhumidhar shall be extinguished;
  - b) That the land has not been properly cultivated by the lessee, the Deputy Commissioner shall terminate the lease and may lease the land on behalf of the Bhumidhar, to another person for a period of five years in such manner and on such terms and conditions as may be prescribed and on the expiry of the period of such lease, the provisions of this sub-section shall apply:

**Provided that** no lease shall be terminated unless the lessee has been given reasonable opportunity of being heard.

- 7) Nothing contained in this section shall apply to Bhumidhar to whom the provisions of section 65 apply.

**66. Entry upon an abandoned holding.-** A Gaon Sabha or a landholder who enters upon a holding in contravention of the provisions of section 64 shall be deemed to have ejected the Asami otherwise than in accordance with the provisions of this Act.

**67. Extinction of the interest of Bhumidhar.-** The interest of Bhumidar in his holding or any part thereof shall be extinguished

- a) When he dies intestate leaving no heir entitled to inherit in accordance with the provisions of

this Act,

- b) When the land comprised in the holding has been acquired under any law for the time being in force relating to the acquisition of land,.

(bb) When a declaration in respect of such holding or part is made under clause (a) of sub section (6), of section 65 A

- c) When he has been ejected in accordance with the provisions of this Act, or
- d) When he has been deprived of possession and his right to recover possession is barred by limitation.

**68. Extinction of the interest of an Asami.-** Subject to the provisions of section 51 and 52, the interest of an Asami in holding or any part thereof shall be extinguished

- a) When he dies leaving no heir entitled to inherit in accordance with the provisions of this Act,
- b) When the holding has been declared as abandoned in accordance with the provisions of section 64,
- c) When he surrenders his holdings.
- d) When the land comprised in the holding has been acquired under any law for the time being in force relating to the acquisition of land,

(dd) Where his lease is terminated under clause (ii) or clause (iii) of sub- section (4), or clause (b) of sub section (6), of section 65A.

- e) When he has been ejected in accordance with the provisions of this Act or
- f) When he has been deprived of possession and his right to recover possession is barred by limitation.

**69. Extinction of the interest of an Asami on extinction of the interest of the Bhumidhar.-**

- 1) The extinction of the right, title and interest of a Bhumidhar shall operate to extinguish the interest of any Asami holding under him.

Notwithstanding the provisions of section 75, whenever the interest of an Asami is extinguished under sub- section (1) the Goan Sabha shall admit the Asami as an Asami to some other vacant land of such valuation computed at prevailing village rate of rent applicable to the land as shall be equal to the valuation of the land on which his right has determined.

**70. Merger. -** The interest of an Asami in his holding shall determine when his interest and the interest of the Bhumidhar in the whole of the holding become vested in one person in the same right.

**71. Rights and liabilities of a Bhumidhar or Asami on extinction of his interest.-** When the interest of a Bhumidhar or Asami is extinguished he shall vacate his holding and he shall, except in cases where his interest has extinguished under or in accordance with the provisions of any law for the time being in force relating to the acquisition of land, have in respect of removal of his standing crops and any construction existing on the holding the same right as he would have upon ejection under the provisions of this Act.

**72. Gaon Sabha to take over land after extinction of interest therein.-** The Gaon Sabha shall be entitled to take possession of land comprised in holding or part thereof if—

- a) The land was held by Bhumidhar and his interest in such land is extinguished under clause (a) or clause (c) of section 67, or
  
- b) The land, being land falling in any of the clauses mentioned in sub- clause (iii) of clause (a) of

section 6, was held by an Asami and the Asami has been ejected or his interest therein have otherwise extinguished under provisions of this Act.

**73. Admission to land.-** The Gaon Sabha shall have the right to admit any person as Bhumidhar to any land, other than land falling in any of the classes mentioned in sub- clause (iii) of clause (a) of section 6, where—

- a) The land is vacant land,
- b) The land is vested in the Gaon Sabha under section 72 or under any other provision of this Act.
- c) The land has come into the possession of Gaon Sabha under section 72 or under any other provision of this Act,
- d) The land is let in accordance with sub- section (4) of section 74.

