

The Delhi Land Reforms Act, 1954

1. Preamble

§ 1. Preamble

Preamble

(Act No. 8 of 1954)

[20th July, 1954]

An Act to provide for modification of zamindari system so as to create a 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.

COMMENTS

The DELHI LAND REFORMS ACT, 1954 was framed to provide for modification of Zamindari System so as to create a uniform body of peasant proprietor intermediaries, for the unification of the (1) Punjab and (2) Agra systems of tenancy laws in force within the State of Delhi and to make provisions for other matters connected therewith.

When this law was framed it repealed the following Acts which before applied to Delhi area – viz.

1. Punjab Tenancy Act, 1887, as modified by Punjab Act No. 9 of 1939.
2. Agra Tenancy Act, 1901.
3. The Punjab Tenants (Security of Tenure) Act, 1950.
4. The Punjab Land Revenue Act, 1889 in so far its provisions are inconsistent with Act.
5. The U.P. Land Revenue Act, 1901, in so far as its provisions are inconsistent with this Act.

Be it enacted by the State Legislative Assembly as follows:—

Chapter I Preliminary

2. Short title, extent and commencement

Chapter I Preliminary

§ 2. Short title, extent and commencement

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) [(Note: Subs. by s.2 of Delhi act 16 of 1956, for the words "The areas which") 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) [(Note: Subs. by s.2 of Central Act 4 of 1959 for the word "areas, controlled, notified, held, occupied or owned by the Delhi Improvement Trust".) 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.

3. Repeal.

§ 3. Repeal.

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.

COMMENTS

As from the date of declaration of Bhumidhari rights the person in whose favour the Bhumidhar rights are granted becomes a new tenure holder enjoying all the rights conferred under the Act and subject to all the liabilities imposed by the Act.

The interest in land conferred upon a Bhumidari is not proprietary right which has been abolished but a new right declared under the Act. They are thus special rights created under the Act. Any incidence attached to the right before the commencement of the Act could not be added to the new rights conferred under the Act.

The right of transfer of interest by a Bhumidari of it. Bhumidari rights in the agricultural land is controlled only by the provisions of the Act. The provisions of customary law relating to restrictions on transfers do not apply to the transfer of Bhumidari rights. *Nathu v. Hukam Singh* ILR (1982)—II Delhi 437 Pg.

(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.

4. Definitions.

§ 4. Definitions.

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

[(1) (Note: Subs. by s. 3 of central Act, 4 of 1959) "agricultural year" or "failyear" 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 inland, 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) (Note: Subs. by s. 3 of Central Act, 4 of 1959) "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) (Note: Substituted by Act 1 of 1966) "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) "Gaonsabha" and "gaon panchayat" mean the gaon sabha and the gaon panchayat established under section 150 and 151 respectively of this Act;

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

(11a) (Note: Ins. by s. 3 of Delhi Act 16 of 1956) "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) (Note: Ins. by s.3 of Central Act 4 of 1959) "Khudkasht" 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 ;

COMMENTS

In this section land is defined to include land occupied for purposes connected with agriculture and includes building appurtenant thereto. In fact under Section 3(12) of dwelling house erected on the holding by the tenure holder is regarded as an improvement. Similarly, a tube well is also regarded as an improvement. *Shatrughan Badri Singh v. Mange Mir Singh* AIR 1972 Delhi 212.

(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 owning, 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) (Note: Substituted by Act 1 of 1966) "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 [(Note: Subs. by A.O. (No.5) 1957 for the words "State of Delhi") 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, (Note: The word "khudkasht" rep. by s.3 of Central Act 4 of 1959) rent free grantee, landholder, ex-proprietary tenant, occupancy tenant, non-occupancy tenant, sub-tenant, (Note: The word "holding" rep. by s.3 of Delhi Act 16 of 1956) 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, (Note: The word "Revenue Assistant" rep. by s.3 of Central act 4 of 1959) 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 II

5. Classes of tenure and sub-tenure.

Chapter II

§ 5. Classes of tenure and sub-tenure.

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 therefore to the tenure-holder or Gaon Sabha;

[(Note: Ins. by s.4 of Delhi Act of 1956) Provided that land given in exchange to a tenure holder or a subtenure 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.]

6. Bhumidhar.

§ 6. Bhumidhar.

5. Bhumidhar. – 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 (Note: The word "under his cultivation" rep. by s.4 of Central Act of 1959) 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, [(Note: The words "or Istamrari" Ins. by s.4 of Central Act of 1959) or Ist amrari] with rights of transfer by sale, who are declared Bhumidhar 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.

7. Asami.

§ 7. Asami.

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 singhara 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 [(Note: Substituted by Act 38 of 1965) 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 authorised 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 Dawamior 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.

COMMENTS

Sections 6, 11, 13 and 154 of the Act read together, show that after the Act came into force, proprietors of agricultural land as such ceased to exist.

Then, (i) If any land was a part of a holding of a Proprietor, he became a Bhumidar of it. (ii) If it was part of holding of some other, such as a tenant or a sub-tenant etc. he became either a Bhumidar or an Asami, whereupon the rights of the proprietor in that land ceased. (iii) Lands, which were not holding of either the proprietor or any other person vested in Gaon Sabha. (iv) In other case, where the proprietors under the definition were Sir or Khudkasht at the commencement of the Act, their rights were retained with respect to those lands. Thus, if it was not Sir or Khudkasht of a proprietor, it would not be his holding and, consequently this land would vest in Gaon Sabha under section 154 of the Act, *Hatti v. Sunder Singh* AIR 1971 SC 2320.

