

THE UNITED PROVINCES RURAL DEVELOPMENT
(REQUISITIONING OF LAND) ACT, 1948¹

[U. P. ACT No. XXVII of 1948]

[Passed by the United Provinces Legislative Assembly on May 6, 1948, and by the United Provinces Legislative Council on May 10, 1948.]

[Received the assent of the Governor on May 29, 1948, under section 75 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution), Order, 1947, and was published in the United Provinces Government Gazette Extraordinary, dated June 1, 1948.]

AN

ACT

to provide for the requisitioning of land to promote the improvement and development of agriculture and economic condition in rural area.

WHEREAS it is expedient to requisition land required for the development of agriculture and economic condition in rural areas and to prescribe an expeditious procedure for the determination of compensation to be paid on account of such requisition ;

It is hereby enacted as follows :

**Short title,
extent and
commencement**

1. (1) This Act may be called “the United Provinces Rural Development (requisitioning of Land) Act, 1948.

(2) It shall extend to the whole of the United Provinces.

(3) This section shall come into force at once and the remaining sections shall come into force on such date and in such areas not being areas for the time being included in any municipality, cantonment area or notified area as the Provincial Government may by notification in the official Gazette specify in this behalf.

Definition

2. In this Act unless there is anything repugnant in the subject or context,—

(1) “Compensation Officer” and “Requisitioning Authority” mean the Compensation Officer and the Requisitioning Authority appointed as such by general or special order by the Provincial Government, provided that such person shall be the Collector or an Assistant Collector nominated by the Collector ;

(2) “public purpose” means for and in connection with any of the following objects, that is to say,

(i) making, enlarging or deepening of tanks for purposes of irrigation ;

1. For Statement and Object see U. P. Gazette Extraordinary dated 1 January, 1948.

(ii) composting of village refuse or preparation of any other form of manure ;

(iii) construction of *guls* for irrigation ;

(iv) plant nurseries ;

(v) any other object which the Provincial Government may, after publication in the *Gazette* and after considering any objection or suggestion which may be received by notification in the *Gazette*, declare essential for the development of agriculture or improvement of the life of community in rural areas ;

(3) “land” includes tanks and things attached to the earth or permanently fastened to anything attached to earth ;

(4) “prescribed” means prescribed by the rules made under this Act ;

(5) “Provincial Government” means the Government of the United Provinces ;

(6) the expressions “rent” and “sayar” shall have the meaning respectively assigned to them in the United Provinces Tenancy Act, 1939.

Procedure of requisition

3. If in the opinion of the Requisitioning Authority it is necessary or expedient so to do for a public purpose, it may, by order, requisition any land by serving on the owner and occupier thereof and, when the owner or the occupier is not readily traceable, or the ownership or the right to occupation of the land is in dispute, or owing to the number of persons entitled as owner or occupier it is not reasonably convenient to serve every one of them separately, by publishing, in such manner as may be specified in that behalf, a notice stating that the requisitioning authority has decided to requisition it in pursuance of this section, and may make such further orders including orders relating to the disposal, possession and enjoyment of any trees and other crops of any person standing on such land as appear to it, to be necessary or expedient in connection with the requisitioning.

Use of requisitioned land

4. Where any land has been requisitioned under section 3, the Requisitioning Authority or such other authority as may be prescribed may use it in such manner as may appear to it to be expedient for any public purpose.

Powers of the Requisitioning Authority

5. (1) The Requisitioning Authority may with a view to requisition any land under section 3 or determining the compensation therefor by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified, and

(b) direct that the owner or the occupier or person in possession of the land shall not, without the permission of the authority making the order, dispose of the authority making the order, dispose of it till the expiry of such period as may be specified in the order.

(2) Without prejudice to the powers conferred by sub-section (1) any person or authority appointed in this behalf by the Requisitioning Authority may enter any land and inspect it for the purpose of determining whether, and if so in what manner, an order under section 3 should be made in relation to such land, or with a view to securing compliance with any order made under section 3.

Application for requisition by a society or union

6. A society or a union registered under the Co-operative Societies Act, 1912, or a Gaon Sabha under the United Provinces *Panchayat Raj* Act, 1947, may in the prescribed manner apply to the Requisitioning Authority to requisition any land for a public purpose specified in the application.

Declaration by the Requisitioning Authority on an application by a society or union

7. If the Requisitioning Authority, after such inquiry and in such manner as it may deem fit, is satisfied that the land mentioned in the application under section 6 is needed and is suitable for a public purpose, it shall make a declaration to that effect and except as provided in section 14 the same shall be final and conclusive.

Requisition of land after declaration under section 7

8. Whenever any land shall have been so declared under section 7 to be needed or suitable for a public purpose, the Requisitioning Authority may, subject to the general control of the Provincial Government, requisition such land and the provisions of this Act, in so far as they may be applicable shall apply to such land.