**74. Admission to land mentioned in sub- clause (iii) of clause (a) of section 6 or to waste land for reclamation.-**

- 1) The Gaon Sabha shall have the right to admit any person as Asami to any land falling in any of the classes mentioned in sub- clause (iii) of clause (a) of section 6 where-
  - a) The land is vacant land,
  - b) The land is vested in the Gaon Sabha, or
  - c) The land has come into the possession of the Gaon Sabha under section 72 or under any other

provision of this Act.

- 2) In order to encourage the reclamation of waste land, the Gaon Sabha shall also have the right to admit any person as Asami on a five years lease to any land which forms part of the cultivable or uncultivable waste area of the village, not included in holdings, which are vested in the Gaon Sabha under section 7, but which do not fall in any of the classes mentioned in sub-clause (iii) if clause (a) of section 6.
- 3) The Asami shall have the right to hold the land for the period of five years at a rate of rent, which shall not be more than 50 per cent of the prevailing rate of rent of the village, payable for the land.
- 4) At the end of five years, the Gaon Sabha shall report to the Revenue Assistant the extent to which reclamation has been made. The Revenue Assistant shall, after necessary enquiry and after hearing the Asami, either order the termination of the lease and his ejection if there has been no reclamation or extend his lease for another period of two years. If, however, the land has been duly reclaimed during the period of five years or the extended period, the Revenue Assistant shall direct the Gaon Sabha to admit the Asami as Bhumidhar under section 73. The Asami on his admission as Bhumidhar shall be liable to pay such land revenue as shall be equal to 50 percent of the rent calculated at the prevailing village rate of rent together with cesses and local rates, but he shall not be liable to pay any compensation.

#### **75. Order of preference in admitting persons to land under section 73 and 74.-**

- 1) In admitting any person as Bhumidhar or Asami under section 73 or 74, Gaon Sabha shall subject to the rules framed or any order made by Court in a suit for partition or in any other suit, observe the following order of preference
    - a) Persons in the armed forces of the Union and the dependents of such of those persons as are killed in action, special preference being given in the case of persons decorated for gallantry.
- (aa) A co- operative farm established under this Act holding land within the jurisdiction of the Gaon Sabha to enable it to possess a suitable area of agricultural or cultivable land,

- b) A group of landless labourers or a landless labourer residing in the village,
- c) A Bhumidhar residing in the village, who is holding land less than eight standard acres in area in the State,
- d) An Asami holding land than eight standard acres in area in the village, and
- e) Any other person:

**Provided that** the land allotted to a co-operative farm under clause (aa) shall, if the registration of such farm is cancelled within two years of the allotment, revert upon such cancellation to the Gaon Sabha, and any person holding or retaining possession of such land shall be deemed to be a person occupying it without title liable to ejectment under clause (b) of sub section (1) section 84.

**Provided further that** in the cases to which clauses (b), (c), (d) and (e) apply the area to which the person concerned is admitted together with the total area of any other tenure held by him shall in no case exceed 8 standard acres:

**Provided also that** in the case of reclamation of waste land under sub-section (2) of section 74, where available, preference in the first instance shall be given to either the co-operative farm or a tenure holder having established provision for mechanized farming in the Gaon Sabha area, and the Gaon Sabha in that case shall be entitled to let out in excess of eight standard acres with the previous sanction in writing of the Chief Commissioner.

- 2) The Deputy Commissioner may, on his own motion, and shall, on the application of any person aggrieved by an order of the Gaon Sabha passed under subsection (1), enquire in other prescribed manner and if he is satisfied that the Gaon Sabha has acted with substantial irregularity or otherwise than in accordance with the provisions of this Act, he may cancel such order.
- 3) Where the deputy Commissioner cancels an order relating to admission of a person as Bhumidhar or Asami, the right, title and interest of such person or any person claiming through

him shall cease in the land to which the order relates and shall revert to the Gaon Sabha and any person holding or retaining possession of such land after such cancellation shall be deemed to be a trespasser in respect of such land and shall be liable to ejection in the manner prescribed."

