

The Uttarakhand Nazul Land Management, Settlement and Disposal Bill, 2021

(Uttarakhand Bill No.of 2021)

A

Bill

For better management, settlement, disposal of Nazul land, revenue receipts, affordable housing to economically weaker sections, securing self-employment opportunities, protecting the interests of leaseholders and illegal occupation of Nazul land etc. in the State of Uttarakhand and arrangement of concerned incidental matters thereto.

Be it enacted by the Uttarakhand State Legislation Assembly in the seventy second year of the Republic of India as follows:-

Chapter-1

Preliminary

Short title,
Extent and
Commencement

1.
 - (1) This Act may be called Uttarakhand Nazul Land Management, Settlement and Disposal Act, 2021
 - (2) It shall extend to the whole of State (except the Cantonment Board).
 - (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise required:
 - (a) "Collector" means the Collector of the district;
 - (b) "Cut-off" means such date as the State Government may notified for the purpose of allotment of free-hold or lease of Nazul land from time to time
 - (c) "Department" means the Department to the State Government or the Central Government;
 - (d) 'Development Authority' or 'Authority' means Uttarakhand Housing and Urban Development Authority in relation to the whole of the State and Local Development Authority in relation to any development area, constituted and notified under section 4 of the Uttarakhand Urban and Rural Planning and Development Act, 1973;
 - (e) "free-hold" means such disposal/execution of Nazul land by which such rights over the Nazul land as may be prescribed in the Rules by the State Government;

- (f) "Grant" means Nazul land allotted with fee or without fee to any department of the Central or State Government for the purpose of any individual or institution or Government functions;
- (g) "illegal Occupier" means such person or institution who has occupied the Nazul land with valid authorization;
- (h) "Lease" means such Nazul lands which have been previously granted by the State Government to any person/institution for residential or commercial or other purposes or shall be provided in accordance with the Rules made under this Act;
- (i) "Nazul land" means such land, building or property as defined in the Nazul Rules-Compilation (Manual);
- (j) "Act" means the "Uttarakhand Nazul Land Management, Settlement and Disposal Act, 2021;
- (k) "Prescribed Authority" means any officer appointed by the State government for the purposes of this Act;
- (l) "Rules" means the rules to be made under this Act;
- (m) "State Government" means the Government of Uttarakhand or foregoing Government of Uttar Pradesh;
- (n) "Municipal Body" means an institution which has been constituted by the State Government.

Work done before the commencement of this Act

3. Any act or thing done in the past in relation to Nazul land by the State Government or its result or the validity of right, ownership, debt, demand, liability etc. shall be deemed to be subject to pre-determined terms and conditions for such period as may be prescribed. The provisions of this Act shall come into force after the expiration of the prescribed period of validity.

Transfer of Property & Act. 1882 shall not apply on the Government grants/ leases

4. Notwithstanding anything contained in the Transfer of Property Act, 1882, every grant made by or on behalf of the State Government in favour of any grant made in respect of Nazul land before or after the said Act or applied to any transfer of property or to any interest vested in it, and the transfer shall be deemed to have been made, as if the Transfer of Property Act, 1882 had not been passed.