8. Rights of proprietors in waste lands, pasture lands or Lands of common utility etc. to vest in Gaon Sabha and compensation to be paid for them.

§ 8. Rights of proprietors in waste lands, pasture lands or Lands of common utility etc. to vest in Gaon Sabha and compensation to be paid for them.

7. Rights of proprietors in waste lands, 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:

[(Note: Ins. by s.5 of Delhi Act 16 of 1956) 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 (Note: The words "recorded as such on 1st July, 1950" rep. by s.5 of Central Act 4 of 1959.) [(Note: Ins. by s.5 of Delhi Act 16 of 1956) 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] [(Note: Subs. by s.5 of Central Act 4 of 1959 for the words "except the uncultivated areas included in the holdings of such proprietor or proprietors") 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 (Note: The words "consisting of all the adults residents of the village" Rep. by s.5 of Central Act 4 of 1959) 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 (Note: The words "recorded as such on 1st July, 1950" rep. by s.5 of Central Act 4 of 1959) shall be paid by the government to the proprietor or proprietors concerned.

[(Note: Ins. by s.5 of Delhi Act 16 of 1956) 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, [(Note: Subs. by s.5 of Central Act 4 of 1959 for the words, "not exceeding two, as the Chief Commissioner may determine, commencing from the fasli year next following the commencement of this Act.") 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) (Note: Ins. by s.5 of Central Act 4 of 1959) Where the amount of compensation is not paid by the 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.]

9. Private wells, trees in abadi and buildings.

§ 9. Private wells, trees in abadi and buildings.

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 help 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) [(Note: Ins. by s.6of Delhi Act of 1956) Trees planted by a person other than a proprietor of land otherthan land comprised in his holding shall continue to belong to or be held by such personon such terms and conditions as may be prescribed by the Chief Commissioner].

10. Power to make rules.

§ 10. Power to make rules.

9. Power to make rules. – The Chief Commissioner may make (Note: For Delhi Land Reforms Rules, 1954, see Notification No.F. 3(16)/54-GA&R dated the 11th November, 1954, see Delhi StateGazette, Part V, dated 20-1-1955, p.27) rules for the purpose of carrying into effectthe provisions of this chapter.

Chapter III

11. 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 Dawani or Istamrari and having right of transfer by sale.

Chapter III

§ 11. 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 Dawani or Istamrari and having right of transfer by sale.

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 transferby sale. – (1) Every tenant of Sir and sub-tenant of an occupancy tenantunder section 5 of the Punjab Tenancy Act, 1887, or sub- tenant of a tenant holding landunder a Patta Dawami or Istamrari, with right of transfer by sale, who in the fasli yearimmediately 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 rateof rent payable by him in the said year and the land held by such tenant and sub-tenantshall not for the purposes of section 11 be available to the Sir-holder, occupancy tenantunder section 5 of the Punjab Tenancy Act, 1887, or to the Pattadar Dawami or Istamrarifor 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 ofthe Punjab Tenancy Act or of the said

Pattadar, if his land holder belongs to any of the following categories of persons—

(i) A woman,

(ii) A minor,

(iii) A lunatic,

(iv) An idiot,

(v) A person incapable of cultivation by reason of blindness or physical infirmity, or

(vii) 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.

12. Declaration of Bhumidhari rights in favour of proprietors and superior class of tenants, compensation and land revenue.

§ 12. Declaration of Bhumidhari rights in favour of proprietors and superior class of tenants, compensation and land revenue.

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) Khud Kasht land or a proprietor's grove in the tracts to which the Punjab tenancy Act, 1887, was applicable or Sir land or Khud Kasht 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) (Note: Subs. by s.6 of Central Act 4 of 1959 for the words "the basis for the purpose of this section shall be the records of the fasli year immediately proceeding the commencement of this Act") 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 Khud Kasht 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 Khud Kasht 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.

COMMENTS

Refer comments given under Sec.6 of this Act.

13. Sub-tenants of occupancy ex-proprietary tenants, etc.

§ 13. Sub-tenants of occupancy ex-proprietary tenants, etc.

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 [(Note: Ins. by s.7 of Delhi Act 16 of 1956) 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 [(Note: Subs. by s.7 of Delhi Act 16 of 1956 for the words "non-occupancy tenants or Pattadar") 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.

14. Bhumidhari rights in other cases.

§ 14. Bhumidhari rights in other cases.

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) [(Note: Substituted by Act 1 of 1966) 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 Bhumidhar 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.

COMMENTS

Refer comments given under Sec. 6 of this Act.

15. Compensation and land revenue payable by Bhumidhars declared as such under section 13.

§ 15. Compensation and land revenue payable by Bhumidhars declared as such under section 13.

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

twicethe 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), (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 ortenants 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: --

200. Stay of suits and proceedings.

§ 200. Stay of suits and proceedings. □

§ 195. No right of pre-emption in the area to which this Act applies.
