UTTAR PRADESH
India

U.P. Zamindari Abolition and Land Reforms Rules, 1952

Rule U-P-ZAMINDARI-ABOLITION-AND-LAND-REFORMS-RULES-1952 of 1952

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U.P. Zamindari Abolition and Land Reforms Rules, 1952

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Chapter I
Preliminary

1.

(a) (i) These rules may be called the Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1952.

(ii) They shall come into force at once.

(b) In these rules unless there is anything repugnant in the subject or context-

(i) "Act" means the U.P. Zamindari Abolition and Land Reforms Act, 1950 (Act 1 of 1951);

(ii) "Land Reforms Commissioner" means an officer appointed as such by State Government and includes Deputy Commissioner, Land Reforms;

(iii) "Section" means a section of the Act;

(iv) "Revenue Manual" means the Manual of Orders of the Government of the Uttar Pradesh in the Revenue Department.

Chapter II
Consequences of Vesting

2. Taking over charge by Collector (Section 25).

- Upon the publication of a notification under Section 4, the Collector shall issue a proclamation in Z.A. Form. I and cause the same to be published within the local limits of his jurisdiction-

(a) by posting copies of the proclamation at his court house, at the tahsil building and at some conspicuous place in or near the village in which the estate or estates are situate, and

(b) if the Collector so directs by beat of drums in each village in which the estate or estates are situate.

3. Proceedings in connection with taking over charge of estates (Section 26(2)(d)).

(a) The Collector or an officer appointed by him in this behalf shall not ordinarily enter into any building for the purpose of seizing and taking possession of books, accounts and other documents referred to in Section 25 before sunrise and after sunset.

(b) The Collector or the officer making the search shall allow the occupier of the building or a person nominated by the occupier to watch the search.

(c) A receipt for the hooks, accounts or other documents seized and taken possession of shall be given [on the spot immediately after making the search] *[Inserted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* by the person seizing to the person from whose possession they are seized.

4. Stay of certain suits and proceedings. Section 6(i).

- [(1) All suits and proceedings whether of the first instance, appeal or revision of the nature as herein below specified, in respect of the area for which a notification under Section 4 has been issued, pending in any court for hearing on the date of vesting, and

(2) All proceedings (except in so far as they relate to the realization, otherwise than by ejectment of the judgment-debtor of cost or compensation awarded in any suit or proceedings) upon any decree or order, unless it is a decree or order which become final before the date of vesting, but is not a decree which may be executed by ejectment of the judgment-debtor passed in any such suit or proceedings previous to the date of vesting shall be stayed.] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*-

(i) Appointment of lambardars under Section 45 of the U.P. Land Revenue Act, 1901.

(ii) All proceedings under Chapter VI of the U.P. Land Revenue Act, 1901.

(iii) Partition or union of mahals under Chapter VII of the U.P. Land Revenue Act, 1901.

(iv) Suits, applications or proceedings (including appeals references and revisions) relating to or pending under Sections 15, 16, [* * *] *[Deleted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*, 55, 70, 71, 79, (a) and (b), 80,81,84, 113, 114, 115, 116, 117, 118, 154, 171, 172, 190, 194 and 195 of the U.P. Tenancy Act. 1939, and under Section 175 and 179 of the said Act except those against persons who are asamis of the land referred to in clause (b) of Section 202. [Also suits, applications or proceedings of similar nature against Thekedars.] *[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

(v) [Suits, applications and proceedings including appeals, references and revisions under Section 180 of the U.P. Tenancy Act, 1939, or of similar nature pending in a civil court, except where the plaintiff is a tenant or where the land was the sir, khudkasht or grove of an intermediary and in which rights have not accrued to the defendant under Section 16 or any other section of the [U.P. Zamindari Abolition and Land Reforms Act, 1950] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

(vi) Cases of liquidation of decrees under the U.P. Encumbered Estates Act, 1934.

(vii) All cases of execution of decrees relating to debts which are wholly or partially charged upon or decreed against an estate or any part thereof.

Explanation. - For the purposes of this clause debt means an advance in cash or in kind and includes any transaction which is in substance a debt but does not include a debt due to-

(i) the Central Government or Government of any State;

(ii) a local authority;

(iii) a scheduled bank; and

(iv) a co-operative society registered under the Co-operative Societies Act, 1912.

5. Disposal of suits and proceedings stayed under rule. Section 26(2)(b).

(1) Every suit or proceeding, whether pending in the court of first instance or in appeal or in revision, stayed under clauses (i) to (iii) and (v) of Rule 4, shall together with appeal or revision, if any be abated by the court or the authority before whom it may be pending after notice to parties and giving them an opportunity of being heard.

(2) Every suit or proceeding pending in the court of the first instance and stayed under clause (iv) of Rule 4, except those in which a decree or final order had already been passed or made before July 1, 1952, shall be abated by the court or the authority before which it may be pending after notice to parties and giving them an opportunity of being heard.

Explanation. - A suit or proceeding in which a decree or final order had been passed by the court of first instance before July 1, 1952, but such decree or final order was subsequently set aside shall notwithstanding that such suit or proceeding might have been pending in such court on the said date whether upon remand or otherwise, be deemed for purposes of this rule to be a case or proceeding in which a decree or final order had already been passed before July 1, 1952.

(3) Except as provided in sub-rule (2) every suit or proceeding stayed under clause (iv) of Rule 4 shall, whether pending in appeal reference or revision, be continued and decided in accordance with the provisions of the U.P. Tenancy Act, 1939 and the U.P. Land Revenue Act, 1901 as may be applicable.

(4) When, during the period between the first day of July, 1952 and the eleventh day of April, 1953 any suit or proceeding to which sub-rule (3) was applicable has been abated by any court in pursuance of sub-rule (a)(i) of this act as it stood prior to its amendment by Notification No. 2016/I-A-463-1952, dated April 11, 1953, any party to the suit or proceeding may within ninety days of the date of the notification aforesaid apply to the court for setting aside the abatement and the court shall set aside the abatement and then the suit or proceeding shall commence from the stage it was abated.

The provisions of Section 5 of the [Indian Limitation Act, 1908] *[See now the Limitation Act, 1963.]*, shall apply to an application under this sub-rule

(5) The abatement of any suit or proceeding under sub-rule (1) or (2) shall not debar any person from establishing his right in a court of competent jurisdiction in accordance with the law for the time being in force in respect of any matter in issue in such suit or proceeding.

(6) The proceedings referred to in clause (vi) or (vii) of Rule 4, shall continue to remain stayed during the period of [26] *[Substituted by Notification No. 4352/I-A-1056-1954, dated 31.08.1954.]* months.

5A. [***[Added by Notification No. 5647/I-A-1973, dated 25.08.1953.]***

Nothing in Rule 4 or 5 shall be construed as depriving any party to the suit or proceeding from any right which may have accrued in his favour in the land, the subject matter of the suit or proceeding, under the Zamindari Abolition and Land Reforms Act, 1950].

6.

Where any suit or proceeding has been stayed under Rule 4 or has abated under Rule 5, the period between the institution of such suit and its stay or abatement as the case may be, shall be excluded in computing the period of limitation fixed for the institution of such suit or proceeding under the law applicable thereto.

7.

In every suit or proceeding (not being a suit or proceeding stayed or abated under the provisions of Rule 4 or 5) under the U.P Land Revenue Act, 1901, or the U.P. Tenancy Act, 1939, pending on the date of vesting, in which an intermediary is a party, whether as plaintiff or defendant, the court may, where it considers it necessary in order to enable it effectually and completely to adjudicate upon and settle all questions involved in the suit or proceeding, order the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* to be joined as a party.

8. Amount of arrears of revenue and other dues recoverable as such dues from intermediaries on the date of vesting. Section 6(d) and (e).

(a) Immediately after the publication of notification under Section 4 in respect of any area the Collector shall prepare and maintain a register in Z.A. Form 2 showing the arrears of land revenue, cesses, local rates, owner's rates, Agricultural Income Tax, all other dues realizable as arrears of land revenue, the amounts due from intermediaries under Sections 27 and 28 of the U.P. Encumbered Estates Act and under the Land Improvement Loans Act, 1883, or the Agricultural Loans Act, 1884, and the realization made after the date of vesting.

(b) Before the preliminary publication of compensation assessment roll the compensation officer shall ask the Collector to furnish an extract of register in Z.A. Form 2 in respect of intermediaries to be specified by him.

(c) Upon receipt of the requisition the Collector shall send an extract containing entries in Columns 1 to 10 and the balances of land revenue, etc. on the date of report under Column 11 of the said register. The extract shall bear the signatures of the Collector and the date of the report. Where no balance is outstanding in respect of an intermediary the Collector shall send a blank statement duly signed by him.

(d) [Upon the determination of final compensation under Section 52 of the Act, a statement in Z.A. Form 2-A shall be prepared in respect of arrears due from the intermediary on the date of determination of compensation] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*,

8A. [***[Added by Notification No. 3266/I-A-4956-1954, dated 17.08.1954.]***

Without prejudice to the right of the State Government to recover the dues mentioned below by such other means, as may be open to it under law :

(1) all arrears of land revenue in respect of the estates which have vested in the State Government as a result of the notification under Section 4 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Act I of 1951) and of tax on agricultural income assessed under the U.P Agricultural Income Tax Act, 1948 (U.P. Act III of 1949), due from an intermediary for any period prior to the date of vesting shall be realized-

(a) in the case of an intermediary who was assessed to a land revenue of Rs. 10,000 or more from the amount of interim compensation due to him, and

(b) in the case of an intermediary who was assessed to a land revenue of less than Rs. 10,000 per annum by deduction from the amount of compensation payable to him ;

(2) all amounts due under the Land Improvement Act, 1883, or the Agricultural Loans Acts, 1884, in respect of loans obtained before July 1, 1952 and all amounts due under Sections 27 and 28 of the U.P. Encumbered Estates Act, 1934, shall be deducted from the amount of compensation payable to him].

9. Statement of revenue-free grantee etc. Section 6(b).

(a) After the issue of notification under Section 4, the Collector shall prepare a statement in Z.A. Form 3 containing full particulars about assignees of land revenue to whom land revenue in respect of any estate or part thereof is paid either by the owner of the estate or part thereof or from Government Treasury in lieu of any right or privilege in respect of land or land revenue.

[This statement shall not be prepared in case where the assignee is recorded as proprietor in the khewat It shall be prepared only in cases where the entry regarding the assignee or grantee is made in the remarks column of the khewat as well as in eases, if any, where an entry is not made in the khewat at all but payments from land revenue are made.] *[Added by Notification No. 9203(1)/I-A-463-l952, dated 11.02.1953.]*

(b) The statement referred to above shall be forwarded to the Secretary to Government in the Revenue Department through the [Compensation Commissioner] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* for necessary orders

10. Intermediaries paying revenues of Rs. 250 or more.

- In order to prepare lists showing each intermediary who on the date immediately preceding the date of vesting was assessed in Uttar Pradesh to a land revenue of more than Rs. 250 annually or where no land revenue was assessed, was assessed to a large

amount of local rate than would be payable on a land revenue of Rs. 250 annually, the following proceedings shall be taken :

(a) Each patwari shall prepare and forward to the tahsildar:

(1) A statement in Z.A. Form 4 showing (i) the name of each intermediary (whether he holds sir or not), who resides in his circle and was on the date immediately preceding the date of vesting assessed in the circle to a land revenue of more than Rs. 250 annually or where no land revenue was assessed, was assessed to a larger amount of local rate than would be payable on a land revenue of Rs. 250 annually, (ii) the estates belonging to him, and (iii) land revenue or local rate assessed on each estate.

(2) A separate statement in Z.A. Form 5 for each intermediary (whether he holds sir or not) who docs not reside in the circle.

(3) All statements in Z.A. Form 5 in respect of an intermediary who does not reside in the tehsil but is resident in the district shall be forwarded by the tahsildar to the Collector of the district who shall send it to the tahsildar within whose jurisdiction the intermediary resides. Statements in respect of an intermediary who does not reside in the district, shall be forwarded to the Collector of the district in which the intermediary resides and the latter shall forward it to the tahsildar concerned.

(b) [* * *] *[Deleted by Notification No. 3195/I-A-3594-1959, dated 30.06.1962.]*

11.

All the statements in Z.A. Form 4 and 5 received by the tahsildar from the patwaries or the Collector, in respect of an intermediary residing within the tahsil shall be consolidated in a statement in Z.A. Form 7 for each intermediary separately. In respect of an intermediary for whom statements have been received in Z.A. Form 5 only but not in Z.A. Form 4 the tahsildar shall require the patwari of the circle in which the intermediary resides to submit a statement in Z.A. Form 6 showing the details of his estates. Statements in Z.A. Form 7 shall include all the estates belonging to the intermediary and reported in Z.A. Forms 4 and 5 or in Z.A. Forms 5 and 6, as the case may be. The tahsildar shall then prepare a statement in Z.A. Form 8 showing the name of each intermediary belonging to the class mentioned in Rule 10. He shall then send an extract of the statements in Z.A. Form 8 to each Compensation Officer within whose jurisdiction the intermediary held any estate.

12.

In the case of intermediaries who do not reside in Uttar Pradesh statements in Z.A. Form 5 shall be forwarded to the office of the Compensation Commissioner, who shall prepare a consolidated statement in Z.A. Form 7. He shall also prepare a statement in Z.A. Form 8 showing the name of each intermediary belonging to the class mentioned above. He shall

then forward a copy of the statement in Z.A. Form 8 to each Compensation Officer within whose jurisdiction the intermediary held any estate.

13. Sections 10, 13, 14, 16, 18, 22 and 23.

- As soon as may be after the publication of the notification under Section 4, the Collector shall cause to be prepared the following statements namely-

(a) [[* * *] *[Deleted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*

(b) [* * *]]

(c) [A statement in Z.A. Form 11 showing transfers by way of sale or gift of any estate or part thereof [made on or after July 1, 1948] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953 and No. 315-R(4)/1-A-1042-1955, dated 20.02.1957.]*

(cc) [A statement in Z.A. Form 11-A showing partitions or family settlements of joint Hindu family property made on or after August 8, 1946.] *[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*

(d) A statement in Z.A. Form 12 showing the names of all tenants of sir, who are entitled to become bhumidhars under sub-clause (iii) of clause (d) of sub-section (1) of Section 18 or under sub-section (2) of Section 18 or sirdars under clause (iv) of Section 19 read with Section 10 or under clause (ix) of Section 19.

Note. - This statement shall include (1) all tenants of sir holding from a sir holder whose name is mentioned in the statement in Z.A. Form 8 and (2) all tenants of sir holding on patta dawami or instamaari:

Provided that the sir holder does not belong to any of the classes mentioned in sub-section(2) of Section 10.

(e) A statement in Z.A. Form 13 showing the plots recorded in the personal cultivation of a thekedar.

(f) A statement in Z.A. Form 14 showing the land in the personal cultivation of mortgagees.

(g) Statement in Z.A. Forms 15 and 16 showing the plots in possession of persons recorded as occupants of the land referred to in Section 16.

14.

The statement in Z.A. Form [10-A or] *[Added by Notification No. 9203(1)/l-A-463-1952, dated 11.02.1953.]* 11 referred to in Rule 13 shall be transmitted to the Compensation Officer having jurisdiction.

15.

(a) The Compensation Officer shall not pass any orders in respect of entries in Z.A. Form [10-A or] *[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* 11 relating to waqfs, endowments or societies.

(b) He shall after making such enquiries as he considers necessary prepare an extract showing separately the waqfs, trusts, endowments or societies which prima facie appear wholly for charitable purposes.

(c) The extract prepared in sub-rule (b) shall be forwarded to the Collector who shall forward it to the Secretary to Government in the Revenue Department through the Compensation Commissioner along with a brief summary of the result of his inquiries, for orders of Government as to whether any of the waqfs, trusts, endowments or societies shall not be recognised.

16.

(1) The statements referred to in Rule 13 except statements in Z.A. [Forms 10-A and 11] *[Substituted by Notification No. 9203(l)/I-A-463-1952, dated 11.02.1953.]* shall be transmitted to the Assistant Collector incharge of the Sub-Division, who shall, if he is satisfied that the statements have been accurately prepared, pass suitable orders in reach case.

(2) The Assistant Collector inchargc of the sub-division shall then transmit the statements to the Compensation Officer.

17.

(1) In the case of a thekedar referred to in the statement in Z.A. Form 13, the Assistant Collector incharge of sub-division shall specify the land of which he shall be deemed to be hereditary tenant and the land of which he shall be the asami and the period for which he shall be entitled to hold the land and determine the rent of both portions.

(2) If the land cultivated by the thekedar which was not sir or khudkasht of the lessor on the date immediately preceding the date of vesting exceeds 30 acres in area, the Assistant Collector incharge of the sub-division shall with due regard to the choice of the thekedar about the plots which he washes to retain and the compactness of the whole holding which shall remain with the thekedar specify the plots which shall be deemed to be vacant land.

18.

(1) In the case of mortgagees referred to in the statement in Z.A. Form 14, the [Assistant Collector incharge of the sub-division] *[Substituted by Notification No.*

3195/I-A-3594-59, dated 30.06.1962.] shall specify the plots which shall be deemed to be the sir or khudkasht of the mortgagor and determine the rent of the rest of the land.

(2) The [Assistant Collector of the first class] *[Substituted by Notification No. 315-R(4)/I-A-1042-1955, dated 20.02.1957.]* shall issue a notice to the mortgagee to deposit the amount referred to in clause (b) of sub-section (2) of Section 14 within six months from the date of vesting. If the amount is not deposited, he shall declare his land to be vacant land.

19.

No order passed under Rule 16 shall debar any person from establishing his rights in a court of competent jurisdiction.

20. Interest on mortgage money. Section 6(g)(ii).

- The amount declared due on a simple mortgage substituted under sub-clause (i) of clause (g) of Section 6 shall carry simple interest at the rate of 2½ per cent, per annum from the date of vesting.

21. Application of thekedar for extention of period of 5 years on the area. Section 13.

(a) An application under sub-section (3) of Section 13 shall be filed in the Court of the Collector within six months of the date of vesting.

(b) In deciding the application referred to above the Collector shall have regard to-

(i) the agricultural stock and implement in possession of the applicant;

(ii) the total area held by the applicant in his personal cultivation as bhumidhar, sirdar or asami.

(iii) the agricultural technique employed, i.e., whether cultivation is mechanized or not;

(iv) whether the land held by the applicant as bhumidhar, sirdar or asami is in a compact block or is scattered, and

(v) whether the grant of permission will help in bringing about compactness in cultivation of the applicant.

22. Intermediaries sir and Khudkasht. Section 15.

- A statement shall be prepared by the Compensation Officer for each intermediary in Z.A. Form 17 showing the name of each intermediary who holds sir, khudkasht or grove or land in personal cultivation in any estate belonging to him jointly with others, the

share of the intermediary in the estate, the area of sir, khudkasht or grove or land in personal cultivation and its valuation at rates applicable to ex-proprietary tenants.

The valuation shall be based upon-

(a) the rent rates sanctioned at the latest settlement or revision of settlement [* * *] *[Deleted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*, or

(b) the rates determined under the Agra Tenancy Act, 1926 or the Oudh Rent Act, [1886] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*, as the case may be, or

(c) the rates determined under the provisions of the U.P. Tenancy Act, 1939, whichever are the latest.

If the rent-rates do not distinguish between occupancy and non-occupancy or statutory tenants such rates shall be deemed to be sanctioned rates for both occupancy and hereditary tenants. If there or no sanctioned rent-rates, ex-proprietary rent shall be determined after taking into consideration the rents generally payable by occupancy tenants for land of similar quality and advantages in the vicinity.

Note. - The statement shall not include land in the personal cultivation of an intermediary or sir or khudkasht or intermediarys grove which is held jointly by all the cosharers in the estate.

23.

The statement in Z.A. Form 17 shall also show the grows assets of the intermediary and the valuation of the sir, khudkasht and grove held in excess of the gross assets of the intermediary. [A copy of the statement shall be sent to the intermediary concerned as soon as the statement is ready] *[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*.

24.

As soon as may be after the preparation of the statement in Z.A. Form 17 the Compensation Officer shall serve or cause to be served upon an intermediary, who holds land in his personal cultivation or as sir, khudkasht or intermediarys grove in excess of his proportionate share in the estate or estates concerned; a notice to appear and file within [30] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* days of the service thereof a written statement containing full particulars about the land, not exceeding in valuation the gross assets of the intermediary, in which he wishes to acquire the rights of bhumidhar. [The Compensation Officer shall after considering the written statement, direct any subordinate Assistant Collector to demarcate] *[Substituted by Notification No. 3195/1-A-3594-1959, dated 30.06.1962.]*, the land in which Bhumidhari rights accrue to the intermediary in accordance with Section 18 read with subsection (2)

of Section 15 of the Act. In making the demarcation the Assistant Collector shall avoid the sub-division of a plot as far as possible.

25.

If the intermediary fails to comply with the notice mentioned in Rule 24, [the Compensation Officer may direct any subordinate Assistant Collector to proceed] *[Substituted by Notification No. 3195/I-A-3594-1959, dated 30.06.1962.]* forthwith to make I he demarcation and in doing so he shall make the area in which bhumidhari rights accrue as compact as possible.

26. Private wells and buildings.

(a) Subject to sub-rule (h), the site of a [* * *] *[Deleted by Notification No. 1130/I-A-1699-1958, dated 11.03.1954.]* well [* * *] *[Deleted by Notification No. 1130/I-A-1699-1958, dated 11.03.1954.]* or building along with the area appurtenant thereto situate within the limits of an estate shall be deemed to be settled with the owner of the said well, [* * *] *[Deleted by Notification No. 1130/I-A-1699-1958, dated 11.03.1954.]* or building, on the following terms and conditions :

(i) He shall have a heritable and transferable interest in the site.

(ii) He shall not be liable to ejectment on any ground whatsoever.

(iii) He shall have the right to use the site for any purpose whatsoever subject to the existing rights to casement.

(iv) Succession shall be governed by personal law.

(v) If the building is abandoned or if the well goes out of use, or if the owner dies without any heir entitled to succeed, the site shall escheat to the State.

(vi) (1) He shall pay to the Gaon Sabha rent for the site equal to the amount of rent payable therefor on the date immediately preceding the date of vesting. He shall however not be liable to pay any rent for the site if no such rent was payable on the date.

(2) [(i) In case the site is assigned for any public purpose, such as roads, hospitals, dispensaries, schools and the like, which will not yield any income either in the present or in the near future to the individual or body assigning it the [Goan Sabha] *[Added by Notification No. 315-R(4)/I-A-1942-1955.]* [or the assignor] *[Inserted by Notification No. 3195/I-A-3594-59.]* shall report the fact to the Collector, giving the details of the land and the amount of rent involved. The Collector may exempt the site from the payment of rent for so long as it is utilized for any purpose of the nature indicated above

(ii) When such exemption has once been sanctioned by the Collector the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* may sanction the continuance of exemption from year to year so long as the land is being put to the same use.

(iii) At the beginning of every revenue year the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* shall enquire whether all land in respect of which exemption has been allowed is still used for the purpose which made it eligible for exemption. If it is found that the land or any portion thereof has ceased to be so used or though used for the same purpose as before has started to yield an income to the body or the individual concerned the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* shall report the fact to the Collector with necessary details. The Collector may, after making such inquiry as he considers necessary, direct that the exemption from the payment of rent should cease wholly or in part, as the case may demand.