Overriding Effect of the Act

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

CHAPTER II

Power of the State Government to manage, settle and dispose of Nazul land

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| power of allotment, management, free-hold or lease of the Nazul land | 06 | <p>The State Government may manage, settle and dispose of Nazul land, as per such terms and conditions, as may be prescribed:</p> <ul style="list-style-type: none">(a) Nazul land may be free-hold or leased for public purpose in favour of Department of Central Government, Government/Semi-Government Department of the State Government and Corporation / Undertaking/ Establishment and local bodies and development authority etc.(b) Permissibility of free-hold or lease renewal of leaseholders or their legal heirs, who have been allotted Nazul land as per rules earlier, may be allowed as per the prescribed procedure.(c) Lease Allotment or free-hold of Nazul land may be given to illegal occupiers on Nazul land for a period prescribed by the State Government.(d) Lease Allotment or free-hold of Nazul land may be made to non-government / state aided/ private educational institutions, hospitals / nursing homes etc. as per the prescribed procedure.(e) Land for public purposes such as building, park, parking and toilet etc. shall be arranged from available Nazul land.(f) Nazul land used for park, parking, toilet or other public purposes shall not be given free-hold or lease allotment etc. |
| Management of Nazul land held by the Government or its any department | 7. | <p>The management of Nazul land held / occupied by the Government or any of its departments or institutions shall be done in accordance with the directions given by that department or institution or State Government. Such Nazul land may be reserved for Government use. Inter departmental transfer of Nazul land/property held by any government department shall be done with the permission of the State Government.</p> |

Cancellation of lease or grant and re-entry of the State Government and new management / renewal of lease	8. (1)	The lease or grant of Nazul land allotted by this Act or earlier, shall be deemed to be automatically canceled at the end of the allotment period: Provided that if the period of lease or grant is extended or free-hold or other arrangement is made under such procedure as may be prescribed by the State Government, then, such lease or grant shall not be deemed to be cancelled.
	(2)	In case of contravention of the terms of the lease or grant or any other reason the State Government is satisfied that the lease or grant may be canceled by such procedure as may be prescribed, So the State Government shall automatically re-entry on the annulled/ cancelled leases or grants of Nazul land and such Nazul land shall be vested in the Government free from all encumbrances. Such land or property may be entrusted for such interim period to such officer or Government institution as may be authorized by the State Government or any officer appointed in this behalf under its control and direction or the new management of such land shall be made by the State Government or as per the terms and conditions as prescribed by any officer appointed for this work.
Power Of State Government	9.	The State Government may amend, alter or repeal any order or instruction or direction or any other action issued by any prescribed authority at any time.
Power to issue directions by the state government	10.	The State Government may issue directions from time to time for carrying out the provisions and purposes of this Act or the rules made thereunder.
The cut-off date for allotted lease: or free-hold	11.	The cut-off date for illegal occupiers to be allotted lease or free-hold to be allowed or free-hold on Nazul land shall be decided by the State Government.
Removal of illegal possession	12.	After the date / cutoff date fixed by the State Government to possession of the persons who have not free hold to the Nanul land or allotment of lease or renewed the lease or the said due date/ cutoff date, the persons occupying the Nazul land after this, may be evicted under the procedure prescribed in the Uttar Pradesh Public Premises (Eviction of Unauthorized

Occupants) Act, 1972 (as applicable in the Uttarakhand State of State).

CHAPTER III

Miscellaneous

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| Proceedings taken in good faith | 13. | No civil or criminal suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or any person exercising any powers or discharging any functions or performing any duties which is done in good faith or intended to be done under this Act or any rule or order made thereunder or for any damage or possible loss caused by virtue of such act. |
| Power of remove difficulties | 14. | <p>(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary expedient for removing the difficulty: Provided that no order shall be made after the expiry of a period of three years from the promulgation of this Act.</p> <p>(2) Every order made under sub-section (1), as soon as may be after it is made, shall be laid before the State Legislature.</p> <p>(3) No order under sub-section (1) shall be objected to in any court on the ground that any difficulty specified in the said sub-section did not exist or is not required to be removed.</p> |
| Power to make Rules | 15. | The State Government may, by notification published in the Official Gazette, make rules for carrying into effect the provisions of this Act. |
| Repeal and savings | 16. | <p>After the promulgation of the Ordinance and the rules made thereunder, the proceedings related to freehold or lease allotment or lease renewal etc. shall be governed by this Act or the rules made thereunder and the policies in effect in respect of Nazul land in the past shall be deemed to be automatically repealed/cancelled.</p> <p>(2) Any action taken or pending any proceedings taken State Government under the policy or other directions/orders from time to time before the issue of</p> |

this Act shall be deemed as if this Act has not been enacted.

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