### **CHAPTER IIIH: EJECTION (BHUMIDHAR AND ASAMI)**

**76. Bhumidhar not liable to ejection.** - Subject to the provisions of section 33, 42 81,85,86,86 A and 87, no Bhumidhar shall be liable to ejection.

#### **77. Ejection of Asami.-**

- 1) An Asami shall be liable to ejection from his holding on the suit of the land- holder or Gaon Sabha, as the case may be , on the following grounds only
  - a) Those mentioned in sections 42, 69,74,81,
  - b) That he belongs to any of the classes mentioned in sub-clauses (I), (ii) and (iii) of clause (a) or in clause (c) of section 6 and that he holds the land from year to year or for a period which has expired or will expire before the end of the current agricultural year,
  - c) That he belongs to the class mentioned in clause (b) or (d) of section 6 and that
    - i. That land holder wishes to bring the under his personal cultivation and in cases where the lease is for a fixed term such term has expired, or
    - ii. The disability was determined, or
  - d) That there is an unsatisfied decree of arrears of rent outstanding against him and such decree can be executed by ejection.
- 2) Notwithstanding anything contained in sub-section (1), a Bhumidhar referred to in clause (f) of sub-section (1) of section 36 may, on retirement or discharge from the armed forces of the

Union or on being sent on Reserve, within six months of such retirement or discharge or of his being sent on Reserve, apply to the Deputy Commissioner for ejectment of the Asami of his land, and the Deputy Commissioner may, after notice to the Asami and subject to such conditions as he may think fit to impose, cause possession of the land to be delivered to such Bhumidhar as soon as possible or, where there are standing crops on such land, within one month of the harvesting of such crops."

#### **78. Rights to crops and trees when ejectment takes effect.-**

- 1) Where in execution of any decree (other than a decree under section 84) or order for delivery of possession the Court is satisfied that any ungathered crops or trees which are the property of the judgment debtor exist on the land to be delivered, the Court executing the decree or order shall, notwithstanding anything in the Code of Civil Procedure, 1908, proceed as follows:
  - a) If the amount due from the judgment debtor is equal to or greater than the value of such crops or trees, the Court shall deliver the possession of the land with the crops and the trees to the Gaon Sabha or the land holder, as the case may be, and all rights of the judgment debtor in or upon such crops or trees shall pass to the decree holder.
  - b) If the amount due from the judgment debtor is less than the value of such crops or trees and—
    - i. The Gaon Sabha or the land holder pays the difference between such amount and the value to the judgment debtor, the Court shall deliver the possession of the holding to the Gaon Sabha or land holder concerned and all rights, of the judgment debtor in such crops or trees shall pass to decree holder;
    - ii. The Gaon Sabha or the land holder does not pay such difference, the judgment debtor shall have a right of tending, gathering or removing such crops or trees or fruits of such trees until such crops or trees have been gathered and removed or die or are cut down, as the case may be, paying such compensation for the use and occupation of land as the Court may fix.
- 2) The Court executing the decree or the order of ejectment may on the application of any party determine the value of crops or trees and the compensation payable by the judgment debtor under the provisions of clause (b) of sub section (1)

**79. Failure to institute a suit for ejectment under section 77 or execute the decree obtained there under.-** If a suit for ejectment of an Asami, to whom any of the sub clauses (I) and (ii) of clause (a) or clause (b) or (d) of section 6 applies, is not instituted or a decree obtained in such suit not executed within the period of limitation prescribed there for, the Asami shall, on the expiry of the period, become a Bhumidhar of the land held by him.

**80. Consequence of ejectment under section 77.-** Where an asami has been ejected form his holding on the ground mentioned in clause (c) (I) of sub-section (1) of section 77), the land holder shall not grant a lease thereof any person within 2 years of the date of ejectment.