(3) The person or body assigning the site [unless the assignment is of the entire interest of such person or body in the same] *[Inserted by Notification No. 3195/I-A-03594-59.]*, has no right to claim exemption from the payment of rent as a matter of course. Such exemption can only be granted by the Collector who has full discretion to reject any case which does not completely fulfill the requirements of sub-clause (2)(i) above.]

(b) The site of a private well or a building in a holding or grove shall be deemed to be settled with the tenure holder on the same tenure as the holding or the grove in which it is situate.

[* * *] *[Deleted by Notification No. 1241/I-A-588-62, dated 25.03.1963.]*

26A. [***[Inserted by Notification No. 240/2-1(3J-78-UPA-1/51 -AM(13)-1979 dated 21.12.1979.]***

(1) Upon the publication of notification under sub-section (2) of Section 2 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 in respect of any area held by a co-operative society, registered under the U.P. Cooperative Societies Act, 1965 or a society registered under the Societies Registration Act, 1860 or a limited liability Company under the Companies Act, 1956, which had not been actually utilised in execution a housing scheme till the date of the notification issued under sub-section (2) of Section 2 of the Act, the Collector shall take necessary action to take possession of the land and thereafter he shall transfer the possession of such area of land, to the Municipality or Notified Area constituted under the provisions of the United Provinces Municipalities Act, 1961 or a Town Area constituted under the provisions of the United Provinces Town Areas Act, 1914, or the State Housing and Development Board, or the Development Authority as the case may be, under

whose jurisdiction the land is situate and the said authority shall utilise such area of land for the purposes of housing and urban development.

(2) The Collector shall intimate every transfer made under sub-rule (1), to the Board of Revenue and the State Government showing full details of the land so transferred.]

Chapter III
Assessment of Compensation

27. Determination and commutation of rent. Sections 39(i)(a)(ii) and (a)(iii).

- The Compensation Officer shall from the khatauni for the previous agricultural year prepare a statement in-

(1) Z.A. Form 18 in respect of holdings or part thereof the rent of which is payable in kind or based on an estimate or appraisement of the standing crop or partly in cash and partly in kind, and

(2) Z.A. Form 19 in respect of holdings for which rent is payable but has not been determined.

28.

After making entries in Columns 1 to 7 of both the abovementioned statements for the whole mahal, the rent will be calculated in accordance with the provisions of Section 39.

29. Section 64(2)(c).

- [(1) If in any district, part of a district or local area rent rates have not been determined the Compensation Officer shall decide the rates for the purpose of determination and commutation of rents after considering the rents generally payable-

(a) in the case of holdings mentioned in Z.A. Form 18, by the tenants of the same class;

(b) in the case of the holdings of under-proprietors and ex-proprietary tenants mentioned in Z.A. Form 19 by exproprietary tenants and

(c) in the case of others, except grove-holders, mentioned in Z.A. Form 19, by hereditary tenants.]

for a land of similar quality and advantages in the vicinity and the rents shall be computed accordingly and entries made in Columns 7 and 8.

(2) [The rent computed may be rounded off to the nearest [nava paisa.] *[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.] [Added by Notification No. 9203(1J/I-A-463-1952, dated 11.02.1953.]*

30. Section 44(a).

(1) The Compensation Officer shall determine the land revenue on all miscellaneous properties (haqqivat mutafarriqa) on which land revenue is not recorded in the khewat on the following principles :

(a) If the entire property consists of abadi, timber grove or culturable or un-culturable waste no land revenue will be determined.

(b) If the miscellaneous property consists partly of cultivated area and party of uncultivated area or entirely of cultivated area, land revenue will be determined on the cultivated area alone at the incidence of revenue per acre of the cultivated area of the mahal of the agricultural year preceding the date of vesting.

Explanation. - For the purposes of this rule the term cultivated area includes new fallow, land prepared for sugarcane and groves other than those of timber trees.

(2) The Compensation Officer shall also determine the amount of local rates or cesses payable for each khata in accordance with the provisions of Chapter XII of the Revenue Manual.

(3) The Compensation Officer shall, after determining the land revenue of the miscellaneous property, inform the tahsildar of the tahsil in which the property is a situate in the following form :

District.....Tahsil.....

			Serial	Khata		Amount of| |-|||||||||-	Pargana	Village	Mahal	number	Khewat number
1	2	3	4	5	6	7	8	9			

(4) The Tahsildar shall on receipt of the information, have entries made in the remark column of the Khewat.

(5) At the time of calculating net assets the amount of land revenue, cesses and local rates so determined shall be deducted from the corresponding dues against the khata khewat out of which the miscellaneous property has been created and in cases where it has been created by an individual co-sharer against the corresponding dues of such co-sharer

(6) [In cases where haqqiyat-mutafarriqa was created by one or more but not all the co-sharers of the khata khewat and the land revenue corresponding to the haqqiyat-mufarriqa has been deducted from the corresponding dues of such cosharers the shares of the main khata khewat shall be re-calculated and the gross assets of the main khata khewat distributed among them according to the new shares.] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*

31.

[Statements shall be prepared in Z.A. Forms 18-A and 20] *[Added by Notification No. 9203(1)/I-A-463-l952, dated 11.02.1953.]* for every mahal for calculating the amount of assumed rent of the sir, khudkasht and grove land of the intermediaries.

32. Section 39(c).

- A statement shall be prepared in Z.A. Form 21 tabulating the sayar income which was accrued during the last 10 years in each khata khewat In this statement only those items of sayar income shall be included which fall within the definition of sayar in the U.P. Tenancy Act, 1939 and also the income from hats, bazars and melas to which clause (a) of Section 5 applies.

33. Section 39(d).

- The average of four years' annual income from the rents of building sites in a mahal shall also be tabulated in Z A. Form 22.

34. Section 39(e).

(1) The Compensation Officer shall, for the purpose of determining the period for which average shall be taken under sub-clause (i) of clause (e) of Section 39 of the Act, call upon the intermediary to furnish within a period to be fixed a written statement showing-

(i) the class of forest (e.g. high forest, coppice, coppice with standards, scrub, etc.);

(ii) the periodical fellings made therein during the 40 years immediately preceding the date of vesting;

(iii) the income received year after year during the 40 years immediately preceding the date of vesting;

(iv) the principal species of trees in the forest and their approximate age class;

(v) the condition of the forest at the date of vesting and any other particulars which may be material for determining the period aforesaid.

(2) On the filing of the written statement under sub-rule (1), or if no written statement is filed on the expiry of the period allowed therefor, the Compensation Officer may hold such inquiry as he considers necessary and may by order require any person to attend as a witness and give evidence or to produce any document in his possession or power which relates to any matter in question. [The Compensation Officer may also call upon an officer of the Forest Department not below the rank of Divisional Forest Officer, to inspect the forest and submit his report about the estimate of forest income.] *[Added by Notification No 7996(1)/I-A-1282-1952, dated 08.10.1952.]*

(3) After [considering the report of the officer of the Forest Department and] *[Added by Notification No. 7996(1)/I-A-1282-1952, dated 08 10 1952.]* hearing the intermediary and such other persons as he may like to be heard, the Compensation Officer shall make an order determining the period and the average annual income from the forest and shall record his reasons therefor.

35. Sections 39(c) and (g).

- Statements in respect of incomes from mines and minerals shall be called for from the intermediaries. The Compensation Officer shall direct the intermediaries to file the information required by, Section 39(1)(f) and (g) for 12 agricultural years immediately preceding the date of vesting in respect of the mines on account of which royalties have been paid and the annual gross income of the mines which have been directly worked by the intermediaries and the amount of cess or income-tax paid or assessed on each of the two classes of income.

36. Section 38.

- The Compensation Officer shall prepare [statements in Z.A. Form 20-A and Z.A. Form 23] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* for each mahal. Where a mahal is comprised of area situated in more than one village the portion situate in each village shall be treated, for the purpose of this statement, as a separate mahal.

37.

[The Compensation Officer shall then prepare the following statements :

(a) Statement in Z.A. Form 23-A showing the distribution of gross assets and land revenue, etc., of shamilat khata khewat.

(b) Statement in Z.A. Form 23-B showing shares of intermediaries in cases where haqqiyat-mutafarriqa has been created by some but not all the cosharers.

(c) Statement in Z.A. Form 24 showing shares of intermediaries in gross assets, land revenue and local rates in a mahal.]

37A. [Agricultural Income-tax. Section 44(a)(1). ***[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

- In order to ascertain the amount of agricultural income-tax to be deducted from the gross assets, statements in Form A to E shall be prepared showing the income of intermediaries (assessed to agricultural income-tax) from their tenancy holdings and land in respect of which a notification under Section 4 has not been made.] *[Substituted by Notification No. 9203(l)/I-A-463-1952, dated 11.02.1953.]*

38.

(1) The Collector shall forward to every Compensation Officer within whose jurisdiction an intermediary assessed to Agricultural Income-tax in the previous year has interest, a statement in Z.A. Form 25 showing the Agricultural Income-tax assessed upon the intermediary in his district in the previous agricultural year.

Explanation. - Where land revenue is not payable in respect of any khata khewat the nominal land revenue shall be deemed to be revenue payable for the purposes of this statement. Where nominal land revenue has not been assessed it shall be calculated on the basis of the local rates.

(2) Where a Compensation Officer has reason to believe that an intermediary having interest in his circle has been assessed to Agricultural Income-tax in the previous year and no statement under sub-rule (1) has been received in respect of such intermediary he shall ask the Collector concerned to furnish a statement in the aforementioned form and on receipt of the requisition the Collector shall furnish such statement.

38A. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

The cost of collection of royalties mentioned in Section 39 (f) shall be computed at 6¼ per cent of the royalties.]

39.

[From the information received from the Collector, the Compensation Officer shall prepare a statement in Z.A. Form 25-A showing the distribution of Agricultural income-tax on khata khewats.] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*

39A. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

In the case of mahals consisting partly of an area to which the notification under Section 4 applies and partly of an area to which the notification docs not apply the land revenue shall be apportioned in the following manner.

Statement shall be prepared separately for each part of the mahal showing :

(1) Commuted cash rent's of grain rented holdings according to the rent rate applicable.

(2) Valuation at ex-proprietary rates of all sir, khudkasht, land in personal cultivation and groves held by all intermediaries (including the plots held by tenants or occupants to whom sirdari or bhumidari rights accrue).

(3) Valuation at hereditary rates or other cultivated areas for which rents are not recorded, i.e., land held by occupiers of class 10-A in Agra or class 5-A in Avadh, and land for which rent is payable but not determined.

The assets of each part of the mahal shall be calculated separately by adding the total recorded rent and the sayar of each part to the mahal to the aggregate of the statements mentioned above. The land revenue for each part of the mahal shall be apportioned in proportion to the assets of each part.]

39B.

(1) The Compensation Officer shall prepare a statement in Z.A. Form 26 showing the deductions to be made from the gross assets.

(2) The proportionate Agricultural Income-tax and super-tax on sir khudkasht, and intermediarys grove and land in personal cultivation, which is settled with the intermediary as bhumidhar, shall be calculated in Forms F and G, and the amount entered in column 9 of Form G shall be added to the amount in Column 7 of the statement in Z.A. Form 27 :

[Provided that where the amount so calculated and totalled for all the Estates held by the intermediary exceeds the amount of proportionate Agricultural Income-tax and super-tax payable in the previous agricultural year in respect of agricultural income under Section 6 of the U.P. Agricultural Income-tax Act, 1948, together with income from his groves, the latter amount less the amount already entered in column 14 of Z.A Form 26, shall be added to Column 7 of the Statement in Z.A. Form 27.] *[Added by Notification No. 4819/1-A-1042-1955, dated 16.09.1955.]*

39C. [***[Added by Notification No. 3266/I-A-1056-1954, dated 17.08 1954.]***

In the case of manzuridars, atiadars and muqarraridars of the merged Banaras State to which Notification No. 1830 (1)/I-A-1060-53, dated July 1, 1953, applies, the cost of management and irrecoverable arrears of rent shall be deducted at the rate of 25 per centum of the assets remaining after deducting the land revenue payable from the total gross assets]

40.

From the statements prepared under the foregoing rules the Compensation Officer shall proceed prepare the draft Compensation Roll in Z.A. Form 27. After thoroughly checking this and the subsidiary statements the Compensation Officer shall [* * *] *[Deleted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* affix his signature against each entry.

40A. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

In order to determine the class to which an intermediary belongs for the purpose of assessing rehabilitation grant in the case of an estate-

(1) in permanently settled areas which is not assessed to land revenue,

(2) in temporarily settled areas which is not assessed to land revenue or local rate.

the land revenue shall be computed at 35 per cent of the gross assets calculated according to the provisions of Section 39 in temporarily settled areas and 30 per cent in permanently settled areas.]

41. Section 48.

(1) The Compensation Officer shall also prepare separate draft compensation assessment rolls of-

(i) sub-proprietors.

(ii) under-proprietors,

(iii) permanent lessees in Avadh,

(iv) permanent tenure-holders, and

(v) assignees of land revenue whose names are recorded in khewat.

(vi) [Nankars naqdi recorded in the under-proprietory khewat who receive a certain amount in cash from the proprietor.] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

(2) In the case of an intermediary mentioned in any of the clauses (i) to (iv) of sub-rule (1) :

(a) the gross assets shall be computed according to the provisions of Section 39 for land included in the holding of such intermediaries :

Provided that in the case of rents including cesses and local rates mentioned in clause (a) of sub-section (1) of Section 39 only the rents payable for land, of which such intermediary is the landholder, shall be included in the gross assets.

(b) the rent payable for such land by such intermediary shall, for purposes of assessment of net assets be treated as if it was land revenue payable by him.

(3) In the case of an intermediary mentioned in clause (v) of sub-rule (1) the land revenue assigned to such intermediary shall in respect of the land be his gross assets.

(4) [In the case of an intermediary mentioned in clause (iv) of sub-rule (I) the amount payable to such intermediary by the proprietor shall be deemed to be gross assets.] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

The amount payable by the proprietor to the nankar naqdi shall be deducted from his gross assets.

42.

Where land is held by an intermediary mentioned in any of the clauses (i) to (iv) of sub-rule (1) of Rule 41, the gross assets of the proprietor for such land shall be deemed to be the rent, if any, payable by such intermediary for the land to the proprietor.

43. Section 40.

(a) After the draft compensation assessment roll has been drawn up, the Compensation Officer shall cause a notice in Z.A. Form 28 to be published in the Gazette.

(b) Copies of the notice shall be pasted at the notice board in the office of the Collector of the district, of the tahsil and at a place of public resort in the village in which the estate is situate.

(c) A copy of the aforementioned notice along with a certified extract of the draft compensation assessment roll shall be served on the intermediary in the manner specified in the Code of Civil Procedure

43A. [Section 56. ***[Added by Notification No. 5647/I-A-1073-1053, dated 25 08.1953.]***

- Before apportioning the compensation between the intermediary and his thekedar, the Compensation Officer shall issue a notice to both parties to appear on a date to be specified by him, and after hearing the parties and considering the evidence produced by them and examining such further evidence as he may consider necessary, pass suitable orders.]

43B. [***[Added by Notification No. 3266/I-A-1056-1954, dated 17.08.1954.]***

Where in the course of service of notice under Section 46(1) issued to a recorded intermediary, or otherwise the Compensation Officer comes to know that the

intermediary has died, he shall ascertain the names, from the Lekhpal and the Pradhan of the Land Management Committee through the Tahsildar, of all such persons as claim to be heirs of the deceased and issue notice to each one of such persons and also cause a general proclamation to be made in the village in which the property was situate, calling upon them to appear before him to a specified date to prove the extent of their interest in the estate of the deceased. The Compensation Officer shall thereupon take proceedings for determination of the legal heirs of the deceased.]

44.

[* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25 08.1953.]*

45. Interim compensation. Section 29.

- As and when the State Government directs the payment of interim compensation, the following procedure shall apply:

(a) Applications for award of interim compensation shall be presented to the Compensation Officer having jurisdiction who shall determine the amount of interim compensation in the manner provided in these rules.

(b) A separate application shall be given in respect of each estate but if the applicant possesses interest in more than one estate situate in the same tahsil, a combined application for such estates may be given.

(c) An application for interim compensation shall contain all the necessary particulars entitling the applicant to such compensation, including full specification of the estate or estates, mahal, pargana, tahsil and district in which it is situated and the period for which the interim compensation has been applied for [where the preliminary publication of the draft compensation assessment roll has been made the applicant shall also mention the serial number of the said roll] *[Added by Notification No. 5647/1-A-1073-1953, dated 25.08.1953.]*. In the case of a proprietor, it shall also give details of the land revenue assessed, names of recorded cosharers and the share of the applicant [* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25.08 1953.]*. In the case of an under-proprietor, sub-proprietor, permanent lessee in Avadh or permanent tenure-holder it shall give details of the rent of the holding names of recorded co-sharers or co-tenants as the case may be, and the share of the applicant. [* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25.08 1953.]*.

[(c-1) Interim compensation shall be payable as follows : *[Substituted by Notification No. 4810/1-A-1042-1955, dated 16.09.1955.]*

On April 1 and July 1 each year for kharif and rabi respectively up to the year 1362 Fasli, and thereafter on January 1 and July 1 respectively.]

[(c-II) Applications made on or after July 1, 1953, shall state whether or not the applicant has received any interim compensation and if he has, the amount of interim compensation and the date of previous application or applications shall be given.] *[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

[(c-III) No court fee shall be charged upon applications for interim compensation.] *[Added by Notification No. 5647/I-A-l073-1953, dated 25.08.1953.]*

(d) All such applications shall be duly verified in the manner provided for the verification of plaints in the Code of Civil Procedure.

46.

(1) Subject to sub-rules (2) and (3), interim compensation payable to an intermediary under Section 29, shall be calculated on the basis of record of rights for the previous agricultural year and be-

(a) in respect of permanently settled estates, a sum equal to one and one-half time the total amount of instalments on account of land revenue which but for acquisition would have been payable therefor [for the period] *[Substituted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*, and

(b) in respect of other estates, a sum equal to the total amount of such instalments :

[Provided that interim compensation shall be payable to waqfs, trusts and endowments, which are for a charitable or religious purpose, in the form of interim annuity:] *[Substituted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

Provided further-

(i) Where land revenue is assessed but is not payable the instalments payable during any period shall for the purpose aforesaid be treated as equal to the amount which would have been fixed it the land revenue had been payable.

(ii) Where no land revenue is assessed the value of the instalment shall be calculated [on the basis of the local rates assessed.] *[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

[(ii-a) In the case of an under-proprietor, a sub-proprietor, a permanent lessee in Avadh or a permanent tenure-holder, 90 per cent of the rent paid by him to the proprietor shall be treated as the land revenue for the purpose of calculating the amount of interim compensation.] *[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

(iii) Where any estate is held both by a proprietor and by an under-proprietor or sub-proprietor or a permanent lessee in Avadh or a permanent tenure-

holder, the land revenue payable by the proprietor shall for purposes aforesaid be deemed to be equal to the difference between the land revenue assessed and the rents payable by the under-proprietor, sub-proprietor, permanent lessee in Avadh or permanent tenure-holder as the case may be :

[(iii-a) In case of an estate- *[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

(i) in permanently settled areas-which was not assessed to land revenue,

(ii) in temporarily settled areas-which was not assessed to land revenue or local rate,

the land revenue shall, for the purpose of calculating the interim compensation, be computed according to Rule 40-A.]

[* * *] *[Deleted by Notification No. 3266/I-A-1056-1954, dated 17.08.1954.]*

(2) Any amount already paid to an intermediary on account of interim compensation under-sub-rule (1) shall be deducted in arriving at the amount which may be payable to him upon any second or subsequent application.

(3) [Notwithstanding anything contained in sub-rules (1) and (2), the interim compensation for the year 1361 Fasli, shall be equal to the estimated instalment payable under Chapter IV for the amount of compensation entered on the roll in cases where the draft compensation assessment roll has been published.] *[Substituted by Notification No. 4819/I-A-1042 1955, dated 16.09.1955.]*

[Provided that the interim compensation for kharif and rabi 1360 shall be paid in accordance with sub-rule (1).] *[Added by Notification No. 5647/I-A-1073-19S3, dated 25.08.1953.]*

46A.

The total amount of interim compensation shall not exceed [(50) per cent of the amount of total compensation.] *[Substituted by Notification No. 4819/I-A-1042 1955, dated 16.09.1955.]*

47.

The interim compensation be paid in cash.

48. [***[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]***

All arrears of land revenue, cesses, local rates, owners rates and all arrears on account of tax on agricultural income assessed under the U.P. Agricultural Income Tax Act, 1948 due from an intermediary in respect of his Estate for any period prior to the date of vesting and all amount ordered to be paid by an intermediary to the State Government under

Sections 27 and 28 of the U.P. Encumbered Estates Act, 1934, which had fallen due before June 30, 1952, as also amounts due under the Land Improvement Loans Act, 1883, or the Agricultural Loans Act, 1884 which remain unpaid on the date of interim compensation, shall be deducted from the amount of interim compensation].

49.

An intermediary shall be entitled to apply for interim compensation in the first instance after the expiry of nine months from the date of vesting [and subsequently when another instalment of interim compensation becomes payable in accordance with sub-clause (c-1) of Rule 45.] *[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

50.

Where one or more instalments of interim compensation have not been applied for the intermediary shall be entitled to apply for the payment of such of the instalments of the interim compensation to which he is entitled up to and until the date on which the amount of compensation is determined [or the transmission of an indent for Zamindari Abolition Compensation Bonds to the Public Debt Office, whichever is later.] *[Added by Notification No. 1130/I-A-l699-1953, dated 11.03.1954.]*

51. Section 29(2).

- The person in whose favour an order for payment of interim compensation has been passed, shall, [subject to the provisions of Rule 52. execute an agreement in Z.A. Form 29-A or 30-A] *[Substituted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]* as the Compensation Officer may direct, undertaking to repay the amount in excess of the amount determined as compensation :

[Provided that no agreement shall be required to be executed by a person whose roll has been made final.] *[Added by Notification No. 4819/I-A-1042-1955, dated 16.09.1955.]*

52.

If the right, title or interest of any intermediary in respect of any estate or part thereof is in dispute the interim compensation shall be payable to the person whose name is recorded in the record of rights of the previous agricultural year, In all such cases the Compensation Officer shall require the applicant to furnish security either by himself or through sureties, the value of his security not being less than 11/2 times the amount of the interim compensation to be paid, and shall have the bond in Z.A. Form [30 or] *[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]* 31 executed. It the whole or any part of amount of the interim compensation paid to the applicant is in excess of the compensation, if any, payable to him, and the applicant fails to refund the amount within three months of the demand the property pledged with Government as security or any

part thereof may be sold and the proceeds applied to the payment of such amount including costs incurred for the recovery thereof.

53.

The Compensation Officer shall maintain a register in Z.A. Form 32 in which all entries in respect of payment of interim compensation shall be made. [The voucher shall be prepared in Z.A. Foam 31-A.] *[Substituted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

54. Section 30.

- The Treasury Officer shall intimate to the Compensation Officer concerned in Z.A. Form 33 the payments of interim compensation made.

