

B.A.LL.B. X SEMESTER
SUBJECT: U.P. ZAMINDARI ABOLITION AND LAND REFORMS ACT 1950
CODE: BL-911

TOPIC: ADHIVASIS

Adhivasis

231. Rights of an adhivasi. - (1) Except as provided in [Sections 233 and 234] and subject to his paying the rent, an adhivasi shall continue to have all the rights and the liabilities which he possessed or was subject to in respect of land on the date immediately preceding the date of vesting : Provided that, notwithstanding anything contained in any contract or other engagement, the rent payable by the adhivasi shall not be varied except as permitted by this Act.

(2) When an adhivasi dies his interest in the holding shall in the matter of devolution, be governed by the provisions contained in Section 171 to 175.

232. Application for possession by adhivasi. - (1) An adhivasi to whom [Clause (b)] of Section 20 applies may, within thirty months from the date of vesting apply to the Assistant Collector-in-charge of the sub-division for putting him in possession of the land, of which he is the adhivasi.

(2) The application shall contain such particulars as may be prescribed.

(3) Upon the receipt of the application under sub-section (1) the Assistant Collector shall give notice thereof to the land-holder and any other person who may be in possession of the whole or any part of such land to appear on a date to be specified and show cause why an order directing the applicant to be put in possession of the land be not passed.

(4) On the date fixed or on any other date to which the hearing may be adjourned the Assistant Collector shall, if after such inquiry, as may be prescribed, he is satisfied that the applicant is entitled to be put into possession, make an order to that effect.

[(5) Where any improvement as defined in the U.P. Tenancy Act, 1939 (U.P. Act No. 17 of 1939), was lawfully made before the date of vesting by any person on the land and such person is dispossessed from such land under sub-section (1), the Assistant Collector shall, at the time of making the order under subsection (4) direct compensation to be paid to such

person for such improvement and the amounts of compensation shall be determined, as far as may be, in the manner and in accordance with the principles laid down in that behalf in Chapter V of the U.P. Tenancy Act, 1939 (U.P. Act No. 17 of 1939).

(6) The order for possession under sub-section (4) shall be conditional on the payment, by the adhvasi within such time as the Assistant Collector may fix for the amount of compensation to be paid under sub-section (5) :

Provided that if the land or any part thereof is in the possession of any person to whom the land-holder let it out before the 1st day of July, 1949, such person not being a relation, dependant or servant of the land-holder, the Assistant Collector shall, if the person so applies, direct that he shall not be ejected therefrom until the expiry of three years from the thirtieth day of June next following the date of the order :

Provided further that such person shall, during the period he is allowed to continue the possession under that next preceding proviso, be liable to pay to the adhvasi the same rent as he was paying for the land on the date immediately preceding the date of vesting. **[232A. Rights of an adhvasi for ejection under Section 209.** - The provisions of Section 209 shall mutatis mutandis apply to an adhvasi as if he were an asami.]

233. Rent payable by an adhvasi. - Where there is no agreement as to the rent payable by the adhvasi, the rent payable by him from the date of vesting shall be [an amount, determined in the manner prescribed which shall not be less than 133-1/3 per centum and more than 200 per centum of the rent computed at hereditary rates applicable to the land]. **[233A. Commutation of rent.** - Where the rent is payable by an adhvasi in kind or an estimate or appraisal of the standing crop or on rates varying with crops sown or partly in such ways and partly in another or other of such ways the Assistant Collector may on his own motion and shall, at the instance of the [Gaon Sabha] or the adhvasi by whom or (he land-holder to whom, the rent is payable [commute the rent having regard to the matters to be prescribed to an amount of fixed money rent which shall not be less than 133-1/3 per cent and more than 200 per cent of the rent calculated at hereditary rates.]

234. Ejection of adhvasi. - [* * *] [An Adhvasi shall be liable to ejection from the land held by him]-

(a) on the ground that he is in arrears of rent;

(b) on the ground that he has made any transfer of his holding or part thereof; or

(c) for using the land for any purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming,

and the provisions of Chapter VIII relating to [the procedure and forum relating to suits and applications] for ejection on any of the grounds aforesaid shall, mutatis mutandis apply as if the adhvasi were an asami.

234A. Application of Sections 212-B, 212-C and 229-B to 229-D in the case of an adhvasi. - The provisions of Sections 212-B, 212-C and 229-B to 229-D shall apply to an adhvasi as if he were an asami.

240. Power to make rules. - (1) The State Government may make rules for the purpose of carrying into effect the provisions of this chapter.

- (2) Without prejudice to the generality of foregoing power, such rules may provide for-
- (e) the principles to be followed in determining hereditary rates in areas where such rates are not already determined; and
 - (f) the matters which are to be and may be prescribed.

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