**81. Ejectment for use of land in contravention of the provisions of this Act.-**

- 1) A Bhumidhar or an Asami shall be liable to ejectment on the suit of the Gaon Sabha or the land holder, as the case may be, for using land for any purpose other than a purpose connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming, and also pay damages equivalent to the cost of works which may be required to render the land capable of use for the said purposes.
- 2) Notwithstanding anything contained in sub section (1) the Revenue Assistant also may, on receiving information or on his own motion, eject the Bhumidhar or Asami, as the case may be, and also recover the damages referred to in sub-section (1), after following such procedure as may be prescribed"

**82. Decree for ejectment under section 81.-**

- 1) A decree for ejectment under Section 81 may direct the ejectment of Bhumidhar or Asami form the whole or part of the holding as the Court, having regard to the circumstances of the case, may direct.
- 2) The decree shall further direct that, if the Bhumidhar or Asami repairs the damage within three

months next after the decree, the same shall not be executed except in respect of costs.

**83. Suit for compensation and repair of the waste or damage.-** Notwithstanding anything in section 81, the Gaon Sabha or the land holder may, in lieu of suing for ejectment sue

- a) For injunction with or without compensation, or
- b) For the repair of the waste or damage caused to the holding.

**84. Ejectment of persons occupying land without title.-** A person taking or retaining possession of land otherwise than in accordance with the provisions of the law for the time being in force, and

- a) Where the land forms part of the holding of a Bhumidhar or Asami without the consent of such Bhumidhar or Asami, or
- b) Where the land does not form part of the holding of a Bhumidhar or Asami without the consent of the Gaon Sabha. Shall be liable to ejectment on the suit of the Bhumidhar, Asami or Gaon Sabha, as the case may be and shall also be liable to pay damages.

(2) Where any person against whom a decree for ejectment from any land has been executed in pursuance of a suit under sub-section (1) re-enters or attempts to re-enter upon such land otherwise than under authority of law, he shall be presumed to have done so with intent to intimidate or annoy the person in possession or the Gaon Sabha, as the case may be, within the meaning of section 441 of the Indian Penal Code.

**85. Failure to file suit under section 84 or to execute decree obtained there under.-** If a suit is not brought under Sub-section (1) of section 84 or a decree obtained in any such suit is not executed within the period of limitation provided for the filing of the suit or the execution of the decree, the person taking or retaining possession shall—

- i. Where the land forms part of the holding of a Bhumidhar, become a Bhumidhar thereof;

- ii. Where the land forms part of the holding of an Asami on behalf of the Gaon Sabha, become an Asami thereof;
  
- iii. In any case to which the provisions of clause (b) of section 84 apply, become a Bhumidhar or Asami as if he had been admitted to the possession of the land by the Gaon Sabha.

**Provided that** if in the revenue records of the fasli year ending on the 30th June, 1954, the land referred to in clause (iii) was not included in the holding of the person taking or retaining possession or his predecessor-in interest, then, notwithstanding the expiry of the aforesaid period of limitation for such suit or decree, the suit may be filed or the decree obtained in such suit may be executed within a period of three years from the date of passing of the Delhi Land Reforms (Amendment) Act, 1965.

**Provided further that** the benefit of the extension of the period of limitation under the preceding proviso shall not be availed of in any case where a person who has become a Bhumidhar in respect of any land under clause (iii) has transferred such land to another person for valuable consideration before 10th May, 1965.

#### **86. Ejectment of Bhumidhar to whom section 85 applies.-**

- 1) Any person, who becomes a Bhumidhar under the provisions of clause (I) of section 85, may notwithstanding anything hereinbefore contained, be ejected from the land at the instance of the Gaon Sabha within such period as may be prescribed.
  
- 2) Where a Bhumidhar has been ejected, his rights in the holding shall be extinguished and the land shall become vacant land.

**86A. Ejectment by Revenue Assistant of persons occupying land without title. -** Notwithstanding anything contained in section 84, 85 and 86, the Revenue Assistant also may, on receiving information or on his own motion, eject any person who is liable to be ejected from any land on a suit of the Gaon

Sabha under any of those section, after following such procedure as may be prescribed".