55.

(1) Before the award for payment of compensation has been made the Compensation Officer shall examine the register of interim compensation and if any amount has been paid as interim compensation deduct the same from the amount of compensation finally payable. He shall also cause simultaneously to be entered in the register [in Z.A. Form 38] *[Added by Notification No. 4819/I-A-1042-1955, dated 16.09.1955.]* the total amount of compensation and the net amount payable after deduction of interim compensation.

(2) If the interim compensation which has been paid exceeds the total amount of compensation, the Compensation Officer shall record the fact in the register of interim compensation in Z.A. Form 32 and the register for payment of compensation in Z.A. Form 38 and shall forward report containing full details to the Collector for recovery of the amount paid in excess.

55A. [***[Added by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]***

(1) As and when the State Government directs, interim annuity shall be payable to waqfs, trusts or endowments which are for religious or charitable purpose.]

(2) An application for the award of interim annuity shall be presented to the Compensation Officer having jurisdiction, who shall determine the amount of annuity in the manner provided in these rules.

(3) A separate application for interim annuity shall be given in respect of each estate but if the application possesses interest in more than one estate situated in the same tahsil, a combined application for such estates may be given.

(4) An application for interim annuity shall contain all the necessary particulars entitling the applicant to such annuity including full specification of the estate, or

estates, mahal, pargana, tahsil and district in which it is situate. In the case of a proprietor, it shall give details of the land revenue assessed and the share of the applicant and in the case of an intermediary other than a proprietor it shall give details of the rent of the holding and the share of the applicant.

[The date on which and the name of the tahsil and district in which application for rehabilitation grant under Section 79 has been filed shall also be stated in the application for interim annuity. In case such application has not been filed, the reasons, for not doing so shall be stated.] *[Added by Notification No. 558-RS/I-A-342-D57, dated 16.02.1959.]*

(5) All such applications shall be duly verified in the manner provided for the verification of plaints in the Code of Civil Procedure.

[(5-A) (i) If the application under Section 79 referred to in sub-rule (4) has been filed, the application for interim annuity shall be entertained by the Compensation Officer but payment thereon shall be made only after it has been allowed by the Compensation Commissioner under proviso to Rule 88-B.] *[Added by Notification No. 558-RS/I-A-342-D57, dated 16.02.1959.]*

(ii) In case the application under Section 79 has not been filed payment of interim annuity of the current instalment may be allowed but the payment of subsequent instalment(s) thereof shall be refused by the Compensation Officer who may advise the applicant to apply under Section 79 for the determination and payment of annuity:

Provided however, that if in any case the State Government is satisfied that the waqf, trust or endowment has sufficient justification for not filing the application under Section 79 till the next instalment of interim annuity fell due, it might allow the payment of the next instalment of the interim annuity.

(6) The interim annuity shall be calculated on the basis of the record of rights of the previous agricultural year and shall be an amount equal to [three-fourth] *[Substituted by Notification No. 3266/I-A-l056-1954, dated 17.08.1954.]*,of the net assets of-

(i) estates set apart, used or intended to be used exclusively for the maintenance of an educational, religious or charitable institution.

(ii) the proportion of the net assets which was set apart, used or intended to be used exclusively for religious or charitable purpose, in the case of estates not covered by clause (i).

(7) [The interim annuity shall be payable in two equal half-yearly instalments the first of which shall be payable from and after January 1, and the second from and after July 1, except that the interim annuity for the year from July 1, 1952 to June 30,

1953, shall be deemed to have become payable from and after February 1, 1953.] *[Substituted by Notification No. 3266/I-A-1056-1954, dated 17.08.1954.]*

(8) The interim annuity shall be paid in cash.

(9) The person in whose favour an order for the payment of interim annuity has been passed shall execute an agreement in Z.A Form 29-B.

(10) A register shall be maintained in Z.A. Form 32-A in which all entries in respect of payment of interim annuity shall be made

(11) The Treasury Officer shall intimate to the Compensation Officer in Z.A. Form 33-A the payment of interim annuity made.

(12) The amount paid as interim annuity shall be deducted from the annuity rehabilitation grant determined under Section 99.

55B.

(1) As and when the State Government directs payment of interim interest on compensation payable in bonds due to waqfs, trusts or endowments for religious or charitable purpose, shall also be made to them in cases where interim annuities have been paid or are payable under Rule 55-A but bonds in respect of compensation have not been indented from the Public Debt Office, Lucknow.

(2) An application for the payment of interim interest shall be presented to the Compensation Officer having jurisdiction, who shall determine the amount of interest in the manner provided in these rules.

(3) A separate application for the payment of interim interest shall be made in respect of each estate but if the applicant possesses interest in more than one estate situated in the same tahsil, a combined application for such estates may be given.

(4) An application for the payment of interim interest shall contain all the necessary particulars entitling the applicant to such payment, including full specification of the estate or estates, mahal, tahsil and district in which it is situate. In cases where one or more instalments of interim annuities have been paid, the application shall also contain specifications of the amounts of interim annuities received by the waqf, trust or endowment and the period for which these amounts have been received.

(5) All such applications shall be duly verified in the manner provided for the verification of plaints in the Code of Civil Procedure.

(6) The amount of interim interest payable shall be calculated at the rate of 2½ per cent per annum on the estimated amount of compensation payable to the waqf, trust or endowment in bonds.

(7) Interim interest shall be paid in half-yearly instalments-the first instalment falling due on or after 1st January and the second instalment falling due on or after 1st July every year, except the instalment of interim interest from the date of vesting up to June 30, 1955 which shall be deemed to have become payable from and after 1st July, 1955.

(8) Payment of interim interest shall be made in cash through voucher in Zamindari Abolition Form 31-A

(9) The person in whose favour an order for the payment of interim interest has been passed shall execute an agreement in Zamindari Abolition Form 29C :

[Provided that no agreement shall be required to be executed in respect of waqfs, trusts or endowments, compensation in respect whereof has been finally determined.] *[Added by Notification No. 2856/I-A-579-D-62, dated 03.07.1953.]*

(10) A register shall be maintained in Zamindari Abolition Form 32-B in which all entries in respect of payment of interim interest shall be recorded.

(11) The Treasury/Sub-Treasury Officer shall intimate to the Compensation Officer in Zamindari Abolition Form 33-B all payments of interim interest made in this account.

(12) The amount paid as interim interest shall be deducted from the interest which may be found due to the waqf, trust or endowment on the amount of compensation paid to it.

56. Dispute about title. Section 36.

- On receipt of a certified copy of the plaint or objection supported by an affidavit the Compensation Officer shall immediately cause entry thereof to be made in Z.A. Form 34. If an application for interim compensation has been received regarding the estate concerned an entry shall be made in this behalf in the remarks column in the mislband register maintained for such applications. If such an application is made subsequent to the receipt of a certified copy of the plaint or objection the entry in remarks column in the mislband register shall be made along with the entry regarding the receipt of the application. The serial number of the mislband register shall be entered in Z.A. Form 34 and the serial number of the entry in Z.A. Form 34 in the remarks column of the mislband register.

57.

The certified copy of plaint or objection shall then be placed on the file of compensation case to which it relates, if such file has already been prepared, otherwise a new file shall be opened.

58. **Section 64(1).**

- When the compensation assessment roll has been prepared the particulars of dispute shall be entered in the remarks column of the compensation assessment roll against the estate or estates concerned. The entry shall contain the following particulars:

(1) Name, parentage and address of the objector.

(2) Nature of plaint or objection.

(3) Date of filing plaint or objection in original court.

(4) Court in which proceedings are pending.

59. **Section 61.**

- Where the Compensation Officer makes a correction in the draft compensation assessment roll under sub-section (2) of Section 61, he shall intimate the same within 15 days after making correction to the intermediary who is affected thereby.

60.

The correction shall be made by the Compensation Officer in his own handwriting and shall be signed and dated

61. **Section 9.**

- The court-fee payable on memorandum of appeal to the District Judge under Sections 50 and 57 and to the High Court under [the proviso to Section 50] *[Added by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]* Sections 51 and 58 shall be 2 per cent on the value of the subject matter in appeal, and in all other cases as in appeals from others under the Court Fee Act, 1870.

Chapter IV
Payment of Compensation

62.

[Subject to [Rules 66-A and 751] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*, the compensation shall be paid in negotiable bonds [in the from of promissory notes] *[Added by Notification No. 9959/I-A-1051-1956, dated 29.11 1956.]* which shall be described as Zamindari Abolition Compensation Bonds]

63.

[The bonds [in the form of promissory notes] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* shall be issued in denominations of Rs. 50, Rs. 100, Rs. 200,

Rs. 500, Rs 1.000, Rs. 5,000, Rs. 10,000, [Rs. 25,000, Rs. 50,000 and Rs. 1,00,000] *[Added by Notification No. U.O. 1315/I-A-Rev.-(D)-51/17-66. dated 26.12.1966.]* and shall bear interest at the rate of 2½ per cent per annum on the principal that has not become payable, calculated from the date of vesting. No interest shall be payable on any amount of principal beyond the date on which its payment fell due even though the sum is not realised by the holder of the bond [in the form of promissory notes.] *[Added by Notification No 9959/I-A-1051-1956, dated 29.11.1956.]*

64.

(1) The interest together with the principal of a bond [in the form of promissory notes] *[Added by Notification No. 9959/I-A-1051-1956, dated 29.11.1956.]* shall be paid in equated annual instalments, except for the last, as described in Appendix IV during the period of 40 years beginning from the date of vesting :

Provided that any bond [in the form of promissory notes] *[Added by Notification No. 9959/I-A-1051-1956, dated 29.11.1956.]* may be redeemed at an earlier date at the option of the Government.

(2) [The instalments shall be paid annually on the completion of each period of twelve calendar months form the date of vesting.] *[Substituted by Notification No. 9959/I-A-1051-1956, dated 29.11.1956.]*

65.

[The instalments due on a bond [in the form of promissory notes] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* from the date of its enforcement shall be payable on presentation from and after the [due date of payment of instalment] *[Added by Notification No. U.O. 1315/I-A-Rev (D)-51/17-66, dated 26.12.1966.]* next after the delivery of the bond [in the form of promissory notes] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* to the intermediary:

Provided, that if one or more instalments have already fallen due before the delivery of the bond [in the form of promissory notes] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*, those instalments shall be payable immediately after the delivery of the bond [in the form of promissory notes] *[Added by Notification No. 9959/I-A- 1051-1956, dated 29.11.1956.]*.]

66.

[The instalments shall be payable at the treasury or sub-treasury in Uttar Pradesh at which the bond [in the form of promissory notes] *[Substituted by Notification No. 1130/1-A-1699 1953, dated 11.03.1954.]* is enfaced for payment of the instalments.]

66A. [***[Added by Notification No. 9959 I-A-1051-1956, dated 29.11.1956.]***

(1) The compensation due to a waqf, trust or endowment shall be paid in the form of stock certificates, which shall be described as Zamindari Abolition Compensation Bond Stock Certificates, subject to the following extent:]

(a) In case of waqfs, trusts or endowments created-

(i) before August 8, 1956, wholly for religious or charitable purpose, and

(ii) on or after August 3, 1946, wholly for charitable purpose, the entire compensation, and

(iii) before August 8, 1946, partly for religious and/or charitable purposes, and partly for other purposes, the portion of the compensation in respect of the religious and/or charitable purposes only.

(b) In other cases as described in Rule 62.

Explanation I. - The profits from any waqf, trust or endowed property or the portion of such profits used or intended to be used for or on the support of the founder or his family, or his or their descendants shall, notwithstanding anything contained in any law to the contrary, be deemed to be profits not used or intended to be used for a religious or charitable purpose.

Explanation II. - A society registered under the Societies Registration Act, 1860, having for its object a charitable purpose is a trust for such purpose.

(2) The stock certificates shall be issued for amounts in multiple of Rs. 50 and shall bear interest at the rate of 2½ per cent per annum from the date of vesting [except as provided in sub-rule (3) below.] *[Added by Notification No. 3151-RS/I-A-Rev. (D)-21-D-55.]*

(3) Interest on a stock certificate shall be paid annually on the completion of each period of twelve calendar months from the date of vesting :

Provided that if one or more annual payments of interest have already fallen due before the delivery of the stock certificate, they shall be payable immediately after the delivery of the stock certificate to the waqf, trust or endowment:

[Provided further that any amount paid to a waqf, trust or endowment on account of interim interest under Rule 55-B shall be adjusted by the Compensation Officer prior to the indenting of stock certificate under Rule 70, against interest for such number of whole years commencing from the date of vesting accruing on the amount of compensation payable in stock certificate as shall satisfy the amount of interim interest aforesaid. Any residual amount of interim interest, which cannot be adjusted against interest accruing on the amount of compensation payable in stock certificate in round number of years, shall be adjusted by deducting it from

the compensation payable in cash under sub-rule (1) of Rule 75 and the interest payable on cash compensation under sub-rule (2) of Rule 75. The payment of annual interest on the stock certificate shall begin from after as many years from the date of vesting as the interest thereof is adjusted towards the interim interest aforesaid. The date from which the interest on the stock certificate will become payable shall be specified by the Compensation Officer on the indent to be made under Rule 70. The Public Debt Office, Lucknow, shall indicate this date on the stock certificate] *[Added by Notification No. 3151-RS/I-A-Rev.(D)-21-D-55.]*

(4) The principal of a stock certificate shall be paid on the expiry of 40 calendar years from the date of vesting :

Provided that any stock certificate may be redeemed at an earlier date at the option of the Government.

(5) The interest on a stock certificate shall be paid by warrants issued by the Public Debt Office, Lucknow, payable at any agency of the Reserve Bank of India conducting Government treasury business in Uttar Pradesh or at any treasury or sub-treasury within Uttar Pradesh, [or, if so expressly requested by the payee, remitted at the payee's risk and responsibility, by money order or by bank draft after making the usual deductions on account of remittance commission] *[Substituted by Notification No. 532/I-A-533-63, dated 10.02.1964.]*.

66B.

In the case of waqf, trust or endowment mentioned at sub-clause (iii) of clause (a) of sub-rule (1) of Rule 66-A, the Compensation Officer shall apportion the compensation due to such waqf, trust or endowment-

(a) for religious and/or charitable purposes, and

(b) for purposes other than religious or charitable, in accordance with the terms of the deed creating the waqf, trust or endowment.

Provided that where the deed creating the waqf, trust or endowment does not exist or where the recitations, in the deed are not unequivocal with regard to the apportionment of the estates or the incomes thereof between religious or charitable purpose and other purposes regard will be had to.-

(a) the wishes, if any, of the founder of the waqf trust or endowment.

(b) the portions of the income from the property and the estates which have generally been used or applied to those purposes, and

(c) the principles of justice, equity and good conscience.

Note. - The appointment made by the Compensation Officer under this rule shall be deemed to be an apportionment for purposes of this Chapter only without prejudice to

any decision that may be taken by the Rehabilitation Grants Officer in apportioning the net assets for purposes of Chapter V.

67. Section 72(2).

- [(1)] *[Renumbered by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* [In case Government opts to redeem any class or classes of bonds before they are paid up under [Rules 64 or 66-A] *[Substituted by Notification No. 9959/I-A 1051-1956, dated 29.11.1956.]* Government will decide what amount, if any, is available for the redemption of the bonds. They will inform the Public Debt Office, [Lucknow] *[Substituted by Notification No. 1130A-A 1699-1953, dated 11.03.1954.]*, of the amount and the class of bonds, if any, which are to be redeemed, not later than four months before the proposed date of redemption The Public Debt Office will arrange as soon as possible for the drawing of lots and will on the completion of the draw, send a list of bonds drawn and to be redeemed to the Finance Secretary to Government, U.P. so as to reach him at least two months before the date of redemption. The list will show the names of the treasuries or sub-treasuries at which the bonds are enfaced. The Finance Secretary will cause this list to be published in the U.P. Gazette and in one or more important newspapers circulating in the areas comprising the treasuries or sub-treasuries at which the bonds are enfaced and will, at the same time, send a notice of discharge to the treasuries or sub-treasuries concerned and also to the Public Debt Office [Lucknow] *[Substituted by Notification No. 1130/I-A 1699-1953, dated 11.03.1954.]* not later than one month before the date of redemption.]

(2) [In redeeming the bonds, priority shall ordinarily be given to the bonds held by the intermediaries entitled to small amounts as compensation.] *[Added by Notification No. 7996/I-A 1282-1952, dated 08.10.1952.]*

68. Section 72(1).

- [In the case of complete redemption of bonds] *[Added by Notification No. 1130/I-A 1699-1953, dated 11.03.1954.]*, the procedure laid down in Chapter VIII of the Government Securities Manual for the payment of terminable loans will be followed at the treasuries or sub-treasuries as regards the payment of the outstanding amount of the principal of the bonds. The discharged bond, shall, as in the case of other U.P. Government securities, be forwarded to the Public Debt Office, [Lucknow] *[Substituted by Notification No. 1130/I-A 1699-1953, dated 11.03.1954.]*, through the Accountant-General, U.P.

69. Sections 68, 72.

- [The bonds shall be issued by the Public Debt Office, Lucknow, on requisition made by the Compensation Officer and shall be transmitted by the Public Debt Office to the Treasury or Sub-Treasury Officer of the district indicated by the Compensation Officer in the indent for the purpose. The bonds shall be enfaced [or registered] *[Substituted by Notification No. 1130/I-A 1699-1953, dated 11.03.1954.]* for payment of instalments at such

treasury or sub-treasury as may be indicated in the indent furnished by the Compensation Officer.]

69A.

The bonds shall be enfaced for payment of instalments at the treasury/sub-treasury of the tahsil in which the estate was situate unless an intermediary applies in advance that the bonds be enfaced for any other treasury/sub-treasury. In case the intermediary desires that the bonds be enfaced at a treasury/sub-treasury other than that of the tahsil in which his estate/estates was/were situate, he shall, soon after he receives a copy of the draft compensation assessment roll intimate to the Compensation Officer concerned the particulars of the treasury/sub-treasury at which he wishes the bonds to be enfaced. The Compensation Officer shall then indicate in the indent in Z.A. Form 34 the name of the treasury/sub-treasury at which the bonds are to be enfaced.

70.

[(1) After the amount of compensation payable to an intermediary has been finally determined, and entries made in the registers in Z.A. Form Nos. 38 and 38-A, the Compensation Officer shall have an indent for bonds in Z.A. Form 34 prepared in quadruplicate showing the [form] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* denomination and number of bonds payable to each intermediary. The Compensation Officer shall fill in columns 1 to 14 only and sign and seal each copy alter satisfying himself that the entries have been correctly shown therein and shall enter in words in his own handwriting the total value of bonds indented, both in the original and copies thereof. He shall despatch three copies to the Public Debt Office, Lucknow, for compliance and retain the original which shall be maintained in the form of a bound register supplied to him, each page whereof shall be numbered. The copies shall be prepared on spare sheets of forms supplied separately and each such copy shall bear the page number of the original from which it has been prepared.

(2) The Compensation Officer shall also maintain an abstract register of indents for bonds in Z.A. Form 35.].

71.

The Compensation Officer shall, not despatch any indent to the Public Debt Office, [Lucknow] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*, after the 26th day of a month.

72.

[(1) The Public Debt Office shall on receipt of the indent in triplicate, retain one copy and forward the other two copies together with the consignment of bonds indented to the

Treasury or Sub-Treasury Officer of the tahsil to which the indent relates, after entering in Columns 15 to 23 of the indent the particulars of bonds issued

(2) The Public Debt Office shall also send an intimation of despatch of the consignment in Form No. 34-A to the Treasury or Sub-Treasury Officer as well as to the Compensation Officer concerned.] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

(3) [Immediately on receipt of the consignment of bonds and the indent in duplicate, the Treasury or Sub-Treasury Officer shall verify the contents of the consignment and bonds filling in Column 24 and putting his initials in Column 25 against each entry and affixing full signatures at the end of each page of the indent in both the copies thereof. One copy of the indent shall be returned to the Public Debt in acknowledgement of the receipt of the bonds and the other copy shall be kept office in guard file, in order of receipt.] *[Substituted by Notification No. 1715/I-A-1042-1955.]*

73.

[The Treasury or Sub-Treasury Officer shall deposit the bonds so received in the Treasury or Sub-Treasury double lock, and send an intimation to the Compensation Officer concerned of the receipt of the particular indent. In case of non-receipt of the indent in full the Treasury or Sub-Treasury Officer shall give intimation thereof to the Compensation Officer, who will then correspond in the matter with Public Debt Office.] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

74.

[(1) The Compensation Officer shall on receipt of intimation in Z.A. Form 34-A enter the number, date of intimation, the number of bonds of each denomination and the total value thereof in the register in Z.A. Form 35. The Compensation Officer shall also lake register in Z.A. Form 34 to the Treasury/Sub-Treasury Officer and enter in Columns 16 to 24 of the register, against each relevant entry, the serial nos. of the bonds, received.] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

(2) The Compensation Officer shall on each day of issue of the bonds take the indent register in Z.A. Form 34 of the Treasury/Sub-Treasury and draw on the basis of entries in the said register, such of the bonds as are to be issued on that date and sign the Treasury/Sub-Treasury double lock Register in Z.A. Form 36 in Part I, against each entry of issue and he shall also sign against each entry of issue in Part II of the same register. He shall not, under any circumstances, retain any undisposed of bonds overnight, or allow them to pass into the hands of an official. Where any bond is not disposed of during the day, it shall be redeposited in the Treasury/Sub-Treasury double lock on the same day.

(3) A register shall be maintained in Z.A. Form 36 in two parts in the Treasury/Sub-Treasury where bonds are stocked. Part I shall be divided into separate portions for bonds of each denomination and the serial number of bonds received shall be entered in it immediately on receipt thereof and entries in Columns 4 and 5 made on issue of the bond to the Compensation Office or in case of return to the Public Debt Office. In case a bond is redeposited in the Treasury/Sub-Treasury double lock it again be entered in the columns for receipts.

(4) Entries in this register shall be made on each working day on which any bond was received or delivered or transmitted. The Sub-Divisional Officer of the tahsil shall verify the stocks at the end of each month and record a certificate in his own handwriting in the said register.

(5) On transfer of a Sub-Divisional Officer or a Collector, the officer taking over charge shall verify the stock of bonds and record a certificate in his own handwriting in both parts of the register.

(6) The Compensation Officer shall maintain a register in Z.A. Form 36-A and enter therein the particulars prescribed therein on each day on which bonds are withdrawn from the Treasury/Sub-Treasury or deposited or redeposited therein. The Compensation Officer shall sign all the entries for each day and the Treasury/Sub-Treasury Officer□s signatures shall be obtained against each entry of deposit of bonds in the Treasury/Sub-Treasury.

(7) On transfer of a Treasury Officer/Sub-Treasury Officer the Officer taking over charge shall verify the stock of bonds and record a certificate in his own handwriting in both parts of the register in Z.A. Form 36 to the following effect:

["Verified and found correct."]

75.

(1) Subject to the sub-rule (2) all such amounts as cannot be covered by bonds shall be paid in cash.

(2) Where the total amount payable to an intermediary does not exceed Rs. 50, it shall be paid in cash. [The amount of interest on cash payment shall also be paid in cash] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*.

