

The Governor is pleased to order the publication of the following English translation of notification no. 2382/XCVII-2(1)/85-24Rev.-13, dated September 16, 1997 for general information :

No: 2382/XCVII-2-4 (1)/85-24-Rev.-13

Dated, Lucknow, September 16, 1997

The following draft rules which the Governor proposes to make in exercise of the powers under section 55 read with sub-section (2) of section 11 of the Land Acquisition Act, 1894 (Act no. 1 of 1894) were published in the *Official Gazette* No. 2(4)(1)/85-24-Rev.-13, dated June 12, 1997, inviting objections and suggestions from general public within thirty days.

And where as no objection and suggestion have been received within the said period of thirty days, from the date of publication of the said notification in the *Gazette*.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 55 of the said Act, the Governor is pleased to make the following Rules.

THE UTTAR PRADESH LAND ACQUISITION (DETERMINATION OF COMPENSATION AND DECLARATION OF AWARD BY AGREEMENT) RULES, 1997

1. (1) These rules may be called the Uttar Pradesh Land Acquisition (Determination of Compensation and Declaration of Award by Agreement) Rules, 1997.

(2) They shall extend to the whole of the Uttar Pradesh.

(3) They shall come into force with effect from the date of their publication in the *Gazette*.

2. The body or Department for which the land is being acquired may, at any stage of the proceedings settle down the terms and conditions and rates of the land under acquisition, with the land owners and appear before the Collectors and make an application indicating the terms and conditions so settled down and its readiness and willingness for determination of compensation and declaration of award in accordance with agreement. The Collector shall, if satisfied, issue notice to the persons interested in the land under acquisition to express their readiness and willingness to execute the agreement in writing, on the matters to be included in the award.

3. The Collector may, after hearing the parties, and upon being satisfied that the persons interested in the land are ready and willing to execute the agreement, grant the permission unless, for reasons to be recorded in writing he decides to refuse it.

4. (1) The Collector shall, where he grants the permission inform the persons interested in the land by registered post, about date, time and place for the execution of the agreement.

(2) The agreement shall be executed in the form appended to these rules, with necessary details as to whether possession has, or has not, been taken before the award.

(3) If the persons so informed fail to turn up and execute the agreement on such date, time and place or the extended date, as the case may be, the Collector shall proceed to make enquiry under section 11 from the stage, at which the application under rule 2 was made.

5. The amount of compensation to be settled in the agreement shall, always abide by the instructions issued by the State Government of Uttar Pradesh from time to time.

6. (1) When an agreement is discovered to have been fraudulently executed, the Collector shall, *suo-motu*, or on an application made in that behalf, cancel the agreement after affording a reasonable opportunity of being heard to the persons who have executed the agreement.

(2) In case of cancellation of the agreement under sub-rule (1) the executants shall have no right to claim any compensation or damages from the State Government.

Short title ext-
ent and Commence-
ment.

By order,

S. P. ARYA,

Pramukh Sachiv.

Village _____

Pargana/Tehsil— — — — —

District _____

Details of other things attached to the earth		Total Compensation payable (4+5+8)	Name and address of the person(s) whom payable and extent thereof
Details	Amount of Compensation		
7	8	9	10

Land owners/interested parties

Government

1. _____

Full Name —————

2. _____

Designation - - - - -

3. _____

Witness.

1. _____

2. _____

3- _____

AND WHEREAS the owner/owners and the interested party/parties further agrees/ agree to the deduction of the amount to be mentioned in the said award in case they are allowed to harvest the standing crop thereon by the Land Acquisition Officer.

NOW, THEREFORE, the owner/owners and/or interested party/parties does/do hereby agrees/agree with the Government as follows :—

(1) that the Land Acquisition Officer shall be competent to declare the award as per term of this agreement without any further enquiry which is required to be held under the provisions of the Land Acquisition Act, 1894.

(2) if the Government deems it necessary to take immediate possession of the land under acquisition even though there is a standing crop on it the Government will be entitled to do so provided that compensation for the standing crop as shown in as per the award is paid,

(3) that the owner/owners and interested party/parties shall not claim any amount in addition to the amount agreed upon as aforesaid as compensation and accept is without any protest.

(4) if hereafter or after the payment of compensation as per the award it transpires that the owner/owners and or the interested party/parties is/are not entitled at all or is/are not exclusively entitled to the entire amount of compensation awarded by the Land Acquisition Officer in the term of this agreement in respect of the said land/lands as mentioned at the end, and the Government is required to pay any compensation to any other person, the owner/owners and the interested party/parties shall on demand refund to the Government the entire amount of money received by him/them or such amount as may be determined by the Land Acquisition Officer as refundable by him/them to the Government and shall also indemnify (jointly and severally) the Government against any claim or compensation or part thereof by any other person/persons and against all proceedings and liabilities of any loss or damage suffered or any costs, charges or expenses incurred by Government by reason of the payment to him/them and the owner/owners and the interested party/parties shall pay the interest at the rate of 9% on the amount so refundable for the first year and at the rate of 15% for the subsequent years ;

(5) if the owner/owners and/or interested party/parties fails/fail to refund to the Government the amount mentioned in the preceding para, the Government shall have the full right to recover the same as arrears of land revenue or order to proceed under any law in force for recovery of such amount.

(6) without prejudice to any other remedy for the enforcement of any refund or indemnity, the Government may recover any sum determined and certified by the Land Acquisition Officer to be due and payable by the owner/owners and interested party/parties to the Government by way of refund or otherwise under these presents as arrear of land revenue ;

(7) if any Government dues/shares/premium from this land/lands are payable by the owner/owners or interested party/parties and the loans of any public financial institutions are outstanding against the land/lands the same shall be deducted from the said compensation amount that may be awardable under these presents.

(8) The Government shall bear the stamp duty payable in respect of this agreement.

Schedule of the land/lands

Area ----- acres/ha.

Village -----

Pargana/Tehsil -----

District -----

Survey No.	Area	Details of lands if it is part of the survey number showing four boundaries and ownership of adjoining land holders	Compensation for land comprised in col. (1+2+3)	Crop standing thereon	
				Details	Amount of Compensation
1	2	3	4	5	6

Details of other things attached to the earth		Total Compensation payable (4+6+8)	Name and address of the person(s) whom payable and extent thereof
Details	Amount of Compensation		
7	8	9	10

Signed by the owner/owners of the land and or the interested party/parties and the acquiring authority on behalf of the Governor.

*Land owners/interested parties**Government*

1. -----

Full Name -----

2. -----

Designation -----

3. -----

Witness.

1. -----

2. -----

3. -----