**87. Ejectment of persons form lands of public utility.-** Any person who, on or after the first day of July, 1950, has been admitted as a tenure or grove holder of, or being proprietor has brought under his own cultivation or has planted a grove upon, land which was recorded as or was customary common pasture land, cremation or burial ground, tank, pathway or Khalian, shall be liable, on the suit of the Gaon Sabha to ejectment from the land, on payment of such compensation, if any, as may be prescribed.

### **CHAPTER III-I: RENT (ASAMI)**

**88. Rent payable by an Asami.-** An Asami shall be liable to pay such rent as may be agreed upon between him and his land-holder or the Gaon sabha, as the case may be, subject to the condition that it shall not exceed one fifth of the produce of the land or four times the land revenue payable for the land held by the Asami, whichever is less.

**89. Rent not to be varied.-** The rent payable by an Asami shall not be varied except in the manner and to the extent provided under this Act.

### **90. Suit for fixation of rent.-**

- 1) Where any person is admitted to or permitted to retain possession of any land as an Asami thereof by any person having a right to so admit or permit him, but no rent is fixed, the Asami or the land – holder may, at any time during the period of occupation or within three years after the expiry of this period, instituted a suit for fixation of rent.
- 2) In any such suit the plaintiff may, subject to the law of limitation, ask for a decree for the arrears of rent.
- 3) The rent decreed in any such suit, shall be the rent payable in the years previous to the year of admission, permission or accrual of asami rights, or if no rent was payable in such year, it shall be fixed at the prevailing village rate of rent applicable to the land, subject to the maximum laid

down in section 88.

**91. Hypothecation of produce towards payment of rent.** - The produce of every holding in the cultivation of an Asami and the fruit of every tree in such holding shall be deemed to be hypothecated for the rent payable by him in respect of the holding and, until the rent has been paid or otherwise satisfied, no other claim on such produce or fruit shall be enforced by sale thereof in execution of a decree or order of a Court.

**92. Rent how payable.** - An Asami may pay his rent either direct or by postal money order, but the acceptance by the Gaon Sabha or the land holder of a sum so paid shall not debar the Gaon Sabha or the land holder, as the case may be, from proving that the amount due for any year or installment was different from the amount paid.

(2) Where rent is remitted by money order, the payee's receipt or the endorsement of refusal on the money order duly stamped by the post office shall be admissible in evidence without formal proof and shall, until the contrary is proved, be presumed to record the receipt or refusal thereof.

**93. Commutation of rent.** - Where the rent is payable in kind or on estimate or appraisal of the standing crop or on rates varying with crops sown or partly in one of such ways and partly in another or other of such ways, the Revenue Assistant may at his own instance and shall at the instance of the Gaon Sabha or the person by or to whom rent is payable commute the rent in the manner prescribed.

**94. Installments for payment of rent.** - In the absence of contract to the contrary the rent shall be payable in two equal installments on the fifteenth day of November and the fifteenth day of May of the agricultural year in respect of which the rent is due.

**95. Application for arrears of rent ejectment in default.-**

- 1) The Gaon Sabha or the land- holder, as the case may be, may apply for an order for payment of the arrears and in default for the ejectment of an Asami from his holding, if the Asami has been in arrears for the whole or part of the rent of the holding for a period of more than three months.

- 2) The application shall be signed and verified in the manner prescribed for plaints in the Code of Civil Procedure, 1908.

**96. Issue of notice to Asami.-**

- 1) On receipt of the application mentioned in section 95, the Court of the Tahsildar having jurisdiction shall cause to be served on the Asami a notice requiring him to pay the amount of arrears together with the cost of the application within thirty days from the date of the service thereof or to show cause, within a period to be specified, why an order directing him to be ejected from the holding be not passed against him.
- 2) If within the period allowed the Asami pays to the applicant or deposits in the Court the amount mentioned in the notice, the Court shall enter full satisfaction and dismiss the application and the amount deposited shall be paid to the applicant.