(3) The amount payable in cash under this rule shall be rounded off to the nearest [naya paisa] *[Substituted by Notification No. 558-RS/I-A-342-D-57, dated 16.02.1959.]*.

76.

The Compensation Officer shall calculate interest at 2½ per-cent per annum on the amount [paid or] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* to be paid in cash from the date of vesting to the date of determination of compensation under

Section 52 [or the date of payment whichever is earlier] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*,

77. [***[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]***

(1) The Compensation Officer shall issue a notice in Z.A. Form 37-A to the intermediary/intermediaries of a mahal/mahals, in case the number of intermediaries is less then six, and a proclamation in Z.A. Form 37 in case their number exceeds six, directing them to take delivery of bonds and/or receive payment in cash on a specified date. A copy of the proclamation shall be posted at a central place in the village comprising the mahal/mahals and another copy shall be pasted on the notice board of the court of the Compensation Officer. A copy of the proclamation shall also be delivered to the Land Management (Committee of the village. Notice in Z.A. Form 37-A shall issue to only such intermediary/intermediaries who fail to turn up, in compliance with the proclamation on the date specified in the proclamation. On the date so fixed the Compensation Officer shall deliver the bonds and/or make payment in cash through voucher in Z.A. Form 41 to the intermediary/intermediaries or his/their duly authorized agent/agents and take signature of the recipient in token of the receipt on the voucher and/or on Z.A. Form 41-C, as the case may be. The receipt in Z.A. Form 41-C shall be filed along with the roll of the intermediary.

(2) Where rolls are made final on a date subsequent to the issue of proclamation mentioned under sub-rule (1), notice in duplicate, in Z A. Form 37-A shall be issued, one copy of which shall be handed over to the intermediary and the other copy duly signed by him, shall be kept for record with the rolls.

(3) If the notice or proclamation has been duly made and the intermediary does not appear cither in person or through duly authorized agent to receive the bonds until three years have elapsed from the date for which the notice or proclamation was made, the bonds shall be returned to the Public Debt Office by the Treasury or Sub-Treasury Officer along with schedule in Z.A. Form 40 on the receipt of advice from the Compensation Officer or an officer appointed to function on his behalf under sub-rule (4).

(4) In case the Compensation Officer ceases to function before the expiry of the said period the undelivered bonds shall be transferred to the custody of the Officer authorized by the Collector on his behalf. The latter shall then perform all the duties laid down herein for Compensation Officers.

(5) In case any bond remains unclaimed for three years from the date fixed for delivery, the schedule in Z.A. Form 40 shall be prepared in triplicate and two copies along with the unclaimed bonds, shall be transmitted to the Public Debt Office, which shall, after verification, return one copy duly acknowledged to the Treasury or Sub-Treasury Officer.

(6) When bonds are returned to the Public Debt Office under sub-rule (3) an entry in respect of the same shall be made in the register in Z.A. Form 34 in the remarks column and the serial number of the bonds shall be entered in the register in Z.A. Form 38-A and entries made also in Column 20 of the said register. On receipt of acknowledgement from the Public Debt Office entries shall also be made in Columns 21 and 22 of the register in Z.A. Form 38-A.]

77A. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

If after the return of bond(s) to the Public Debt Office, Lucknow, under sub-rule (5)of Rule 77, an intermediary claims his bond(s), he shall be required to make an application therefor to the Compensation Officer concerned in Z.A. Form 40-A. On receipt of the application the Compensation Officer shall check the same and satisfy himself about the identity of claimant and attest his signature in token thereof under his full dated signature and seal of his court. He shall then requisition the bond(s) from the Public Debt Office in Z.A. Form 40-B, which shall be prepared in quadruplicate. In his forwarding note to the Public Debt Offices therein, he shall mention the number and date of the Public Debt Office's acknowledgement of the bond(s) from Column 21 of Z.A. Form 38-A and shall fill in Columns 1 to 13 and sign and seal each copy after satisfying himself that the entries have been correctly shown therein. He shall also enter thereunder in words in his own handwriting the total value of bond(s) recalled, both in original and copies thereof. He shall despatch three copies to the Public Debt Office, Lucknow, for compliance and retain the original which shall be maintained in the form of a bound register supplied to him, each page whereof shall be numbered. The copies shall be prepared on spare sheets of forms supplied separately and each copy shall bear the page number of the original from which it has been prepared. He shall also make suitable note in the remarks columns of Z.A. Forms 34 and 38-A against the entries concerned.]

77B. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

(1) The Public Debt Office, shall on receipt of the requisition in triplicate, retain one copy and forward the other two copies together with the consignment of bonds recalled to the Treasury or Sub-Treasury Officer of the tahsil to which the requisition relates after filling in and signing the endorsement thereunder.

(2) The Public Debt Office shall also send an intimation of despatch of the consignment in Z.A. Form 34-A to the Treasury or Sub-Treasury Officer as well as the Compensation Officer concerned after substituting the words "Recalling Officer" for the words "Indenting Officer" in Column 1.

(3) Immediately on receipt of the consignment of bonds and the requisition in duplicate, the Treasury or Sub-Treasury Officer shall verify the consignment of bonds and affix his full signature at the end under the endorsement meant for him in both the copies thereof. One copy of the requisition shall be returned to the

Public Debt Office in acknowledgement of the receipt of the bonds and the other copy shall be kept in guard file, in order of receipt.

(4) The Treasury or Sub-Treasury Officer shall deposit the bonds so received in the Treasury or Sub-Treasury double lock after making entries in Z.A. Form 36, and send an intimation to the Compensation Officer concerned of the receipt of the particular requisition.]

77C. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

(1) The Compensation Officer shall on receipt of the intimation in Z.A. Form 34-A, make entries in the relevant records and take steps for the issue and deposit of bonds and follow- the same procedure as laid down in Rule 74.

(2) The Compensation Officer shall issue a notice in Z.A. Form 37-B to the intermediary concerned to attend the tahsil on any working day that may be fixed by the Compensation Officer for the delivery of bonds and payment of residual amount thereof in cash.

(3) On the date so fixed the Compensation Officer shall deliver the bonds and make payment of the residual amount in cash through voucher in Z.A. Form 41 to the intermediary/intermediaries or his/their duly authorised agent/agents after proper identification and obtaining the signature of the recipient in token of the receipt on the voucher and/or Z.A. Form 41-C, as the case may be. The receipt in Z.A. Form 41-C shall be filed along with the roll of the intermediary. The Compensation Officer shall at the same time make suitable entries regarding payment in all the relevant records in which a note of return of bonds, as unclaimed was made previously e.g., register in Z.A Forms 34 and 38-A, referred to in sub-Rule (6) to Rule 77 and in the file concerned.]

77D. [***[Substituted by Notification No. UO-605/Rajaswa-1-2(8)-75, dated 01.11.1975.]***

(1) In case an intermediary, entitled to get cash compensation exceeding Rs. 5 but not exceeding Rs 50.00 fails to take payment within three years from the date of the notice issued to him in Z.A. Form 37-A, the amount shall stand lapsed to the State Government The endorsements to that effect shall be made in the remarks column of Z.A. Form 38 and the Z.A. Register shall thus be closed and consigned to record after reproduction of all such entries in a separate Land Deposit Register which shall be duly verified and initialled by the Compensation Officer.

(2) If an intermediary or his legal representative claims payment of the amount lapsed under sub-rule (1), he shall be required to make an application in Z.A. Form 40-AA. On receipt of the application, the Compensation Officer shall check the same and satisfy- himself about the title and identity of the claimant and attest his signature in token thereof under his full dated signature and seal of his court. He shall then make payment in cash through voucher in Z.A. Form 41.]

77E. [***[Substituted by ibid.]***

Where an intermediary desires that such amount of compensation as is payable to him in cash, including interest accruing thereon, be donated for and on his behalf to the National Defence Fund, the Compensation Officer shall on receipt of a request to that effect on the back of the notice issued to the intermediary in Z.A. Form 37-A draw the amount through voucher in Z.A. Form 41, for and on behalf of the intermediary concerned and deposit the same through the District Magistrate in the said Fund in the name of the said intermediary. The receipt in respect of the deposit of the said amount shall be filed along with the Compensation Assessment Roll of the intermediary In case a receipt for the said deposit is desired by the intermediary, it may be given to him by the Compensation Officer after obtaining an acknowledgement therefor from the intermediary which shall be filed along with the said Roll. The number and date of the deposit receipt shall be entered in 'Remarks' column of the register in Z.A Form 38.]

78.

[Payment in cash shall be made through vouchers in Z.A. Form 41. The books containing vouchers and counterfoils shall be kept in the personal custody of the Compensation Officer, who shall before commencing use of a book of voucher, send intimation to the Treasury/Sub-Treasury Officer, as the case may be, in Z.A. Form 41-B.] *[Substituted by Notification No. 1130/I-A-1699-1953. dated 11.03.1954.]*

78A. [***[Added by Notification No. 2772-R/I-A-Rev(D)-87-D-1954, dated 26.08.1957.]***

(i) Where the compensation has been determined but the person entitled to it dies before it is paid to him. the Compensation Officer shall proceed to determine the legal representatives of the deceased.

(ii) In case the amount of compensation is such as is payable in cash, the same shall be paid through a voucher in Z.A. Form 41 drawn in favour of the legal representatives determined as aforesaid.

(iii) In case the amount of compensation is such as is payable in bonds these bonds shall be requisitioned in the name of the legal representatives and delivered to them. Where, however, the bonds have been requisitioned or have been received, they shall be delivered to the said legal representative after an endorsement on the

back of each bond made under the signatures of the Compensation Officer duly-bearing the date and seal in the following form:

Please pay to Sri/Sarvsri..... being the legal representative(s) of Sri..... a deceased intermediary as determined in miscellaneous case no..... of .....for the purpose of Section 67 of the U.P. Zamindari Abolition and Land Reforms Act, 1950.

Signature.....

Seal

Tahsil.....district.....

Dated.....

(iv) The signature of the legal representatives shall invariably be obtained in token of the receipt of the compensation in cash or in bonds on Z.A. Form 41 or Z.A. Form 41-C as the case may be.]

79.

[(1) The Treasury/Sub-Treasury Officer shall furnish in Z.A. Form 39 to the Compensation Officer an account of the vouchers presented and encashed on each day of payment and the Compensation Officer shall on its receipt fill in entries in Column 19 of the register in Z.A. Form 38. The statements in Z.A. Form 39 shall be kept in a guard file in the serial order of receipt. Where no payments are made on any day the Treasury/Sub Treasury Officer shall despatch a blank statement in Z.A. Form 39. The Compensation Officer shall furnish a statement in Z.A. Form 39-A, to the Collector of his district at the end of each month, who shall consolidate the statements so received in Z.A. Form 39-B, in duplicate both copies whereof shall be sent to the Treasury Officer for verification of the totals from the Treasury- records. The Treasury Officer shall verify the figures from his registers and note the verified amount on both the copies of the statement under his dated signatures and return them to the Collector The Collector shall then transmit one copy to the [Compensation Commissioner] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* by the 20th of each month. In case there is any difference between the treasury departmental a figures the Collector shall institute an enquiry at once and report the result to the [Compensation Commissioner.] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

(2) In case arrears are to be deducted from the amount pay-able as compensation to an intermediary, the Compensation Officer shall prepare the voucher in Z.A. Form 41-A and enter therein the amount of deductions to be adjusted by-transfer credit and send the same to the Tahsildar who shall make the necessary adjustments.]

80.

[A voucher not cashed for more than three month shall cease to be cashable unless it is countersigned and revalidated for payment by the Compensation Officer. The holder on failure to obtain payment within three months from the date of issue shall submit the voucher with application for revaluation of the same. In case of loss, destruction or mutilation of the original voucher the holder may apply for the issue of a fresh one. In such a case fresh voucher shall not be issued until after the expiry of six months from the date of issue of the original vouchers and after a non-payment certificate has been obtained from the Treasury/Sub-Treasury Officer.] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

81.

[* * *] *[Deleted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*.

82.

[* * *] *[Deleted by Notification No. 1130/1-A-1699-1953, dated 11.03.1954.]*.

83.

[* * *] *[Deleted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*.

84.

[The compensation due to a waqf trust or endowment, or a minor or a person suffering from some legal disability, or a limited owner shall be deposited with/made over to the following authorities or persons for and on behalf of such persons:] *[Substituted by Notification No. 2835(iii)/I-A-1042-1955, dated 17.04.1956.]*

(i) [in the case of waqfs, trusts and endowments] *[Substituted by Notification No. 9959/I-A-1051-1956, dated 29.11.1956.]*		[To the Mutawalli or manager of the waqf, trust or endowment or any person or authority entrusted with the management thereof.] *[Substituted by Notification No. 9959/I-A-1051-1956, dated 29.11.1956.]*
(ii) In the case of (1) a minor if no valid legal guardian such as a natural guardian, a testamentary guardian or a guardian appointed under the Guardians and Wards		With the District Judge of the district in which the person resides.

Act, 1890, exists and (2) a limited owner or a person suffering from some legal disability without a valid legal guardian, whose limited ownership or legal disability as the case may be, is proved before the Compensation Officer :	
Provided that after the compensation has been deposited with the District Judge, he may, on an application being presented to him, take steps for appointment of guardian of the minor, etc referred to above and shall make over the compensation to the duly appointed guardian and till the appointment of the guardian the District Judge shall deal with the compensation in the best interest of the person on whose behalf it has been deposited with him.	
(iii) In the case of (1) a minor, if a valid legal guardian, such as a natural guardian, a testamentary guardian, or a guardian appointed under the Guardians and Wards Act, 1890, exists, and (2) a person suffering from some legal disability if a valid legal guardian exists	To the guardian of the person concerned
(iv)[(a) In the case of a female Hindu-] *[Substituted by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]*	

(1) If the compensation payable to her in a district does not exceed Rs 10,000.		The entire amount shall be made over to her-
(2) If the compensation payable to her in a district exceeds Rs. 10.000 and the Compensation Officer, after making such enquiries and in such manner as he may deem necessary, is satisfied that the female Hindu held the estate or estates in respect of which the compensation is payable as a limited owner under a gift, will or any other instrument or under a decree or order[of the Civil Court or under an award prescribing a restricted estate or under any other law in force or enactment governing the estate] *[Substituted by Notification No. 2744-RS/I-A 517-D-1956, dated 01.08.1958.]*		(a) compensation up to Rs. 10,000 shall be made over to the female Hindu, and
(b) the amount in excess of Rs. 10,000 shall be deposited with the District Judge of the district in which the female Hindu resides :		
		Provided that if any amount in excess of Rs. 10,000 is not covered by-bonds, it shall also be made over to the female Hindu,
(3) In case not covered by sub-clause (2) above.		The entire amount shall be made over to the female Hindu.

Explanation. - The word "compensation" in this sub-rule shall not include interim compensation, if any, paid to the female Hindu and any amount of compensation that might have been adjusted towards arrears of Government dues or other amounts under Rule 8-A and 48.

(b) Before the compensation bonds of a [female Hindu] *[Substituted by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]* are sent for deposit with the District Judge under sub-rule (iv)(a)(2)(b) above, a [female Hindu] *[Substituted by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]* or her duly authorized agent may make an endorsement in favour of the District Judge concerned on the back of each bond under her/his dated signature.

Provided that where [female Hindu] *[Substituted by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]* or her duly authorized agent refuses or is unable to make the necessary endorsement, it will be open to the Compensation Officer to make the endorsement on the bonds of the [female Hindu.] *[Substituted by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]*

(c) [The District Judge shall deal with the compensation bonds deposited with him in the best interest of the female Hindu and the reversioners, if any. In the ordinary course the District Judge shall pay annually to the female Hindu only the interest portion of the equated annual instalments on the bonds and the interest, if any, accruing on the principal portion of the said equated instalments the principal portion of the equated instalments on the bonds shall, however, be ordinarily preserved by the District Judge and dealt with in accordance with the law governing the right of the female Hindus.] *[Substituted by Notification No. U.O. 733/I-A-275-D-59, dated 19.05.1961.]*

(d) [* * *] *[Deleted by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]*

84A.

Where under the provisions of Section 70, a court or authority requires the Compensation Officer to place at its disposal the amount of compensation payable to an intermediary the Compensation Officer shall take action as below :

(a) Where interim compensation is payable to an intermediary under Rules 45 and 46, the Compensation Officer shall remit such amount out of the same to the court or authority as it may require. Payment so made shall be in full discharge of the liability of the State Government to the intermediary in respect of the said amount.

(b) Where the amount of compensation has been finally determined, and the amount is payable to the intermediary in the form of bonds and/or in cash, the bonds and/or cash to the extent of the amount.required by the court or authority shall be placed at its disposal by the Compensation Officer in the following manner-

(i) where the total value of the bonds together with the amount to be paid in cash is equal to, or less than, the amount required by the court or the authority, all the bonds and the amount in cash shall be placed at its disposal;

(ii) where the total value of the bond is less than the amount required by the court or authority but the same together with the amount to be paid in cash is more than the amount so required the same shall be placed at its disposal primarily in bonds and balance in cash;

(iii) where the value of the bonds exceeds the amount required by the court or authority, the Compensation Officer shall transmit bonds which together with the bonds of the lowest denomination available add up to a value next above the amount required by the Court or authority, as the case may be.

Example. - The amount of compensation payable to an intermediary is Rs. 1,762 and one bond each of the value of Rs. 1,000, Rs. 500, Rs. 200 and Rs. 50 has been indented and received The court: requires the transmission of an amount of Rs. 224. The Compensation Officer shall transmit one bond each of the denominations of Rs. 200 and Rs. 50.

84B.

The bond shall, in every case, be obtained in the name of the intermediary concerned Its endorsement in favour of the decree-holder shall, where necessary, be made by the court or authority requiring the amount.

84C. [***[Added by Notification No. 9959/I-A-1051-1956, dated 29.11.1956.]***

In this Chapter the term "bond" or "bonds" shall, unless the subject or the context indicates otherwise, include a stock certificate or stock certificates, as the case may be.]

Chapter V
Rehabilitation Grants

85. [Section 105-(2)(b). ***[Substituted by Notification No. 2221-R/l-A-1042-1955, dated 10.01.1956.]***

- The Rehabilitation Grants Officer shall, as soon as may be, prepare with the help of statements in Z.A. Forms 10-A, 11 and 24, a statement in R.G. Form 1, showing particulars in respect of transfers made on or after July 1, 1948 and in the case of non-resident intermediaries, send extracts from this statement to the Rehabilitation Grants Officers of the Tahsils in which they reside.

If the intermediary docs not reside in the jurisdiction of any Rehabilitation Grants Officer in U.P., the said extract shall be sent to the Compensation Commissioner who shall circulate it to all the Rehabilitation Grants Officers in the State.]

85A. **[** ***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

A list in R.G. Form 2, shall be prepared by the Collector of each district in respect of all intermediaries who paid a land revenue exceeding Rs. 10,000 in respect of the estates vested in the State under the Act, and copies of the list shall be sent to all Rehabilitation Grants Officers in whose jurisdiction they held estates. No application presented by intermediaries recorded in R.G. Form 2, shall be maintainable except for annuities in the case of waqfs, trusts and endowments entitled to annuities.

85B.

The application for determination and payment of Rehabilitation Grant under Section 79 shall be filed in R.G Form 3 and one or more of the schedules in R.G. Forms 1 to 7 as may be necessary and shall be accompanied by copies of the relevant Compensation Assessment Rolls in Z.A. Form 27 and an affidavit in R.G. Form 8.

Explanation. - Where copies of the Compensation Assessment Rolls issued to the intermediary are not available with him, certified copies of the same may be filed.

Where a copy of the Roll aforesaid has not been issued to the intermediary under Section 53 of the Act, it shall be so supplied free of charge on demand.

85C.

(i) Every application under Section 79 shall be presented to the Rehabilitation Grants Officer by the intermediary concerned in person or by his duly authorized agent or counsel as provided under Section 84.

(ii) Where the principal office of a waqf, trust or endowment or a corporation is not situate within the jurisdiction of any Rehabilitation Grants Officer the application shall be made before any Rehabilitation Grants Officer within whose jurisdiction its estate or estates are situate

(iii) Where a waqf, trust or endowment entitled to an annuity under Section 99 held estate or estates in areas in respect of which the notification under Section 4 was issued on different dates, separate applications shall be given in respect of estates in such areas provided that all such applications shall be presented before the same Rehabilitation Grants Officer.

85D.

The provisions of Order XIX of the First Schedule of the Code of Civil Procedure, 1908, and of the Rules relating to affidavits framed by the Allahabad High Court under Section 122 of the said Code shall apply to the proceedings in the court of the Rehabilitation Grants Officer.]

85E. **[** ***[Added by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]***

(1) Before making an application for the rehabilitation grant on behalf of the debtor-intermediary under Section 79-A. the Collector seized of the Encumbered Estates Act case shall enquire, on the basis of the particulars of estates available in the Encumbered Estates Act case file, from the Rehabilitation Grants Officer concerned and the debtor-intermediary whether application under Section 79 has been filed or not. If no such application has been filed, or if it has been filed but has been found to be defective or is found to have been rejected on account of any laches of the debtor, the Collector shall issue notice, to the debtor-intermediary requiring him to submit within fifteen days from the receipt of the notice-

(a) a list of all his estates situate in Uttar Pradesh, other than those reported to be liable to attachment or sale under the provisions of sub section (2) of Section 19 of the U.P. Encumbered Estates Act, along with an affidavit;

(b) copies of compensation assessment rolls in Z.A. Form 27 of all his estates situate in Uttar Pradesh, and

(c) additional information in Annexure 1 to Rehabilitation Grant Form 3, along with the copy of the deed relating to the creation of waqf, trust or endowments in case the debtor-intermediary is a waqf, trust or endowment.

(2) In case the debtor-intermediary fails to submit the documents or information required in sub-rule (1), the Collector shall ascertain the details of the estates of the debtor-intermediary for which compensation has been paid or is payable under the Act by enquiries from creditors or other sources as best as possible. The Collector shall also obtain on payment of prescribed fee copies of compensation assessment rolls in Z.A. Form 27 of all estates of debtor-intermediary. The cost of obtaining copies shall be realized from the debtor applicant as provided in Rule 14 of the Rules framed under the UP. Encumbered Estates Act, 1934.

(3) The application for determination and payment of rehabilitation grant under Section 79-A, shall be filed by the Collector on behalf of the debtor-intermediary in Rehabilitation Grant Form 3-A, before the Rehabilitation Grants Officer through an official authorized in this behalf in writing on the basis of the information available in the file of the Encumbered Estates Act case and that collected under sub-rule (1) and (2) If the land revenue of all the estates of debtor-intermediary is Rs. 10,000 or above, no application for rehabilitation grant shall be made on his behalf by the Collector

(4) The Rehabilitation Grant Officer shall, after determining rehabilitation grant payable to such debtor-intermediary, place it at the disposal of the Collector. The Collector shall, utilize only that portion of the rehabilitation grant of the debtor-intermediary for the liquidation of his debts under the Encumbered Estates Act case which corresponds to the land revenue payable for the estates found to be

liable to attachment or sale under the provisions of sub-section (2) of Section 19 of the U.P. Encumbered Estates Act.