Payments of compensation

9. (1) Where any land is requisitioned under section 3 there shall be paid to every person interested such compensation as may be agreed upon in writing between such person and the Requisitioning Authority in respect of—

(a) the requisitioning of such land, and

(b) any damage done during the period of requisitioning to such land other than that which may have been sustained by natural causes.

Explanation—For the purposes of this sub-section the deepening of a tank, making of pits for composting village refuse is not damage done to the land.

(2) Where no such agreement can be reached, the Requisitioning Authority shall refer the matter with his recommendation as to the amount of compensation and the reasons therefor to the Compensation Officer and also direct the person claiming compensation to appear before such officer on such date as may be specified and the Compensation Officer shall, on the date fixed

in that behalf or on any other date to which the hearing, may be postponed, hear such person and after such further inquiry as he may deem fit, determine the amount of compensation which shall, except as provided in section 12, be final and conclusive.

(3) The Compensation Officer shall in fixing the amount, of compensation have regard to—

(a) the rent, if any, assessed on the land which has been requisitioned ;

(b) the *sayar* income, if any, derived from such land ;

(c) the value of any trees which as a result of the requisition have to be removed from the land; and

(d) the purpose for which it has been requisitioned and shall also take into consideration the benefit which the use of such land is likely directly or indirectly to confer on any other property owned or occupied by such person. But he shall not take into consideration—

(i) the value of trees, except trees mentioned in clause (c), which may continue to be possessed and enjoyed by the person entitled thereto;

(ii) the value of any crops which may be existing on the land at the time of the requisition and may be removed by him after such time as the Requisitioning Authority may specify in that behalf;

(iii) the value of any right of any person in or over the requisitioned land enjoyment whereof has not been suspended or otherwise prohibited.

(4) The compensation fixed under sub-section (1) determined under sub-section (2) shall be paid in such manner as the parties may agree or as the case may be, the Compensation Officer may direct.

**Release from
requisition**

10. (1) Where any land requisitioned under section 3 or 8 is to be released from requisitioning, the Requisitioning Authority may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person who appears to it to be entitled to the possession of such land.

(2) The delivery of possession of such land to the person specified in the order made under sub-section (1) shall be a full discharge of any liability of the Provincial Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom the possession of any land requisitioned under section 3 or 8 is to be delivered cannot be found or is not readily traceable or has no agent or other person empowered to

accept delivery on his behalf, the Provincial Government shall publish in the official Gazette, a notice declaring that such land is released from requisitioning and shall cause a copy thereof to be affixed on some conspicuous part of such land.

(4) When a notice referred to in sub-section (3) is published in the official Gazette, the land specified in such notice shall cease to be subject to requisitioning on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof.

(5) Upon delivery of possession under sub-section (2) or (4), the Provincial Government shall, save as directed by any order made under section 9, not be liable for any compensation or other claims in respect of such land.

Vesting of the management and superintendence of requisitioned land

11. The Requisitioning Authority may vest the management and superintendence of any land requisitioned under this Act in the Co-operative Society or the Union or the Gaon Sabha on such terms and conditions as may be prescribed and any land so entrusted to any society union or *gaon sabha* shall be managed in such manner as may be prescribed.

Review of the order passed by the Requisitioning Authority

12. The Provincial Government or the prescribed authority may review the order passed by the Requisitioning Authority under section 7 or by the Compensation Officer under sub-section (2) of section 9, if it satisfied that grave injustice has been done to a party.

Dues of the Provincial Government recoverable as arrears of land revenue

13. Any charges payable to the Provincial Government by a Co-operative Society Union or Gaon Sabha or the members of such body under the provisions of this Act or the rules may be recovered from the society, union or sabha or their members, as the case may be, as arrears of land revenue.

Court not to question any order passed under the Act

14. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court except as provided in this Act.

Act No. 1 of 1872

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred under this Act, a court shall within the meaning of Indian Evidence Act, 1872, presume that such order was so made by that Authority.

Protection of persons acting under the Act

15. (1) Except as provided in this Act no suit or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

(2) No suits or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**Rule-making
power**

16. (1) The Provincial Government may make rules consistent with this Act for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe—

(a) the particulars which shall be entered in any application for requisition made by a co-operative society or union or a *gaon sabha* ;

(b) the procedure to be followed in inquiries held by the Compensation Officer, or the Requisitioning Authority ;

(c) the charges and the terms and conditions subject to which the management and superintendence may be vested in a co-operative society, union or *gaon sabha* ;

(d) the manner and the principles on which the rents and *sayar* may be determined in the case of requisitioned land ;

(e) the authority which can review under section 12 the order passed by the Requisitioning Authority and the procedure to be followed by it ; and

(f) any other matter which is to be or may be prescribed.