(5) The application made by the Collector under sub-rule (3) will be joined with the application of the debtor-intermediary, if any, and both will be heard as if they were one application.

85F.

Rehabilitation Grant Officer may, for purpose of determination of the amount of the rehabilitation grant payable to the debtor-intermediary, call upon under Section 323 the debtor-intermediary or any other person to produce such papers to furnish such additional information, as may be necessary but not available in the application in Rehabilitation Grant Form 3-A.]

86. [***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

As soon as an application for rehabilitation grant has been duly presented the Rehabilitation Grants Officer shall have it registered in the register in R.G. Form 9].

86A. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

As soon as an application has been registered in R.G. Form 9, the Rehabilitation Grants Officer shall make preliminary examination thereof on the following points :

(a) Whether any application for rehabilitation grant except as provided under sub-rule (iii) of Rule 85-C, was filed by the same applicant before :

(b) whether the application is in proper form ;

(c) whether a proper affidavit has been filed;

(d) whether authorized copies of the Compensation Assessment Rolls have been filed;

(e) whether the name of the applicant appears in R.G. Form 1;

(f) whether the name of applicant is entered in the statement in R.G. Form 2;

(g) whether any stop payment and enquiry advice, in R.G. Form 11, has been received and entered in R.G Form 13-A.]

86B. [***[Added by Notification No. 2221-R/1-A-1042-1955, dated 10.01.1956.]***

(1) After completing the preliminary examination the Rehabilitation Grants Officer shall record an order cither rejecting or provisionally admitting the application.

(2) If the application is rejected on the ground that an application except as provided under sub-rule (iii) of Rule 85-C has previously been filed by the same applicant or

stop payment and enquiry advice in R.G. Form 11 has been received from another tahsil in respect of the applicant or the name of the applicant is recorded in R.G. Form 2 such further proceedings under Section 83 shall be taken against the applicant as the Rehabilitation Grants Officer may consider necessary.

(3) If the application is provisionally admitted but is found to contain any defect or omission (not vitiating the application), the applicant shall be called upon to rectify the defects within a period of [15] days, from the date of receipt of an order in that regard. Suitable extensions may be given to the applicant for the purpose at the discretion of the Rehabilitation Grants Officer].

86C.

If after preliminary examination the application is found to be in order and in case in which there were any defects or omissions and they have been removed, the Rehabilitation Grants Officer shall finally admit the application and proceed as follows :

(1) In respect of estates situate within his jurisdiction verification as to net assets, land revenue and other particulars as given in the application shall be made from the relevant compensation assessment roll in Z.A. Form 27 and register in Z.A. Form 38, and endorsements made under his signatures in the following form on Z.A Form 27 and against the relevant entry in Z.A. Form 38 :

"Application for rehabilitation grant received on.....and entered at no.....of R.G Form 9."

(2) If the application contains particulars of estates situate in other tahsils stop payment and verification advice in R G. Form 11 shall be issued to the Rehabilitation Grants Officer concerned.

(3) If in the compensation roll in Z.A. Form 27 the applicant is recorded as resident in the jurisdiction of another Rehabilitation Grants Officer in whose jurisdiction the applicant has no estates, then in such cases also the advice in R.G. Form 11 (after suitable deletions therein) shall be issued to the Rehabilitation Grants Officer concerned. If, however, the applicant is recorded as resident of a place situate within the State but in an area to which the Act does not apply the advice in R.G. Form 11 as above shall be sent to the Tahsildar concerned of such area and in case the applicant is recorded as resident of a place outside the State the advice shall be sent to the Compensation Commissioner.

In case in which the applicant is found to be recorded as resident in respect of more than one such place the above notice in R.G. Form 11 shall be issued to all such places

(4) All advices in R.G. Form 11 shall be entered in a register in R.G. Form 13, as and when issued.

86D. **[** ***[Substituted by Notification No. 9285/I-A-1051-1956, dated 01.11.1956.]***

As soon as action under Rule 86-C has been taken, the Rehabilitation Grants Officer shall proceed under Section 85 of the Act, but cases in which stop payment and verification advice in R.G. Form 11 have been issued, verification reports must be awaited before proceedings are taken under the said section.]

87. **[** ***[Substituted by ibid.]***

(1) The date of hearing to be fixed under sub-section (1) of Section 85 shall, except in the case of waqf, trust and endowment, not usually to later than fifteen days from the date of admission of the application under Rule 86-C, but the period aforesaid may be extended where the Rehabilitation Grants Officer deems it necessary. The notice referred to in sub-section (1) of Section 85 shall be issued in R.G Form 14 [only in cases where preliminary enquiry is not completed on the date of the presentation of the application or where special notice has to be given to any other person.]

(2) The general notice to be published under Section 85(2) shall be in R.G. Form 14-A. It shall be published in Gazette, pasted on the notice board of the office of the Rehabilitation Grants Officer and a copy shall be sent to the Chairman of the Land Management Committee concerned for publicity. The time allowed for filing objections in such cases shall be [one month] *[Substituted by Notification No. 4311-RS/I-A-1078-1958, dated 14.12.1959.]* from the date of such publication in the Gazette.]

(3) [In a case where preliminary enquiry is completed on the date of the presentation of the application and where no special notice has to be given to any other person, the notice of the application and of the date of hearing as required under Section 85 shall be given to the applicant on the same date and in proof thereof his signatures shall be obtained on the order sheet of the file and a notice regarding the presentation of such application and the date fixed for hearing be pasted on a conspicuous part of the office of the Rehabilitation Grants Officer as required under clause (b) of Section 85(1) of the Act.] *[Substituted by Notification No. U.O. 605-Rajaswa-1-2(8)/75, dated 01.11.1975.]*

88. **[** ***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

All enquiries in R.G. Form 11 received for verification by the Rehabilitation Grants Officer/Tahsildar/Compensation Commissioner from other tahsils shall be entered in a register in R.G. Form 13-A, which shall be maintained in the alphabetical order. Such enquiries should be promptly attended to and answered within a week of receipt.

The details shall be verified from R.G. Forms 1, 2, 9, 13 and 13-A, as the case may be. Cases in which there are estates of the applicant in the Tahsil, verification shall also be made from the relevant Z.A. Forms 27 and 38 and endorsement made under the

signature of the Rehabilitation Grants Officer in the following form in the Z.A. Form 27 and against the relevant entry in Z.A. Form 38:

"R.G. Form 11 received and entered at serial no _____of R.G. Form 13-A."]

88A.

As and when answers to enquiries made in R.G. Form 11 are received entries in registers in R.G. Forms 12 and 13 shall be completed. The reports received shall be placed on the files of the applicants concerned and promptly scrutinized in order to find out whether order for payment of the rehabilitation grant has been passed or not. [* * *] *[Deleted by Notification No. 9285/I-A-1051-1956, dated 01.11.1957.]*.

88B. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

In the case of waqf, trust or endowment no interim annuity shall be payable after the presentation of the application referred to in Rule 85-C.

Provided that the Compensation Commissioner may, in his discretion, allow the payment of interim annuity in any case where he considers that non-payment thereof will cause hardship.]

88C. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

Objections filed under Section 86 shall be entered in misalband register in R.G. Form 15 and the notice to be served under Section 87 shall be issued in R.G. Form 16.]

89. [***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The Rehabilitation Grants Officer shall, when he proceeds to determine the amount of rehabilitation grant, examine entries in the register in R.G. Form 1 in cases in which transfers have been made on or after July 1, 1948 and take action as follows :

In case of the intermediary-

(i) who is a transferor, the amount of land revenue shown in R.G. Form 1 shall be added to the amount of aggregate land revenue assessed or deemed to be assessed on the intermediary. and the multiple applicable shall then be calculated,

(ii) who is a transferee, and-

(a) he held no estates other than those transferred to him on or after July 1, 1948, the multiple shall be the same as applicable to the transferor,

(b) he held estates other than those transferred to him on or after July 1, 1948, the multiple shall be as follows :

(i) the rate applicable to the transferor in respect of the transferred estates, and

(ii) the prescribed rate in respect of estates other than those transferred.]

89A. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

In the cases of intermediaries who died on or after July 1, 1952, [legal representatives] shall be [determined] *[Substituted by Notification No. 9285/I-A-1051-1956, dated 01.11.1956.]* in the same manner as for payment of compensation. The multiple applicable would however be the same in the case of successors as would have applied to the intermediary had he been alive.

89B.

(i) The amount to be allowed by the Rehabilitation Grants Officer on account of management and other charges under Section 89 shall be equal to the amount specified in the deed of waqf, trust or endowment or 15 per centum of the net assets calculated under Section 44, whichever is less:

Provided that where the Rehabilitation Grants Officer, for reason to be recorded, considers that such amount should be allowed at a rate exceeding 15 per centum of the net assets he shall refer the matter to the Compensation Commissioner for orders.

(ii) Any expenditure on account of management and other charges exceeding the amount allowed under sub-rule (i) shall be deemed to be income set apart, used or intended to be used exclusively for a purpose other than religious or charitable.]

90. [***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The order disposing of the claims or objections passed by the Rehabilitation Grants Officer shall contain the following particulars in addition to other points which he may consider necessary:

(a) name of the applicant and objector, if any;

(b) a brief statement of the nature of the claim and the objection, if any, with necessary particulars in respect of the subject thereof;

(c) the points for determination or at issue;

(d) the finding or decision with reasons therefor upon each separate point for determination or issue unless the finding or decision upon any one or more of the points for determination or at issue is sufficient for the decision of the case, and

(e) final orders upon the claim or objection as a whole.]

90A. [***[Added by Notification No 2221-R/I-A-1042-1955, dated 10.01.1956.]***

After the objections, if any, filed under Section 86 have been decided and the enquiry-under Section 90 has been completed the Rehabilitation Grants Officer shall cause a statement to be prepared in R.G. Form 17 or in the case of a waqf, trust or endowment belonging to class (a) of Section 76 in R.G. Form 18, or in the case of a waqf, trust or endowment belonging to class (b) of Section 76 in R.G. Form 19, or in the case of a waqf, trust or endowment belonging to class (c) of Section 76 in R.G. Form 20. The Rehabilitation Grants Officer shall also determine the amount payable as rehabilitation grant and note the amount in words and figures in his own handwriting and affix his full signature and seal along with date.

90B.

The amount of rehabilitation grant payable to an intermediary shall be calculated in whole rupees. Fraction of a rupee shall be ignored if the amount is one-half or less than one-half of a rupee, but if it is more than one-half of a rupee, it shall be deemed to be whole rupee.

90C.

Where the aggregate land revenue assessed or deemed to be assessed on the estates for which rehabilitation grant under Section 98 of the Act is payable, exceeds Rs. 25 but not Rs. 50, marginal adjustment will be made according to the formula given below :

Suppose the aggregate land revenue = X and the aggregate net assets = Y,

The amount payable as rehabilitation grant shall be Y x l7 or | Y x 25 x 20x

whichever is greater.

In the same way marginal adjustment for estates in serial Nos. 3 to 9 of Schedule 1 of Section 98 shall be made according to the following formula :]

Land revenue assessed or deemed to be assessed on all the estates of the intermediary in the areas to which the Act applies	Marginal adjustment
1	2
	The rehabilitation grant shall be -
Exceeding Rs.50 but not Rs.100 Y x 14 or	{|
Y x 50X| x 17, whichever is greater	

|-

| Exceeding Rs.100 but not Rs.250 Y x 11 or

|

Y x 100X| x 14, whichever is greater

|-

| Exceeding Rs.250 but not Rs.500 Y x 8 or

|

Y x 250X| x 11, whichever is greater

|-

| Exceeding Rs.500 but not Rs.2,000 Y x 5 or

|

Y x 500X| x 8, whichever is greater

|-

| Exceeding Rs.2,000 but not Rs.3,500 Y x 3 or

|

Y x 2,000X| x 5, whichever is greater

|-

| Exceeding Rs.3,500 but not Rs.5,000 Y x 2 or

|

Y x 3,500X| x 3, whichever is greater

|-

| Exceeding Rs.5,000 but not Rs.10,000 Y x 1 or

|

Y x 5,000X| x 2, whichever is greater

|}

90D. [Section 105(1). ***[Added by Notification No. U.O. 733/1-A-375-D-59, dated 19.05.1961.]***

- In the case of an assignee of land revenue referred to in clause (v) of sub-rule (1) of Rule 41, the land revenue in respect of his estate for the purpose of assessing rehabilitation grant shall be deemed to be-

(i) if the estate was situate in permanently settled areas, sum computed at 30 percent of the gross assets calculated under Chapter III of the Act, and

(ii) if the estate was situate in a temporary settled area, a sum computed at 35 per cent of such gross assets.]

[90[E] *[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]*

. The provision of Orders I to XV and Orders XXVI, XXXI and XXXII of the First Schedule to the Code of Civil Procedure 1908, and the Rules added to the said Orders by the Allahabad High court in so far as they relate to suits for immovable property shall apply to the Court of the Rehabilitation Grants Officer.]

91. [***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

Annuity shall be payable to the following classes of waqf, trust and endowments :

I-Waqf, trusts and endowments recorded as intermediaries in the khewat for 1359 Fasli and created-

(a) before August 8, 1946, for religious purposes or for charitable purposes, or partly for religious and partly for charitable purposes,

(b) [on or] after August 8, 1946, for charitable purpose only.

II-Waqfs, trusts and endowments not recorded as intermediaries in the khewat, but which were beneficiaries under some deed of charge against the whole or part of the income of an estate and were created-

(a) before August 8, 1946, for religious and/or charitable purposes;

(b) [on or] *[Ibid.]* after August 8, 1946, for charitable purpose only.

III-Waqfs, trusts and endowments recorded as intermediaries in the khewat of 1956 Fasli and created before August 8, 1946, partly for religious and/or charitable purposes and partly for purposes other than religious or charitable.

IV-Waqfs, trusts and endowments recorded as intermediaries in the khewat, but which were beneficiaries under some deed of charge against the whole or part of the income of an estate and were created before August 8, 1946, partly for religious and/or charitable

purposes and partly for purposes other than religious or charitable. In such eases annuity is payable on the portion of the income stipulated in the deed creating the waqf, trust or endowment for expenditure on religious and/or charitable purposes only.

Explanation. - The following classes of waqfs, trusts and endowments shall not be entitled to annuity :

Waqfs, trusts and endowments-

(a) created [on or] *[Added by Notification No. 9285/1-A-l051-1956, dated 01.11.1956.]* after August 8, 1946, for religious purposes only;

(b) created [on or] *[Ibid.]* after August 8, 1946, for partly religious, and partly charitable purposes;

(c) created [on or] *[Ibid.]* after August 8, 1946, for charitable purposes, but the recognition of which has been withheld or denied by Government under Section 77 of the U.P. Zamindari Abolition and Land Reforms Act, 1950;

(d) created for purposes other than religious or charitable.]

91A. [Section 105(2)(g). ***[Added by Notification No. 2221-R/I-A-1042-1956, dated 10.01.1956.]***

- The following procedure shall be adopted for the determination of an eligibility to receive annuity :

(1) In the case of waqfs, trusts and endowments at sub-rule 1(a) of Rule 91 the amount of annuity shall be paid as provided in the rules, if any entry in the khewat exist.

(2) In the case of waqfs, trusts and endowments at sub-rule 1(b) of Rule 91, the deed shall be examined to ensure that the waqf, trust or endowment was created for charitable purposes only and such further enquiries may be made as may be considered necessary to determine whether or not the recognition of the waqf, trust or endowment should be withheld and in case of Rehabilitation Grants Officer arrives at the latter conclusion, he shall not determine annuity but report the case to the Collector who shall forward details in R.G. Form 21 together with reasons for recommending refusal of recognition to the Government through the [Compensation Commissioner]

(3) In the case of waqfs, trusts and endowments at sub-rule 11(a) of Rule 91, the registered deed of waqfs, trusts or endowments should be examined to ascertain the extent of charge. In case a registered deed does not exist or its contents are not clear, the orders of the assessing authority under Section 8 of the U.P. Agricultural Income fax Act, 1948, in case the intermediary7 on whose estate the waqf, trust or endowment was a charge was assessed to agricultural income-tax in any of the previous years, may be consulted and if the income so claimed to have been a

charge was excluded or exempted from assessment under the said Act, the claim should be recognized to the extent of the proof so obtained. In addition to or in lieu of the orders of the assessing authority the notifications made under Section 5 of the U.P. Muslim Waqfs Act, 1936 (XIII of 1936) may be consulted and in case it was so published the claim should be recognized to the extent of the proof.

(4) In the case of waqfs, trusts and endowments at sub-rule II(b) of Rule 91, the registered deed under which the waqf, trust or endowment was created should be consulted and the same principles shall be observed as in sub-rule (3) above. If the contents of the deed are not clear or no deed exists or the deed cannot be produced, the claim should not be admitted unless otherwise proved through the pronouncement of a court of law or orders of Government.

(5) In the case of waqfs, trusts and endowments at sub-rule III of Rule 91, the deed shall be examined to ascertain the amount stipulated to be spent on religious and/or charitable purposes, as distinct from the amount stipulated to be spent on purposes other than religious or charitable. In case a registered deed does not exist or its contents are not clear, the orders of the assessing authority under Section 8 of the U.P. Agricultural Income Tax Act, 1948. may be consulted and in case the waqf, trust or endowment was assessed to agricultural income-tax (in view of part of the income being utilized for purposes other than the religious and/or charitable), and if the income claimed to have been spent on religious and/or charitable purposes was excluded or exempted from assessment under the said Act, the claim should be recognized to the extent of the proof so obtained In addition to or in lieu of the orders of the assessing authority the notification made under Section 5 of the U.P. Muslim Waqfs Act, 1936 (XII of 1936), may be consulted and in case waqf, trust, or endowment was so published, the claim should be recognized to the extent of the proof. Alter the proportion of the income set apart for expenditure on religious and/or charitable purposes to the total income has been ascertained, the Rehabilitation Grants Officer should proceed to distribute the net assets of the estate or estates, as the case may be, into two parts; one part being the portion of net assets for expenditure on religious and/or charitable purposes and the other being portion of net assets of waqf, trust or endowment for purposes other than religious or charitable. Annuity shall be payable on portion of net assets for expenditure on religious and/or charitable purposes. Rehabilitation grant shall be payable on the other portion.

(6) In the case of waqfs. trusts and endowments at sub-rule (4) of Rule 91, the same principles shall be observed for the determination of the income on which annuity is admissible as laid down in sub-rule (5) above.

(7) Once a claim relating to waqfs, trusts and endowments falling in categories II(a)(b) and IV of Rules 91 has been recognised as admissible the Rehabilitation Grants Officer shall call for the intermediary in whose name the estate is recorded and enquire from him whether he has any objection to the transfer of the estate or

portion thereof to the waqfs, trust or endowment. In case the intermediary agrees, he shall obtain from the intermediary in writing the specification of the estates and shares therein and the extent of estates or shares thereof that the intermediary wishes to be deemed transferred to the waqf, trust or endowment. The written statement furnished by the intermediary shall be verified by him in the manner of the verification of plaints as prescribed in the Code of Civil Procedure.

Explanation. - The transfer shall be deemed to the alienation in its entirety of the interest of the intermediary in the Zamindari Abolition Compensation as well as the rehabilitation grant pay able in respect of the estate or estates or part thereof, as the case may be. The transfer can be made of interest in estates or shares thereof and not of net assets for example a waqf, trust or endowment is entitled to receive an amount of Rs. 5,000 annually from the estate of an intermediary and the intermediary has three estates of which the net assets are as follows :

		Rs.				
Estate number	..	..	1	..	..	3,222
Ditto	..	..	2	..	..	1,945
Ditto	..	..	3	..	..	1,782
	Total	..	..	6,949		

The intermediary may transfer interest in estate Nos. 1 and 3 or 2 and 3, or 1 in full and a portion of the remaining estate or estates in order to make up for the rest. It is not necessary that the amount of net assets should be exactly equivalent to Rs. 5,000. It may be less but cannot be more than the amount for which the waqf, trust or endowment is the charge-holder.]

91B. [***[Added by Notification No. 222I-R/I-A-1042-1955, dated 10.01.1956.]***

In the case of waqfs, trust and endowments falling under categories II(a) and (b) and IV of Rule 91 no payment can be made unless the intermediary has given his consent to the effect that the estate or estates or part thereof recorded in his name be entered in the name of the waqf, trust or endowment, and in such cases the name of the intermediary shall in respect of such estate or estates or share thereof be substituted by that of the waqf, trust or endowment in all records relating to the payment of compensation and rehabilitation grant.]

91C. [***[Substituted by Notification No. 9285/1-A-1051-1956, dated 01.11.1956.]***

As soon as the Rehabilitation Grants Officer has prepared the statement in R.G. Form 17, 18, 19 or 20 and has determined the rehabilitation grant, he shall make the necessary entries in the Register in R.G. Form 12 and in case annuity has been fixed, in the register

in R.G. Form 22. The statement in R.G. Form 17, 18, 19 or 20 shall be placed on the file of the applicant. A copy of Part II of the statement in R.G. Form 17, 18, 19 or 20 shall be issued to the applicant free of charge. In the copy so issued the name of the court, the name and address of the applicant, the relevant serial number of R.G. Form 12, and in the case of a waqf, trust or endowment, the name of such waqf, trust or endowment and the status of the applicant in relation to such waqf, trust or endowment shall also be mentioned. A copy of R.G. Form 17, 18, 19 or 20, as the case may be, may, however be supplied to the applicant on demand free of charge.]

92. [***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

[(1)] After annuity payable to a waqf, trust or endowment has been determined the Rehabilitation Grants Officer shall prepare an annuity roll in R.G. Form 93 and shall forward the same along with the file of the applicant through a dak bahi register, which shall be maintained in two separate volumes, to the Collector who will countersign the roll personally. The serial number of R.G. Form 22 shall be the number of the annuity roll and shall be entered thereon.

Explanation. - In cases covered by Rule 85C(iii) separate annuity rolls shall be prepared in respect of each application].

(2) [While preparing the annuity roll under sub-rule (1), the Rehabilitation Grants Officer shall, after proper identification of the manager, mutawalli or trustee of waqf, trust or endowment, as the case may be, obtain his specimen signature or thumb-impression and note down his marks of identification in the columns provided therefor in the annuity roll in R.G. Form 23. In case the payment of annuity is desired to be made from any sub-treasury within the district in which the application for rehabilitation grant was made under Section 79 of the Act, the Rehabilitation Grants Officer shall also obtain on a separate sheet specimen signature or thumb-impression of the manager, mutawalli or trustee and attach the same with the annuity roll at the time of its transmission to the Treasury Officer.] *[Added by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]*

92A. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) R.G. Form 23 shall be bound in books of 50 forms each and the stock of these books shall be kept in the Treasury under double-lock from where these shall be withdrawn and supplied by the Treasury Officer to the Rehabilitation Grants Officer on receipt of indents from them. The Treasury Officer shall maintain a stock-book of R.G. Form 23 in the register in R.G. Form 10-A.

(2) Only one book shall be supplied at a time and a fresh issue shall be made only after all the forms of the previous book have been used up. When the Rehabilitation Grants Officer sends indent for a fresh issue he shall give a certificate thereon to the effect that each form of the previous book has been

properly utilized and in the case of any loss or damage, state the circumstance relating thereto.

(3) Before issuing a new book the Treasury Officer shall satisfy himself that each form of the previous book has been properly accounted for. For this purpose the Treasury Officer may utilize the certificate mentioned in sub-rule (2) above and in case of doubt he shall make a reference to the Rehabilitation Grants Officer.

(4) If any blank form has been spoiled, it shall be cancelled by drawing diagonal lines across the form and writing the word "cancelled" on the body of the form under the dated signature of the Rehabilitation Grants Officer. It shall be returned to the Treasury Officer for destruction. The Treasury Officer shall acknowledge its receipt and make an entry of its receipt in the stock-book of annuity rolls, and after destroying the form he shall record the word "destroyed" against the entry.

(5) The Rehabilitation Grants Officer shall count the number of forms as soon as he receives the book from the Treasury Officer and if there is any shortage of forms or other defect, he shall point it out to the Treasury Officer at once. The book shall always be kept by the Rehabilitation Grants Officer in his personal custody and he shall be held responsible if any form is lost.]

92B. **[** ***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) On receipt of the annuity roll from the Rehabilitation Grants Officer for countersignature, the Collector shall check the entries made therein by referring to the orders passed on the file and if he finds that there is no mistake, he shall countersign both copies of the annuity rolls. At the same time he shall write the words "Countersigned the Roll" on the assessment order under his signature and date. Before countersigning the annuity roll, the Collector shall verify from the register in R.G. Form 10 that an annuity roll of the same institution and the same estate or estates was not countersigned by him before.

(2) The Collector shall then return the file along with the annuity roll to the Rehabilitation Grants Officer after noting the date of return in the dak bahi register with which the file was received.

(3) If the Collector finds some mistake either in the annuity roll or the assessment order, he shall make a note thereof on the assessment order and return them to the Rehabilitation Grants Officer for rectification of the said mistake.

(4) The Collector shall maintain a register in R.G. Form 10 on the annuity rolls countersigned by him and the renewed or duplicate annuity rolls issued under Rules 92-D and 92-J. Separate pages shall be allotted to annuity rolls relating to different Rehabilitation Grants Officers.

92C.

(1) On receipt of the annuity roll duly countersigned by the Collector, the Rehabilitation Grants Officer shall forward through a memo, the Treasury-half of the annuity roll to the Treasury Officer concerned and make over the other half to the claimant of the annuity roll. As soon as this is done the relevant columns of the register in R.G. Form 22 shall be filled in.

(2) The Rehabilitation Grants Officer shall obtain acknowledgments from the Treasury Officer as well as the holder of the annuity roll and keep them on the relevant file. The file shall then be closed and after it has been checked by the Departmental Accounts Officer it shall be sent to the Collector for safe custody. It shall thereafter be treated as permanent record.]

92CC. [***[Added by Notification No. 365/I-A-21(2)-68, dated 28.01.1969.]***

An application referred to in sub-section (2) of Section 100-A for re-determination of the amount of annuity in favour of any waqf, trust or endowment entitled to such re-determination under the said section shall be filed in R.G. Form 24-A within the time mentioned in sub-section (2) of the said section. It shall be accompanied by the copy of the statement in R.G. Form 17, 18, 19 or 20, as the ease may be, supplied under Rule 91-C, and the Annuity Roll issued under sub-rule (1) of Rule 92-C :

Provided that the application may be accepted without the copy of the statement in R.G. Form 17, 18, 19 or 20 or the Annuity Roll where the same was/were not received by the applicant.]

92D. [Renewal of the Rolls. ***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

- Annuity rolls may be renewed in the following cases :

(a) When all the columns for recording the payments are used up.

(b) When the roll has been spoiled or rendered unfit for use.

(c) When the roll has been lost.]

92E. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

No fee shall be charged for the renewal in the case falling under Rule 92-D(a).

A fee of Re. 1 will be charged for each renewal in the form of court-fee label in all other eases.]

92F. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) When it is necessary that an annuity roll should be renewed, an application for the renewal shall be made by the Roll-holder to the Treasury Officer stamped with a

court-lee label of Re. 1 or if the case falls under Rule 92-D (a) on water-marked paper without any court-fee, showing the reasons for renewal and containing the particulars of the roll required for renewal, and the period and date up to which payments have been drawn by him. In case falling under sub-rule (a) and (b) of Rule 92-D the roll shall be attached to the application.

(2) [In the case of an annuity roll payable at a sub-treasury, the application for its renewal shall be made to the Treasury Officer through the sub-treasury concerned in the manner prescribed in sub-rule (1).]

(3) [] *[Renumbered by Notification No 3507/I-A-280-D-60, dated 20.08.1963.]* In case a roll has been lost or stolen, the holder shall report the loss to the police and attach a copy of the report made by him with his application for issue of a duplicate annuity roll.]

92G. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The Treasury Officer shall examine the application to ensure that it contains all the necessary details and is in proper form. He shall then forward the same together with the holder's half of the roll if available along with the Treasury-half of the roll to the Collector He shall also intimate the period and date up to which payment has been made by him in respect of the roll.]

92H. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) The Collector shall examine the report of the Treasury Officer and the application. In case falling under Rule 92-D (a) he shall issue a fresh annuity roll which shall be marked "Renewed" at the top. In other cases he shall issue fresh copy of the holder's half only which shall be marked "Duplicate" at the top. He shall return the papers along with the fresh or duplicate annuity roll, as the case may be. to the Treasury Officer who shall in either case make over the holder's half to the holder of the annuity roll and if the case falls under Rule 92-D (a) he shall paste the Treasury-half in the guard file. The Treasury Officer shall also make a note of the issue of fresh or duplicate annuity roll in the remarks column against the original entry in R.G Form 24.

The fresh or duplicate annuity roll so issued shall bear the original number of the original annuity roll.

(2) [In the case of an application for renewal received from a Sub-treasury Officer under sub-rule (2) of Rule 92-F, the Treasury Officer shall forward the fresh or duplicate annuity roll to the Sub-treasury Officer concerned, who shall in either case make over the holder's half to the holder of the annuity roll after proper identification and if the case falls under clause (a) of Rule 92-D he shall make out a complete copy of the treasury-half under his signatures, paste it in the guard file and return the treasury-half to the Treasury Officer for his record. The Sub-

treasury Officer shall also make a note of the issue of fresh duplicate annuity roll in the remarks column against original entry in R.G. Form 24. The fresh or duplicate annuity roll so issued shall bear the original number of the original annuity roll.]

(3) [] *[Renumbered by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]* The Collector shall keep a separate stock of forms in R.G. Form 23 (both halves) for renewals under Rule 92-D(a). For issue of duplicate under Rule 92-D(b) and 92-D(c) he shall keep stock of holder's half only. They shall be printed separately for this purpose with the word "Renewed" or "Duplicate" as the case may be, inscribed prominently or the face of the annuity roll. Whenever a fresh or duplicate annuity roll is issued the Collector shall also give a note on the annuity roll so issued specifying the period and date from which payment is to be f made. He shall also make a note of the issue in the remarks column of the original entry in the register in R.G. Form 10.]

92I. [***[Added by Notification No. 2221-R/I-A-l042-1955, dated 10.01.1956.]***

(a) Whenever a change in the name of the mutawali, manager or trustee is necessary either on his death or resignation or dismissal or for the any other valid reason, the successor shall present an application before the Collector for alteration in the name. He shall attach the holder's half of the roll if available. If that half is not available he shall give reason for it. He shall also simultaneously report the circumstances in which it is necessary to alter the name to the [Treasury Officer/Sub-Treasury Officer] who will stop further payment till the Collector's orders on the point are received.

(b) The roll-holder shall also furnish legal proof for his recognition as successor.]

92J. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) The Collector shall examine the application and other records relating thereto. He shall also call for such evidence as he may consider necessary for disposal of the case.

(2) The Collector shall also obtain the Treasury-half of the annuity roll relating to the waqf, trust or endowment, along with a report as to the period and date up to which payment has been made.

(3) After he has satisfied himself that a change in favour of the applicant is due, the Collector shall pass an order to that effect on the application under his dated signature and seal of his court.

(4) The Collector shall then cancel the old annuity roll and shall issue a fresh one in its place and specify therein the period for and the date from which payment is to be made. The annuity roll so issued shall be on the "Renewed" annuity roll form

referred to in Rule 92-H(2). It shall be entered at a fresh serial in R.G. Fora 10 and shall bear the number of the previous annuity roll as denominator and the fresh serial number of R.G. Form 10 as numerator. The Collector shall also make; a note of the changes against the previous entry in the remarks column of RG Form 10. The Collector shall thereafter send the papers to the [Treasury Officer/Sub-Treasury Officer] along with the cancelled annuity roll. The [Treasury Officer/Sub-Treasury Officer] *[Substituted by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]* shall enter the annuity roll in his register in RG Form 24 at a fresh serial and paste the Treasury 17-half in the guard file and make over the other half to the claimant after proper identification. The [Treasury Officer/Sub-Treasury Officer] *[Substituted by Notification No. 3507/I-A-28D-60, dated 20.08.1963.]* shall also make a note of the change against the previous entry in the remarks column of the register in R.G. Form 24 and shall also give a reference to this entry against the fresh serial.]

(5) [If the annuity roll is payable at a Sub-treasury, the Treasury Officer shall forward the fresh annuity roll to the Sub-treasury Officer concerned who shall thereafter observe mutatis mutandis the procedure given in sub-rule (2) of Rule 92-H.] *[Added by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]*

92K. [***[Added by Notification No. 558-RS/I-A-342-D-57, dated 16.02.1959.]***

(1) The annuity payable to waqf, trust or endowment shall be paid in two equal half yearly instalments, the first of which shall become due for payment after six months, calculated from the date of vesting :

Provided that if one or more instalments of annuity have already fallen due before the issue of the annuity roll, the same shall be payable immediately after the issue of the annuity roll to the waqf, trust or endowment:

(2) The amount of interim annuity already paid, if any, to the waqf, trust or endowment shall be deducted from the first payment of the annuity and if necessary from subsequent payments.]

(3) [(a) In case the waqf trust or endowment is subject to the provisions of the U.P. Muslim Waqfs Act, I960 (U.P. Act No. XVI of 1960), the amount of contribution payable to the Shia/Sunni Central Board of Waqfs, Uttar Pradesh, under Section 34, read with Section 35 of the said Act, shall also be deducted from each instalment of annuity. The deduction from annuity due up to March 31. 1963 shall be made at five per cent of the annuity. The deduction from annuity due after March 31, 1963 shall be made at six per cent of the aggregate of the annuity and of the interest payable to the waqf, trust of endowment as the case may be, on Zamindari Abolition Compensation Bond Stock Certificates issued to it under Rule 66-A.

(b) (i) Where annuity rolls of waqfs trusts and endowments subject to the provisions of the U.P. Muslim Waqfs Act, 1960 have already been issued, the Rehabilitation Grants Officer concerned shall send to the Treasury Officer concerned under his signature and seal a list of all such waqfs, trusts and endowments indicating against each

(i) the name and address of the Mutawalli, Manager, Trustee, etc. as had been mentioned in the annuity roll;

(ii) Book No. and Serial No. of the annuity roll;

(iii) the amount of the annuity roll:

(iv) whether the waqf, trust or endowment is governed by the Shia Central Board of Waqfs, Uttar Pradesh or the Sunni Central Board of Waqfs, Uttar Pradesh; and

(v) the amount of annual interest pay able on the Zamindari Abolition Compensation Bond Stock Certificates issued to the waqf, trust or endowment.

(ii) On receipt of the list, the Treasury Officer shall note down from the list the amounts of annual interest mentioned at item (v) above on the Treasury halves of all the annuity rolls kept in his office after a careful comparison of the particulars thereof from those of the list aforesaid and also in the register in R.G. Form 24. Whenever the holder's half of the annuity roll is presented by any of these waqfs. trusts or endowments for obtaining payment of annuity, the Treasury Officer shall note down the aforesaid amount of interest on the holder's half also.

(iii) In case where annuity rolls are enfaced for a payment at any sub-treasury the Treasury Officer shall send extracts from the list aforesaid to the Sub-Treasury Officer concerned and cause the amount of annual interest aforesaid to be noted on the Sub-treasury halves and holder's halves of the annuity rolls by the Sub-treasury Officer.

(iv) The Treasury Officer or the Sub-treasury Officer, as the case may be, shall make deduction of contribution as mentioned in sub-rule (a) above.

(c) Where annuity roll is to be issued in failure, the Rehabilitation Grants Officer shall also note on the annuity roll the amount of annual interest payable on Zamindari Abolition Compensation Bond Stock Certificates.

(d) As soon as the principal of stock certificates is paid up under sub-rule (4) of Rule 66-A or the Stock Certificate is redeemed under the proviso to sub-rule (4) of Rule 66-A, read with Rule 67 or is transferred by the waqf, trust or endowment, the waqf, trust or endowment concerned shall make an application to the Treasury Officer concerned to that effect stating the number of stock certificates, the amount thereof and the date on which they were liquidated, redeemed or transferred as the case may be. The Treasury Officer shall, after making such enquiry as he may consider necessary and after satisfying himself of the fact of liquidation, redemption or transfer of the stock certificate, strike off the amount of annual interest from the annuity roll and thence forward shall make deduction on account of contribution from the amount of annuity only.]

93. [[(1)] ***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]*** **Procedure at the Treasuries.**

- On receipt of annuity roll from Rehabilitation Grants Officer or Collector in the case of renewed or duplicate annuity roll the Treasury Officer shall enter it in the register of R.G. Annuity Rolls in R.G. Form 24, and shall paste the treasury-half in a separate guard file in which an index shall be provided at the beginning.] *[Substituted by Notification No. U.O. 595/I-A-71, dated 20.4.1971.]*

(2) [Procedure at Sub-treasuries. - If an annuity roll is made payable at a Sub-treasury, the Treasury Officer shall forward the same to the Sub-treasury Officer concerned. The Sub-treasury Officer shall make out a complete copy of the treasury-half under his signature, take out the specimen signature or the thumb-impression attached to it, paste it on the sub-treasury half prepared at the Sub-treasury, make relevant copies from the annuity roll in a register in R.G Form 24, and shall paste the Sub-treasury-half in a separate guard file in which an index shall be provided in the beginning. After the first payment of annuity has been made and the fact of payment recorded on the Treasury-half and the complete copy, the Sub-treasury Officer shall return the Treasury-half to the Treasury Officer for his record. The complete copy of the Treasury-half shall also be sent to the Treasury Officer along with the Treasury-half and after the Treasury Officer has satisfied himself about the correct preparation of the said copy return the same to the Sub-treasury Officer after attesting the same.] *[Added by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]*

(3) [In case any defect is noticed in the annuity roll or any entry therein gives rise to suspicion about its genuineness, a clarification shall be sought by the Treasury Officer/Sub-Treasury Officer, as the ease may be, from the Rehabilitation Grants Officer or other authority concerned before making payment thereon.] *[Added by Notification No. 3507/I-A 280-D-1960, dated 20.08.1963.]*

93A. **[** ***[Substituted by Notification No. 9285/I-A-1051-1956, dated 01.11.1956.]***

When the holder of annuity roll appears to receive the payment of the annuity he shall produce before the [Treasury Officer/Sub-Treasury Officer] his copy of the annuity roll and bill in R.G. Form 27. The former shall be returned to the holder after the [Treasury Officer/Sub-treasury Officer] *[Substituted by Notification No. 3507/I-A-280-D-1960, dated 20.08.1963.]* has satisfied himself as to the genuineness of the claim.]

93B. **[** ***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) The [Treasury Officer/Sub-Treasury Officer] shall identify the holder from the mark of identification given in the Treasury-half of the annuity roll and by the comparison of his specimen signature or thumb-impression with that pasted on the annuity roll [* * *] *[Deleted by Notification No. 9285/I-A-1051-1956, dated 01.11.1956.]*.

(2) The [Treasury Officer/Sub-Treasury Officer] *[Substituted by Notification No. 3507/I-A-280-1960, dated 20.08.1963.]* shall also examine the claim made in the bill, record the fact of payment in the payment cages printed on the reverse of both the halves of the annuity roll, initial the entries and pass the bill if the claim is in order in the same manner as Civil Pension bills are passed.]

[* * *] *[Deleted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*.

93C. **[** ***[Added by Notification No. 2221-R/I-A-1052-1955, dated 10.01.1956.]***

If a bill in R.G Form 27 is not presented personally by the mutawalli, manager or trustee nominated in the annuity roll, the payment can be made to his legally authorized agent on production of a life certificate signed by a person authorized under Article 945 or 946 of Civil Service Regulation whose signatures are known to the [Treasury Sub-Treasury] or some other responsible government servant or well known and trustworthy person whose signatures are known to the [Treasury/Sub-Treasury.] *[Substituted by Notification No. 3507/I-A-280-D-1960, dated 20.08.1963.]*

93D. **[** ***[Ibid.]***

Payment of annuity shall ordinarily be made from the headquarters Treasury or a Sub-Treasury of the district in which the application for rehabilitation grant under Section 79 is made. Change in the place of enfacement cither from the Treasury to Sub-treasury or vice versa or from one Sub-treasury to another Sub-treasury within the district shall be made by an order of the Treasury Officer of the district concerned, and that from one district to another district under the orders of the Board of Revenue. The payment at a Sub-treasury shall be made without the intervention of the Treasury Officer.]

93E.

[(1)] *[Renumbered by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]* The Treasury Officer shall enter the payments of annuity in separate schedule in R.G. Form 25.

(2) [In the case of payments of annuity at a Sub-treasury the Sub-treasury Officer shall enter the payments of annuity in a separate schedule in R.G. Form 25 which shall be sent to the Treasury Officer in triplicate along with the daily Siaha. These schedules will serve the purpose of Siaha supplements and enable the Treasury Officer to take action under Rule 93-F.] *[Added by Notification No. 3507/I-A-280-D-60, dated 20.08.1963.]*

93F.

[The schedule referred to in Rule 93-F shall be sent to the Account General in duplicate, along with the lists of payments under the major head "9-Land Revenue".

93G.

The Treasury Officer shall submit a monthly statement in R.G. Form 26 at the end of each month to the [Compensation Commissioner] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* showing the amount payable, the deduction made, if any, on account of Shia and Sunni Board separately and the net amount of annuities paid.

93H.

The monthly statement received from the treasuries shall be consolidated district-wise by the [Compensation Commissioner] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* in order to ascertain the amount of total deductions made for Shia and Sunni Boards separately as well as the amount of annuity paid. The figures of deduction made shall for the whole State be entered month-wise in register for Shia and Sunni Board separately and half-yearly totals shall be struck.] *[Substituted by Notification No. 1950/I-A-2006-D-60, dated 21.03.1966.]*

93I. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

At the end of each half year the [Compensation Commissioner] shall draw a bill on the treasury in Form No. 14. Financial Handbook, Volume V, Part 1 of fully vouched contingent bill and endorse the same in favour of the Board concerned. Interim contribution already paid shall be adjusted against the first or subsequent payment of the contribution.]

94. [***[Substituted by Notification No. U.O. 340/I-A-443-D-59, dated 12.02.1963.]***

(1) As soon as may be the Rehabilitation Giants Officer shall have lists prepared in R.G. Form 41 in respect of waqfs, trusts and endowments for which annuity rolls have been prepared and countersigned by the Collectors. Extracts from these lists

shall be sent to all those tahsils in Uttar Pradesh in which the avowed objects of the waqfs, trusts, and endowment are situated. These extracts shall be kept in the office of the Registrar Kanungo in the form of a register from which necessary lists shall be prepared and furnished to the Sub-Divisional Officer, Tahsildar, Naib-Tahsildars, Kanungos and Lekhpals concerned.

(2) It shall be the duty of each Sub-Divisional Officer, Tahsildar, Naib-Tahsildar, Kanungo and Lokhpal to report in R.G. Form 42 to the Collector, concerned as soon as he comes to know that the avowed object at any waqf, trust or endowment referred to in sub-rule (1) has failed or disappeared completely.]

94A. [***[Added by Notification No. U.O. 340/I-A-443-D-59, dated 12.02.1963.]***

(1) Where, at any time before the payment of rehabilitation grant or issue of annuity roll, the Rehabilitation Grants Officer, or, at any time after the issue of annuity roll, the Collector, on receiving, any representation or otherwise and after such enquiry as he may deem necessary or expedient in the circumstances of case, and after giving opportunity to the person claiming the payment, to be heard, is of opinion that the claimant is not entitled to the payment either because the avowed object of the waqf trust or endowment has failed or disappeared completely or that he is not the rightful claimant, the Rehabilitation Grants Officer or the Collector, as the case may be, may withhold or suspend payment of rehabilitation grant or issue of the annuity roll or payment of further instalments of annuity roll, as the case may be, till such time as the object is restored or the person is declared to be the rightful claimant by the decision of a competent court or authority. In case of withholding or suspension of payment of instalments of annuity roll, an intimation in R.G. Form 43 shall be sent to the Treasury Officer of the treasury where the annuity roll may be enfaced for payment of instalments.

(2) As soon as the object of the waqf, trust or endowment is restored or the person claiming payment is declared to be the rightful claimant and an order of the competent court or authority in this regard is produced before the Rehabilitation Grants Officer or the Collector, as the case may be, the order of withholding or suspension shall be cancelled by him and the rehabilitation grant shall be paid, or annuity roll issued or orders shall be issued to the Treasury Officer concerned to resume payment on annuity roll and to pay all the accumulated instalments of annuity.]

94B. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

Annuity not drawn regularly may be disbursed by the [Treasury Officer/Sub-Treasury Officer] on his own authority if the period which has elapsed from the date on which the instalment of annuity fell due docs not exceed one year from such date.

If the said period exceeds one year as above but does not exceed six years, sanction of the Collector shall be required, and if it exceeds six years the sanction of the Government shall be necessary.]

95. [Section 91. ***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

- Subject to Rule 95-A the rehabilitation grant other than annuities shall be paid in negotiable non-interest bearing bonds which shall be described as Zamindari Abolition Rehabilitation Grant Bonds.]

95A. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) Subject to sub-rule (2) all such amounts as cannot be covered by bonds, shall be paid in cash.

(2) Where the total amount pay able to an intermediary does not exceed Rs. 50 it shall be paid in cash.

95B.

The bonds shall be issued in denomination of Rs. 50, Rs. 100, Rs. 200, Rs. 500, Rs. 1,000, Rs. 5,000 and Rs. 10,000 and shall be redeemed in equal annual instalments during the period of 25 years beginning from the date on which the intermediary became entitled to apply for the rehabilitation grant :

Provided that any bond may be redeemed at an earlier date at the option of the Government

95C.

The instalment shall fall due for payment on the date indicated on the bond, the first instalment being deemed to hat e fallen due on the expiry of one year from the date on which the intermediary became entitled to apply for the rehabilitation grant.

95D.

The instalments due on a bond from the date of its enfacement shall be payable on presentation from and after the day of the same month next after the delivery of the bond to the intermediary:

Provided that if one or more instalments have already fallen due before the delivery of the bond, those instalments shall be payable immediately after the delivery of the bond.]

95E. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The instalments shall be payable at the Treasury or Sub-Treasury in Uttar Pradesh at which the bond is enfaced for payment of the instalment.

95F.

In case Government opts to redeem any class or classes of bonds before they are paid up under rule 95-B or in the case of complete redemption of bonds, the procedure laid down in Rules 67 or 78, as the case may be, shall be followed.

95G.

The bonds shall be issued by the Public Debt Office, Lucknow, on requisition made by the Rehabilitation Grants Officer and shall be transmitted by the Public Debt Office to the Treasury or Sub-Treasury Officer of the district indicated by the Rehabilitation Grants Officer.]

95H. [***[Substituted by Notification No. 5846-I-A-270-61.]***

(1) The Public Debt Officer, Lucknow on an application of a holder in the form prescribed by the said Public Debt Office, may consolidate the Zamindari Abolition Rehabilitation Grant Bonds tendered with the application :

Provided that -

(a) the denominational values of the bonds tendered for consolidation aggregate to one or other of the denominations mentioned in Rule 95-B; and

(b) the number of instalments payable on each of such bonds tendered for consolidation, including instalments, if any, which have fallen due but have not been paid is, at the time of consolidation, the same.

(2) (a) The number of instalments payable on the consolidated bond or bonds issued under sub-rule (1) shall be indicated on the bond or bonds by the Public Debt Office in such manner as it may think fit and the first of such instalments shall be payable on the date and month of issue of the bond which, out of the bonds tendered for consolidation, was issued last

(b) (i) Where in respect of any of the bonds tendered for consolidation, one instalment falls due between the date of such tender and the date of consolidation of the bonds, such instalment shall not be payable separately as one due in respect of that bond but shall be payable as part of the first instalment on the consolidated bond.

(ii) Where in respect of any of the bonds tendered for consolidation, one or more instalments has, at the time of tender for consolidation, fallen due but has not been paid, such instalment or instalments shall not be payable separately as due in respect of that bond, but shall be

payable as part of the corresponding instalment on the consolidated bond.

(3) No holder applying for consolidation under this rule shall be entitled to claim any interest or other amount by reason only of the first instalment on the consolidated bond or bonds becoming payable in accordance with sub-rule (2)(a) above, or of the payment, in accordance with sub-rule (2)(b) above, of any instalment which had fallen due before the date of tender for consolidation or will fall due between the date of tender for consolidation and the date of consolidation.

(4) The provision of this rule shall apply notwithstanding anything contained to the contrary in these rules.]

96. [Section 104. ***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) After the amount of rehabilitation grant payable to an intermediary has been finally determined the entries made in the register in R.G. Form 12 and R.G. Form 32 the Rehabilitation Grants Officer shall have an indent for bonds in R.G. Form 28 prepared in quadruplicate, showing the denomination and number of bonds payable to each intermediary. The Rehabilitation Grants Officer shall fill in Columns 1 to 13 only and sign and seal each copy after satisfying himself that the entries have been correctly shown therein and shall enter in words in his own handwriting the total value of bonds indented, both in the original and copies thereof. He shall despatch three copies to the Public Debt Office, Lucknow, for compliance and retain the original which shall be maintained in the form of a bound register supplied to him, each page whereof shall be numbered. The copies shall be prepared on spare sheets of form supplied separately and each such copy shall bear the page number of the original form from which it has been prepared.

(2) The Rehabilitation Grants Officer shall also maintain an abstract register of indents for bonds in R.G Form 29.]

96A. [Section 105(1). ***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

- The Rehabilitation Grants Officer shall not despatch any indent to the Public Debt Officer, Lucknow, after the 26th day of a month.]

96B. [***[Substituted by Notification No. 1583(A)/I-A-610-1960, dated 20.11.1961.]***

(1) The Public Debt Office shall on receipt of the indent in triplicate, retain one copy thereof and forward another copy together with the consignment of bonds indented to the Treasury or Sub-Treasury Officer of the tahsil to which the indent

relates and the remaining copy to the Treasury Officer with the enfacement advice, after entering in Columns 14 to 22 of indents, the particulars of bonds issued.

(2) The Public Debt Office shall also send an intimation of despatch of the consignment in R.G. Form 28-A. to the Treasury or Sub-Treasury Officer in duplicate and endorse one copy thereof to the Rehabilitation Grants Officer concerned.

(3) Immediately on receipt of the consignment of bonds and the indent, the Treasury or Sub-Treasury Officer shall verify the contents of the consignment and bonds filling in Column 23 and signing in Column 24 of the indent, return the duplicate copy of the intimation in R.G. Form 28-A to the Public Debt Office with acknowledgement of the receipt of bonds record thereon and keep the copy of the indent in a guard file in order of receipt.]

96C. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The Treasury or Sub-Treasury Office shall deposit the bonds so received in the Treasury or Sub-Treasury double-lock and send an intimation to the Rehabilitation Grants Officer concerned of the receipt of the particular indent. In case of non-receipt of the indent in full Treasury or Sub-Treasury Officer shall give intimation thereof to the Rehabilitation Grants Officer, who will then correspond in the matter with Public Debt Office.

96D.

(1) The Rehabilitation Grants Officer shall on receipt of intimation in R.G. Form 28-A enter the number, date of intimation, the number of bonds of each denomination and the total value thereof in the register in R.G. Form 29. The Rehabilitation Grants Officer shall also take register in R.G. Form 28 to the Treasury/Sub-Treasury Officer and enter in Columns 14 to 22 of the register, against each entry, the serial numbers of the bonds received.

(2) The Rehabilitation Grants Officer shall on each day of issue of the bonds take the indent register in R.G. Form 28 to the Treasury/Sub-Treasury and draw on the basis of entries in the said register, such of the bonds as are to be issued on that date and sign the Treasury/Sub-Treasury double-lock Register in R.G. Form 30 in part I against each entry of issue and he shall also sign against each entry of issue in Part II of the same register. He shall not, under any circumstances retain any undisposed of bonds, overnight, or allow them to pass into hands of an official. Where any bond is not disposed of during the day, it shall be re-deposited in the Treasury/Sub-Treasury double-lock on the same day.

(3) A register shall be maintained in R.G. Form 30 in two parts in the Treasury/Sub-Treasury where bonds are stocked. Part 1 shall be divided into separate portions for bonds of each denomination and the serial number of bonds received shall be entered in it immediately on receipt thereof and entries in Columns 5 to 8 made on

issue of the bond to the Rehabilitation Grants Officer or in case of return to the Public Debt Office. In case a bond is re-deposited in the Treasury/Sub-Treasury double-lock it shall again be entered in the columns for receipts.

(4) Entries in this register shall be made on each working day on which any bond was received or delivered or transmitted. The Sub-Divisional Officer of the tahsil shall verify the stocks at the end of each month and record a certificate in his own handwriting in the said register.

(5) On transfer of a Sub-Divisional Officer or a Collector, the officer taking over charge shall verify the stock of bonds and record a certificate in his handwriting in both parts of the register.

(6) The Rehabilitation Grants Officer shall maintain a register in R.G. Form 30-A and enter therein the particulars prescribed therein on each day on which bonds are withdrawn from the Treasury/Sub-Treasury or deposited or re-deposited therein. The Rehabilitation Grants Officer shall sign all the entries for each day and the Treasury/Sub-Treasury Officer's signatures shall be obtained against each entry of deposit of bonds in the Treasury/Sub-Treasury.

(7) On transfer of a Treasury/Sub-Treasury Officer the officer taking over charge shall verify the stock of bonds and record a certificate in his own handwriting in both parts of the register in R.G. Form 30 to the following effect:

"Verified and found correct."]

96E. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

(1) The Rehabilitation Grants Officer shall issue a notice in R.G. Form 31 to the intermediary directing him to take delivery of bonds and/or receive payment in cash on a specified date. On the date so fixed the Rehabilitation Grants Officer shall deliver the bonds and/or make payment in cash through voucher in R.G. Form 33 to the intermediary or his duly authorized agent and take signature of the recipient in token of receipt on the voucher and/or on R.G. Form 35, as the case may be. The receipt in R.G. Form 35 shall be filed along with the file of the intermediary.

(2) If the notice has been duly served and the intermediary does not appear either in person or through a duly authorized agent to receive the bonds until three years have elapsed from i he date for which the notice was served, the bonds shall be returned to the Public Debt Office by the Treasury or Sub-Treasury Officer along with Schedule in R.G. Form 38 on the receipt of advice from the Rehabilitation Grants Officer or an officer appointed to function on his behalf under sub-rule (3).

(3) In case the Rehabilitation Grants Officer ceases to function before the expiry of the said period the undelivered bonds shall be transferred to the custody of the officer

authorized by the Collector on his behalf. The latter shall then perform all the duties laid down herein for Rehabilitation Grants Officer.

(4) In case any bond remains unclaimed for three years from the date fixed for delivery, the Schedule in R.G. Form 38 shall be prepared in triplicate and two copies along with the unclaimed bonds shall be transmitted to the Public Debt Office, which shall, after verification, return one copy duly acknowledged to Treasury or Sub-Treasury Officer.

(5) When bonds are returned to the Public Debt Office under sub-rule (2) an entry in respect of the same shall be made in the register m R.G. Form 28 in the remarks column, and the serial number of the bonds shall be entered in the register in R.G. Form 32 and entries made also in Column 20 of the said register. On receipt of acknowledgment from the Public Debt Office entries shall also be made in Columns 21 and 22 of the register in R.G. Form 32.]

96EE. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

If after return of bond(s) to the Public Debt Office, Lucknow, under sub-rule (4) of Rule 96-E. an intermediary claims his bond(s), he shall be required to make an application therefor to the Rehabilitation Grants Officer concerned in R.G. Form 38-A. On receipt of the application the Rehabilitation Grants Officer shall carefully check the same and satisfy himself about the identity of claimant and attest his signature in token thereof under his full dated signature and the seal of his court. He shall then requisition the bond(s), from the Public Debt Office in R.G. Form 38-B, which shall be prepared in quadruplicate. In his forwarding note to the Public Debt Office therein he shall mention the number and date of the Public Debt Office's acknowledgment of the bond(s) from Column 18 of R.G. Form 32 and shall fill in Columns 1 to 10 and sign and seal each copy after satisfying himself that the entries have been correctly shown therein. He shall also enter thereunder in words in his own handwriting the total value of bond(s) recalled, both in original and copies thereof. He shall despatch the copies to the Public Debt Office, Lucknow, for compliance and retain the original which shall be maintained in the form of a bound register supplied to him each page whereof shall be numbered. The copies shall be prepared on spare sheets of forms supplied separately and each copy shall bear the page number of the original from which it has been prepared. He shall also make a suitable note in the remarks columns of R.G. Form 28 and 32 against the entries concerned.]

96EE.

1. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26 12.1960.]***

(i) The Public Debt Officer shall on receipt of the requisition in triplicate, retain one copy and forward other two copies together with the consignment of bonds

recalled to the Treasury or Sub-Treasury Officer of the tahsil to which the requisition relates after filling in and signing the endorsement thereunder.

(ii) The Public Debt Office shall send an intimation of despatch of the consignment in R.G. Form 28-A to the Treasury or Sub-Treasury Officer as well as the Rehabilitation Grants Officer concerned after substituting the words "Recalling Officer" for the words "Indenting Officer" in Column 1.

(iii) Immediately on receipt of the consignment of bonds and the requisition in duplicate, the Treasury or Sub-Treasury Officer shall verify the contents of the consignment of bonds and affix his full signature at the end under the endorsement meant for him, in both the copies thereof. One copy of the requisition shall be returned to the Public Debt Office in acknowledgment of the receipt of the bonds and the other copy shall be kept in a guard file, in order of receipt.

(iv) The Treasury or Sub-Treasury Officer shall deposit the bonds so received in the Treasury or Sub-Treasury double-lock after making entries in R.G. Form 30, and send in intimation to the Rehabilitation Grants Officer of the receipt of the particular requisition.]

2. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

(i) The Rehabilitation Grants Officer shall on receipt of the intimation in R.G. Form 28-A make entries in the relevant records and take steps for the issue and deposit of bonds and follow the same procedure as laid down in Rule 96-D.

(ii) The Rehabilitation Grants Officer shall issue a notice in R.G. Form 31-A to the intermediary concerned to attend the tahsil on any working day that may be fixed by the Rehabilitation Grants Officer for the delivery of bonds and payment of residual amounts thereof in cash.

(iii) On the dates so fixed the Rehabilitation Grants Officer shall deliver the bonds and make payment of the residual amount in cash through voucher in R.G. Form 33 to the intermediary/intermediaries or his/their duly authorised agent/ agents after proper identification and obtaining the signature of the recipient in token of the receipt on the voucher and/or R G. Form 35, as the case may be. The receipt in R.G. Form 35, shall be filed along with the roll of the intermediary. The Rehabilitation Grants Officer shall at the same time make suitable entries regarding the payment in all the relevant records in which a note of return of bonds, as unclaimed was made previously, e.g., registers in R.G. Forms 28 and 32, referred to in sub-rule (5) of Rule 96-E, and in the file concerned.]

3. [***[Substituted by Notification No. U.O. 605-Rajaswa-1-2(8)/75, dated 01.11.1975.]***

(1) In case an intermediary, entitled to get cash rehabilitation grant exceeding Rs. 5 but not exceeding Rs. 50.00, fails to take payment within three years from the date of the notice issued to him in R.G. Form 31 the amount shall stand lapsed to the State Government. The endorsement to the effect shall be made in remarks column of R.G. Form 32 and the R.G. Register shall thus be closed and consigned to record after reproduction of all such entries in a separate Land Deposit Register which shall be duly verified and initialled by the Rehabilitation Grants Officer.

(2) If an intermediary or his legal representative claims payment of the amount lapsed under sub-rule (1) he shall be required to make an application in R.G. Form 38-AA. On receipt of the application the Rehabilitation Grants Officer shall check the same and satisfy himself about the title and identity of the claimant and attest his signature in token thereof under his full dated signature and seal of his court. He shall then make payment in cash through Voucher in R.G. Form 33.]

96EE.

4. [***[Substituted by ibid.]***

When an intermediary desires that such amount of his rehabilitation grant as is payable to him in cash be donated for and on his behalf to the National Defence Fund, the Rehabilitation Grants Officer, shall on receipt of a request to that effect on the back of the notice which might be issued to the intermediary in R.G. Form 31 draw the amount through voucher in R.G. Form 33 for and on behalf of the intermediary concerned and deposit the same through the District Magistrate in the said Fund in the name of the said intermediary. The receipt in respect of the deposit of the said amount shall be filed along with the Rehabilitation Grant file of the intermediary. In case a receipt for the said deposit is desired by the intermediary, it may be given to him by the Rehabilitation Grants Officer after obtaining an acknowledgement therefor from the intermediary which shall be fixed along with his Rehabilitation Grant file. The number and date of the deposit receipt shall be entered in 'Remark' column of the register in R.G. Form 12.]

96F. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

Payment in cash shall be made through vouchers in G.R Form 33. The books containing vouchers and counterfoils shall be kept in the personal custody of the Rehabilitation Grants Officer, who shall before commencing use of a book of voucher send intimation to the Treasury/Sub-Treasury Officer, as the case may be, in R.G. Form 36.

96G.

The Rehabilitation Grants Officer shall also maintain a register in R. G. Form 34 for entry of voucher issued in R.G. Form 33.]

97. [Section 105(2)(h). ***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

- The Treasury Officer shall maintain an account of the voucher books in R.G. Form 39.]

97A. [***[Substituted by Notification No. 2221-R/I-A-1042-1955, dated 10 01.1956.]***

In case of payment through a duly authorized agent, the Treasury/Sub-Treasury Officer shall maintain a register in R.G. Form 40 and enter therein the necessary particulars before making payments.]

97B.

The Treasury/Sub-Treasury Officer shall furnish in R.G. Form 37 to the Rehabilitation Grants Officer an account of the vouchers presented and encashed on each day of payment and the Rehabilitation Grants Officer shall on its receipt fill in entries in Columns 17 and 18 of the register in R.G. Form 12. The statements in R.G. Form 37 shall be kept in a guard file in the serial order of receipt. Where no payments are made on any day the Treasury/Sub-Treasury Officer shall despatch a blank statement in R.G. Form 37. The Rehabilitation Grants Officer shall furnish a statement in R.G. Form 37-A to the Collector of his district at the end of each month, who shall consolidate the statements so received in R.G. Form 37-B in duplicate both copies whereof shall be sent to the Treasury Officer for verification of the totals from the Treasury records. The Treasury Officer shall verify the figures from the register, and note the verified amount on both the copies of the statement under his dated signature and return them to the Collector. The Collector shall than transmit one copy to the [Compensation Commissioner] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* by the 20th of each month. In case there is any difference between the treasury and departmental figures the Collector shall institute an enquiry at once and report the result to the [Compensation Commissioner.] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

97C. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The provisions of Rule 80 shall apply in the case of vouchers not encashed for more than three months, lost, destroyed or mutilated.]

98. [Section 105. ***[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

- Where, under the provisions of Section 70, a Court or authority requires the Rehabilitation Grants Officer to place at its disposal the amount of rehabilitation grant payable to an intermediary, the Rehabilitation Grants Officer shall take action as below :

(a) In case the amount of rehabilitation grant has been determined and the amount is payable to the intermediary in the form of bonds and/or in cash, the bonds and/or cash to the extent of the amount required by the court or authority shall be placed at its disposal by the Rehabilitation Grants Officer in the following manner :

(i) If total value of the bonds together with the amount to be paid in cash is equal to, or less than, the amount required by the court or the authority, all the bonds and the amount in cash shall be placed at its disposal.

(ii) If the total value of the bonds is less than the amount required by the court or authority but the same together with the amount payable is more than the amount so required, the same shall be placed at its disposal primarily in bonds and balance in cash.

(iii) If the value of the bonds exceeds the amount required by the court or authority, the Rehabilitation Grants Officer shall transmit bonds which together with the bonds of the lowest denomination available add up to a value next above the amount required by the court or authority, as the case may be.

Example. - The amount of rehabilitation grant payable to an intermediary is Rs 1.762 and one bond each of the value of Rs. 1,000, Rs. 500, Rs. 200 and Rs. 50 has been indented and received. The court requires the transmission of an amount of Rs. 224. The Rehabilitation Grants Officer shall transmit one bond of each of the denomination of Rs. 200 and Rs. 50.

(b) The bonds shall, in every case, be obtained in the name of the intermediary concerned. Its endorsement in favour of the decree-holder shall, where necessary, be made by the court or authority requiring the amount.]

98A. [***[Added by Notification No. 2221-R/I-A-1042-1955, dated 10.01.1956.]***

The [Compensation Commissioner] may from time to time issue such instructions as may appear necessary to supplement and carry into effect the provisions of this Chapter.]

Chapter VI
Mines And Minerals

99.

[* * *] *[Deleted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

100. Section 12.

(1) An intermediary who desires that the mine be deemed to have been leased to him under Section 107 or who claims compensation under Section 111 shall, in the first instance, file an application before the Collector, who shall after making such inquiries, as he considers necessary, forward them to the [Government] *[Substituted by Notification No. 631-RS/I-A-3508-59, dated 31.08.1959.]* for orders.

(2) An application under Section 107 shall be made within three years from the date of vesting and an application under Section 111 shall be made within one year from the date of the termination of the lease.

(3) Application under Section 107 or 111 shall bear, a court-fee stamp of [rupee one] *[Substituted by Notification No. 558-RS/I-A-342-D-57, dated 16.02.1959.]* only.

101.

In case of disagreement between the State Government and the intermediary regarding the terms and conditions of the lease under Section 107 or the amount of compensation under Section 111 the Collector shall refer the matter to the Mines Tribunal and forward the relevant papers to it.

101A. [***[Added by Notification No. 5839/I-A-2100-59, dated 16.02.1965.]***

On receipt of a reference under Chapter VI of the Act, the Mines Tribunal shall decide the case in accordance with the procedure laid down in the rules hereafter appearing.

101B.

The Mines Tribunal shall ordinarily hold its sitting at such place as may be fixed by the State Government:

Provided that the Mines Tribunal may, in its discretion sit at any other place within the State where it considers necessary so to do in the interest of expeditious disposal of the reference.

101C.

The jurisdiction of the Mines Tribunal shall extend to such areas of the State of Uttar Pradesh to which the U.P. Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. I of 1951) applies

101D.

The Mines Tribunal shall, when disposing of a reference under these rules, have the same powers as are vested in a court under the provisions of the Code of Civil Procedure 1908 (Act No. V of 1908) in respect of the following matters-

(a) discovery and inspection;

(b) enforcing the attendance of witnesses and requiring the deposit of their expenses;

(c) compelling the production of documents;

(d) examining witnesses on oath;

(e) granting adjournments;

(f) taking of evidence on affidavits;

(g) issuing commissions for examination of witnesses or inspection of the site;

(h) awarding damages and/or costs.

101E.

Subject to the provisions of the Act, and the rules made there-under, every reference made to the Mines Tribunal under Chapter VI of the Act shall be decided by the Tribunal, as far as may be, in accordance with the procedure applicable under the Code of Civil Procedure. 1908 (Act, No. V of 1908), to the trial of suits :

Provided that the Mines Tribunal shall have the discretion to refuse, for reasons to be recorded in writing, examination of any witness if it is of the opinion that his evidence is not material for the decision of the reference or the witness appears to have been called only with a view to delay the proceedings.

101F.

The provisions of the Indian Evidence Act, 1872 (Act No. I of 1872), shall subject to the provisions of this Act or the rales made there-under, be deemed to apply in all respects to the disposal of a reference made to the Mines Tribunal under Chapter VI of the Act.

101G.

The Mines Tribunal shall refuse to admit a reference or a petition which does not comply with the requirements of the provisions of Chapter VI of the Act or the rules made thereunder.

101H.

Any person not included as a party in the reference may, upon application being made by him to the Mines Tribunal within fourteen days from the date of commencement of the case, be entitled to be joined as a party to the reference.

Explanation. - For the purpose of this rule, the trial of a reference (case) shall be deemed to commence from the date fixed for the first hearing of the reference.

101I.

Any appearance, application or act before the Mines Tribunal may be made or done by the party in person or by a pleader duly engaged to act on behalf of a party to the reference :

Provided that the Mines Tribunal may also direct any party to the reference to appear in person before it whenever it is considered necessary and expedient by the tribunal so to do.

101J.

Every reference made under Chapter VI of the Act shall be tried as expeditiously as possible and an endeavour shall be made by the Mines Tribunal to conclude the reference within six months from the date of commencement of the trial.]

Chapter VII
[Gaon Sabha and Bhumi Prabandhak Samiti (Land Management Committee)]
[Substituted by Notification No. 5846/I-A-270-61.]

102.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

103.

[* * *] *[Deleted by Notification No. 950-RS/I-A-1031 (7)-58, dated 18.03.1959.]*

104.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

105.

[* * *] *[Deleted by Notification No. 950-RS/I-A-1031 (7)-58, dated 18.03.1959.]*

106.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

106A.

[* * *] *[Deleted by ibid.]*

107.

[* * *] *[Deleted by ibid.]*

108.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

109.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

109A.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

110. [Meetings of the Land Management Committee. Section 128(2)(d). ***[Substituted by Notification No. 694/I-A-2-1 (11)-1970, dated 12-10-1971.]***

(1) The Chairman of the Land Management Committee shall call its meetings and fix the date, time and place of the same, notice for which shall be given to all members of the Land Management Committee at least 3 days before date of the meeting. The signature or thumb-impression of each member shall be taken on the notice which thereafter be pasted on the Proceedings Book. The notice shall contain the agenda for the meeting, but any item other than the sale or lease of any land not mentioned in the notice may be considered with the permission of the Chairman.

(2) The notice shall be served personally on the members of the Land Management Committee. If it is not possible to serve the notice on any member personally, service on any adult male member of his family, and if that be also not possible, affixation of the notice at a conspicuous place at the residence of the member, shall be sufficient.

(3) The Chairman shall, on a written requisition signed by not less than one-third of the members of the Land Management Committee, convene a meeting thereof within 10 days from the receipt of such requisition.

(4) The Chairman shall preside at all meetings of the Land Management Committee. In his absence the members present shall elect a President for the meeting.

(5) The quorum for a meeting shall be 50 per cent of the total number of members of the Land Management Committee.

(6) No quorum shall be necessary for an adjourned meeting, but the date, time and venue thereof, shall be notified at the time of adjournment. A fresh notice of the adjourned meeting shall also be given to all the members, in the manner hereinbefore prescribed.

(7) The proceedings of every meeting shall be read out, confirmed and signed by the Chairman, at the subsequent meeting.

(8) The Land Management Committee shall keep a brief record of its meetings and proceedings in B.P.S. Form 2, in Devanagri script.

(9) The Land Management Committee may meet at such intervals as may be deemed expedient, but not less than three times in a year, to transact its business. It must, however meet once between May 15 and June 15 for taking decisions regarding letting out of land in good time before the start of the next Fasli year. The accounts, registers and the up to date records of all the property of the Land Management Committee shall be put up at least twice a year before the Committee for its information.

(10) The Chairman of the Land Management Committee may, with the concurrence of the members, co-opt, any other person in an advisory capacity.]

110A. [Conduct of correspondence and execution of documents and contracts. Section 128(2)(j). ***[Substituted by Notification No. 694/I-A-2-1(11)-1970, dated 12-10-1971.]***

(1) In the absence of the Chairman of the Land Management Committee, any member of the Committee authorised by him in writing, or in the absence of such authorisation, any member authorised by the Committee under a resolution to this effect, shall be entitled to sign any correspondence, contract or document, and to do all other things necessary for the conduct of suits and proceedings.

(2) Agreement or compromise in, or withdrawal from, any suit or proceeding. Section 127-B(4) read with Section 128(2)(k). - Notwithstanding anything in sub-rule (1), the Chairman of the Land Management Committee or the member so authorised by the Chairman or the Committee shall not admit a claim or enter into a compromise or an agreement with the opposite-party in any suit or proceeding, or withdraw any suit or proceeding without obtaining prior permission of the Assistant Collector in-charge of the sub-division or the Tahsildar, not being the presiding officer of the court in which the suit or proceeding is pending. An application admitting a claim or incorporating a compromise or an agreement or for the withdrawal of the suit or proceedings shall be accompanied with the order, duly scaled with the seal of the office of the Assistant Collector in-charge of the sub-division or the Tahsildar, as the case may be. Where the aforesaid application or a written statement compromising or admitting a claim in whole or in part or the application for the withdrawal of the suit or proceeding is not accompanied

with an authentic order of the Assistant Collector in-charge of the sub-division or the Tahsildar, as the case may be permitting the compromise or admission of the claim or withdrawal of the suit or proceeding, the same shall be deemed to be without authority and shall not be taken notice of by the panel lawyer or the court, who shall in such a case call for a fresh and duly authorised application or written statement within a period of thirty days, and intimation of this direction shall be given to the Assistant Collector in-charge of the sub-division or the Tahsildar, as the case may be.]

110AA.

[* * *]

110AAA.

In all eases where a member or a Chairman of a Land Management Committee is a party in a suit or proceeding against the Land Management Committee it shall by a resolution to the effect, entrust a member, other than the one or the Chairman, as the case may be, involved in the suit against it, with the conduct of the litigation.

110B. [***[Added by Notification No. 1214/1-A-1056-1954, dated 09.04.1955.]***

The State Government shall be made a party in the following classes of suit instituted against the [Gaon Sabha] or the local authority :

(a) Suit under Sections 59 to 61 and 183 of the U.P. Tenancy Act, 1939 in which cause of action accrued before the date of vesting.

(b) Suits for the declaration of the rights and/or of recovery of possession by a bhumidhar or sirdar.

(c) Suits by persons claiming the land or any of the things vested in a [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* or a local authority under Section 117.

(d) Suits the decision in which is likely to affect the land revenue payable to the State Government.]

111. [***[Inserted by Notification No. 950-RS/I-A-1031(7)-58, dated 18.03.1959.]***

It shall be the duty of the Secretary-

(a) to attend the meeting of the Committee and to maintain the various registers and records provided under the rules or enjoined by any directions of the State Government or the Collector under the guidance and supervision of the Chairman;

(b) to comply with and see that all the provisions of the Act and rules made thereunder and all directions issued by the State Government or the Collector are complied with by the Land Management Committee and shall bring to their notice any irregularity or omission on their part;

(c) to give any information asked for by the Committee in respect of entries in the Land Records and to issue copies of Land Records required by the Committee free of charge (copies issued are to be clearly marked "for the use of Land Management Committee only");

(d) to report all cases of damage or encroachment upon the property of [Gaon Sabha] to the Collector and to simultaneously forward a copy of such report to the Chairman of the Land Management Committee for information;

(e) to get leases executed by the Land Management Committee in respect of admissions to the land duly registered or attested within the prescribed period;

(f) to attend to all matters pertaining to litigation of [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* in respect of their functions under this Act].

112. [Section 125. ***[Substituted by Notification No. 5846/I-A-270-61.]***

(1) All money transactions to which the Bhumi Pra-bandhak Samiti (Land Management Committee) or its Chairman is a party, shall be brought to account and all the money realised or received by way of donations or otherwise shall be credited in full to the Gaon Fund.

(2) Money due to the Bhumi Prabandhak Samiti (Land Management Committee shall be collected either by payment at the office of the Bhumi Prabandhak Samiti or by out-door collections or by both, and for every money paid, a receipt in B.P.S. Form 4 small be given.

(3) Account of all income and expenditure shall be maintained by the Chairman of the Bhumi Prabandhak Samiti (Land Management Committee) in cash book in B.P.S. Form 5 and the register of expenditure in B.P.S. Form 6, respectively.

(4) The Chairman of the Bhumi Prabandhak Samiti shall be responsible for the maintenance of correct accounts and for cash held by the Bhumi Prabandhak Samiti.

(5) All expenditure from the fund placed at the disposal of the Bhumi Prabandhak Samiti by the Gaon Panchayat shall be incurred only under the authority of a resolution of.the Bhumi Prabandhak Samiti.]

112A. [Section 125-A. ***[Substituted by Notification No. 5846/I-A-270-61.]***

(1) The percentage of the annual income credited to the Gaon Fund under sub-section (1) of Section 124, which has to be contributed to the Consolidated Gaon Fund in any agricultural year under Section 125-A (2), shall be fixed by the Collector in the month of June preceding the said agricultural year on the basis of the actual expenditure of the Gaon Sabhas on litigation and development of common utility lands in the previous years, the estimated requirement of expenditure on these items in the coming agricultural year and the gross income of the Gaon Sabhas under the aforesaid former section.

(2) The Consolidated Gaon Fund at the headquarters of each district shall be administered and operated upon by the Collector or any Deputy Collector authorised by the Collector in this behalf.]

112B. **[** ***[Added by Notification No. 950-RS/I-A, dated 18.03.1959.]***

The Consolidated Gaon [* * *] Fund may, in the discretion of the Collector, by applied to-

(a) the payment of travelling allowance and [daily] *[Substituted by Notification No. 690-RZ(3)/I-A-2008-D-59, dated 25.07.1960.]* allowance to the Chairman or members of the Land Management Committee authorised by a resolution of the Committee to conduct suits and proceedings, where the Land Management Committee has not got sufficient income to meet the same;

(b) the payment of expenditure incurred on the engagement of a clerk, if any, is appointed [by the Collector] *[Substituted by Notification No. U.O. 757-RZ/I-A-2008-D-59, dated 23.08.1960.]* with the previous approval of [the Board of Revenue, U.P.] *[Substituted by Notification No. U.O. 757-RZ/I-A-2008-D-59, dated 23.08.1960.]*, to assist the panel lawyers and Chairman in doing pairvi in the various courts at the headquarters of the district.]

113.

[The Land Management Committee shall maintain the following records :

(1) Records of all its property in [B.P.S.] Form 1.

(2) Proceedings Book in [B.P.S.] *[Substituted by Notification No. 5846/I-A-270-61.]* Form 2.

(3) Counterfoil of leases of admission to land in Z.A. Form 59.

(4) Counterfoil of leases or licences given by the Land Management Committee.

(5) Jamabandis of Asamis of [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* in Z.A. Form 62-B.

(6) Demand and Collection Register in , [B.P.S.] *[Substituted by Notification No. 5846/I-A-270-61.]* Form 3.

[6A Certificate for recovery of [Gaon Sabha] *[Added by Notification No. 1715/I-A-1042-1955, dated 20.03.1957.]* dues in [B.P.S.] *[Substituted by Notification No. 5846/I-A-270-61.]* Form 3-A]

(7) Receipts Books in [B.P S.] *[Substituted by Notification No. 5846/I-A-270-61.]* Form 4.

(8) Cash Book in [B.P.S] *[Substituted by Notification No. 5846/I-A-270-61.]* Form 5.

(9) Register of Expenditure in [B.P.S.] *[Substituted by Notification No. 5846/I-A-270-61.]* Form 6.]

113A. [Section 125(1). *[Substituted by Notification No. 1583(A)/I-A-610-60, dated 20.11.1961.]*

- (i) After completing the preparation of the land revenue Jamabandi the extracts therefrom for the Land Management Committees and the statement in Z.A. Form 63, the Lekhpal shall prepare the Jamabandi of Asamis of [Gaon Sabhas] *[Substituted by Notification No. 1130/I-A-1699-1958, dated 11.03.1954.]* in Z.A. Form 62-B for each village of his Halka showing therein separately the kharif and rabi rent payable by each Asami of [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]*. The Jamabandi shall be prepared on the basis of entries in Columns 1 to 6 of the current triennial Khatauni, incorporating the changes noted in Columns 7, 8 or 9 thereof, as may be required.

(ii) Before the preparation of the Jamabandi is taken up, the Jambandis of the last year shall be obtained from the [Gaon Sabhas] *[Substituted by Notification No. 5846/I-A0-270-61.]* concerned and a statement of arrears and excess collections drawn up in Z.A. Form 62-B With the help of this statement the arrears and excess collections of the last year will also be shown in the Jamabandi.

(iii) Only one copy of the Jamanbandi shall be prepared. A separate jamabandi shall be prepared for each village even where more than one village is included in the circle of a [Gaon Sabha.] *[Substituted by Notification No. 5846/I-A-270-61]*

(iv) All the entries in the Jamabandi shall be checked by the Supervisor Kanungo who will initial the corrections, if any, and singh the Jamabandi.

(v) The Jamabandi shall then be made over to the Chairman of the Land Management Committee, who shall, after satisfying himself about the accuracy of the entries sign it. The Jamabandi shall thereafter be submitted to the Tahsildar, who shall after satisfying himself about its accuracy initial the corrections, if any, sign it and return it to the Chairman of the Land Management Committee concerned before November 15.]

114. [*[Substituted by Notification No. 166/2-1(1)-79-UPA-1-1951 AM (14)-1980, dated 29.02.1980.]*

(1) For the conduct of suits, applications and other proceedings, including objections, appeals, revisions, writs and special appeals, by or against the Gaon Sabhas, the following shall be appointed in the manner provided in sub-rule (2) as panel lawyers for the court specified against each :]

(a) One Tahsil Panel Lawyer (Revenue) for each tahsil in respect of revenue cases before the court of Tahsildar or before a Consolidation Officer whether they hold their court at tahsil headquarters or at any other place within the tahsil. He will represent all the Gaon Sabhas within the tahsil.

(b) One Tahsil Panel Lawyer (Civil) for each tahsil in respect of civil cases before civil courts, if any, within the tahsil. He will represent all the Gaon Sabhas within the tahsil

(c) One District Gaon Sabha Panel Lawyer (Revenue) for each district in respect of revenue cases before the courts of Collector, Additional Collector, Assistant Collector First Class (excluding Tahsildar), Settlement Officer Consolidation, Deputy Director of Consolidation and Director of Consolidation, whether they hold their court at district headquarters or at any other place within the district. He will represent all the Gaon Sabhas within the district.

(d) One District Gaon Sabha Panel Lawyer (Civil) for each district in respect of civil cases before all the civil courts at district headquarters excluding High Court. He will represent all the Gaon Sabhas within the district.

(e) One Divisional Gaon Sabha Panel Lawyer (Revenue) at each divisional headquarters for the courts of the Commissioner and the Additional Commissioner. He will represent all the Gaon Sabhas in the division.

(f) One Gaon Sabha Panel Lawyer (Board of Revenue) for the cases of all the Gaon Sabhas within the State before Board of Revenue each at Allahabad and at Lucknow.

(g) One Gaon Sabha Panel Lawyer (High Court) for the High Court each at Allahabad and at its Bench at Lucknow.

(h) One or more such additional Panel Lawyer referred to in clause (a) to (g) above, if considered necessary, with reference to the work load.

(2) Manner of appointment. - (a) The Tahsil Panel Lawyers shall be appointed by the Collector of the district.

(b) Unless otherwise directed by the Government in any particular case or cases, a Government Counsel appointed by the Government to conduct suits for or against the Government in the revenue courts at district headquarters shall be deemed to have been appointed by the Government as District Gaon Sabha Panel Lawyer (Revenue) for that district under

clause (e) of sub-rule (1). Similarly, a Government Counsel appointed by the Government to conduct cases for or against the Government before the Civil Courts at the district headquarters or before the Court of Commissioner/and Additional Commissioner or the Board of Revenue or before the High Court shall be deemed to have been appointed respectively by the Government as District Gaon Sabha Panel Lawyer (Civil), Divisional Gaon Sabha Panel Lawyer (Revenue), Gaon Sabha Panel Lawyer (Board of Revenue) and the Gaon Sabha Panel Lawyer (High Court).

(c) The appointments of Panel Lawyers referred to in clauses (c) to (f) of sub-rule (1), under this clause shall be made by the Government after consideration of the recommendations of the Collector and the District Judge. The appointment of Panel Lawyer referred to in clause (g) of sub-rule (1) under this clause shall be made in consultation with the Advocate General.

(d) Notwithstanding anything contained in clauses (b) and (c) the Government may appoint a counsel other than the Government Counsel referred to in clause (b) above as Panel Lawyer under clauses (c) to (g) of sub-rule (1) for the Gaon Sabha cases.

(e) Where any additional Panel Lawyer is appointed under clause (h) of sub-rule (1), the charge of cases to be attended to by the Panel Lawyer and each of the additional Panel Lawyers in terms of sub-section (2) of Section 127-B shall be clearly specified as the case may be by the Collector, the Commissioner, the Secretary, Board of Revenue or the Government under intimation to the courts concerned. The additional Panel Lawyer will, however work under the supervision of the Panel Lawyer subject to the overall control of the Collector, the Commissioner, the Secretary, Board of Revenue, or the Government, as the case may be.

(3) Terms and conditions. - The term of a Panel Lawyer referred to in clause (a) or clause (d) of sub-rule (2) shall be three years. It may be renewed thereafter for another period not exceeding three years, if his work, conduct and integrity is found to be satisfactory. But it shall be in the exclusive discretion of the appointing authority to terminate the appointment at any time during the first or subsequent terms without assigning any reason therefor.

(4) The appointment of all the Gaon Sabha Panel Lawyers referred to in sub-rule(2) shall be subject to the following terms and conditions-

(a) No Panel Lawyer shall institute, contest or conduct any case unless he is authorized to do so by the Sub-Divisional Officer, or the Collector, or the Board of Revenue or the Government, as the case may be. He will also be under a disability to appear in any case against a Gaon Sabha except with the permission of the Government or the Collector of the district in which

the Gaon Sabha is situate. This permission may be granted if there is no conflict of interest between the party for which he appears and the Gaon Sabha.

(b) Where State is impleaded alongwith the Gaon Sabha, the Panel Lawyer shall unless, directed otherwise by the Collector, also defend the interest of the State.

(c) The Panel Lawyer shall, when required, give legal opinion and advice free of charge to the Bhumi Prabandhak Samiti of the Gaon Sabhas in regard to the institution, conduct and defence of the cases.

(d) It shall also be the duty of the Panel Lawyer to bring to the notice of the Collector, of the Sub-Divisional Officer all cases in which he is satisfied that the Chairman, the Vice-Chairman, the Secretary or any other member of the Bhumi Prabandhak Samiti has colluded with the opposite party or has not taken due interest in the pairvi or conduct of the case.

(e) [The Panel Lawyers shall be entitled to a flat rate of fee per case, irrespective of the numbers of date fixed therein as given below : [[Substituted by Notification No. Pra Sa. 148/One-1-2013-0-1 (1)-2010 07 dated 12.06.2013, published in the U.P. Gazette, Extra., Part 4, Section (Kha) dated 12.06.2013. Prior to substitution, it stood as under :

(e) The Panel Lawyers shall be entitled to a flat rate of fee per case, irrespective of the numbers of date, fixed therein as given below :

(i) For the Court of Tahsildar and Consolidation Officer situate at Tahsil headquarters or within the Tahsil.....Rs. 100.

(ii) For the court of Collector, Additional Collector, Assistant Collector First Class (excluding Tahsildar), Settlement Officer Consolidation, and all the Civil Courts excluding High Court Rs. 150.

(iii) For the Court of the Commissioner, the Additional Commissioner, Deputy Directors, Joint Director and Director of Consolidation.....Rs. 225.

(iv) For the Board of Revenue, U.P.....Rs. 350

(v) For the High Court.....Rs. 1000.

Provided that the Collector or the Government may in exceptional or intricate cases requiring abnormal time and labour allow a higher fee subject to the following maximum :

(i) For the Court of Tahsildar, Consolidation Officer and Civil Court situate at tahsil headquarters or within the Tahsil.....Rs. 150.

(ii) For the Court of Collector, Additional Collector, Assistant Collector First Class (excluding Tahsildar), Settlement Officer Consolidation, Deputy Director of Consolidation, and all the Civil Courts at District headquarters excluding High Court.....Rs. 225.

(iii) For the Court of the Commissioner, the Additional Commissioner.....Rs. 350.

(iv) For the Board of Revenue, U.P.....Rs. 550.

(v) For the High Court.....Rs. 2000]]]

(i) For the Court of Tahsildar and Consolidation Officer situate at Tahsil headquarters or within the tahsil.....Rs. 115/-.

(ii) For the Court of Collector, Additional Collector, Assistant Collector First Class (excluding Tahsildar), Settlement Officer Consolidation and all the Civil Courts excluding High Court.....Rs. 175/-.

(iii) For the court of the Commissioner, the Additional Commissioner, Deputy Director, Joint Director and Director of Consolidation.....Rs. 260/-.

(iv) For the Board of Revenue, U.P.....Rs. 400/-.

(v) For the High Court.....Rs. 1150/-.

Provided that the Collector or the Government may in exceptional or intricate cases requiring a abnormal time and labour allow a higher fee subject to the following maximum;

(i) For the Court of Tahsildar, Consolidation Officer and Civil Court situate at Tahsil headquarters or within the tahsil.....Rs. 175/-.

(ii) For the Court of Collector. Additional Collector, Assistant Collector First Class (Excluding Tahsildar), Settlement Officer Consolidation, Deputy Director of Consolidation and all the Civil Courts at District Head Quarters excluding High Court.....Rs. 260/-.

(iii) For the Court of the Commissioner, the Additional Commissioner,.....Rs. 400/-.

(iv) For the Board of Revenue, U.P. Rs. 635/-.

(v) For the High Court.....Rs. 2300/-.

Exceptional or intricate cases will be decided by the Collector.]

(f) The clerk of a Panel Lawyer will be paid a fee equal to ten per cent of the fee of the Panel Lawyer subject to a minimum of Rs. 1 per case.

(g) Other duties of the Panel Lawyers and the control of the Collector, the Commissioner, the Secretary Board of Revenue or the Government, as the case may be, over them shall be governed by the instructions regarding conduct of Gaon Sabha litigation issued in G.O. No. 2240-AZ/IA-1165-1954, dated August 20, 1958 or such other instructions as may be issued by the Government from time to time.

(h) The Panel Lawyers shall not enter into any agreement or compromise with reference to, or withdraw from, any suit or other proceeding on behalf of a Gaon Sabha without obtaining prior sanction of the Bhumi Prabandhak Samiti, accorded by a resolution, and the permission of the Assistant Collector in charge of the Sub-Division or the Tahsildar, not being the Presiding Officer of the Court in which the suit or proceeding is pending.

(5) The Collector, the Commissioner and the Secretary, Board of Revenue, shall maintain confidential files in respect of the Panel Lawyers in the district at the Divisional Headquarters and at the headquarters of the Board of Revenue respectively and shall annually enter therein remarks on the lawyer's capacity, efficiency integrity and general performance.

115.

[* * *]

115A. [***[Substituted by Notification No. 5846/I-A-270-61.]***

The State Government may issue directions to the Bhumi Prabandhak Samitis (Land Management Committees) established under Section 28-A of the U.P. Panchayat Raj Act, 1947, on the following among other matters :

(1) land management, including preservation of land for purposes of public utility;

(2) expenditure of the amount placed at the disposal of the Bhumi Prabandhak Samiti by the Gaon Panchayat; and

(3) matters relating to the functions of the Bhumi Prabandhak Samitis as laid down in Section 28-B of the U.P. Panchayat Raj Act, 1947, in so far they appear necessary for the purposes of the Act.]

115B. [***[Substituted by Notification No. 950(i) RS/I-A-1031(7)-58, dated 18.03.1959.]***

The directions on the subjects mentioned in Rule 115-A shall be issued by State Government to the Land Management Committee through the Collector of the district.]

[Explanation I. - The directions contained in the [Bhumi Prabandhak Samiti Manual] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* shall be deemed to be the directions issued in accordance with Rule 115-A.]

[Explanation II. - The directions contained in the Gaon Samaj Manual, so far as they are necessary for purposes of this Act, and are not inconsistent with these rules, shall be deemed to be the directions issued under Rule 115-A so long as they remain in force.] *[Added by ibid.]*

115BB. [***[Substituted by Notification No. 1950/I-A-2006-D-60, dated 21.03.1966.]***

(1) The Assistant Collector in charge of the sub-division shall be the authority by which the compensation to be paid under Section 117, shall be assessed and paid :

Provided that in determining the compensation to be paid under Section 117, the [Gaon Sabha] or the local authority concerned or its representative shall be given an opportunity of being heard.

(2) In determining the amount of compensation, due on account of development, the Assistant Collector in charge of the sub-division shall have regard-

(a) to the amount by which the value of land is increased by the work;

(b) to the condition of such work and the probable duration of its effect;

(c) to the labour and capital required to the making of such work allowing for-

(i) any advantage allowed to the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* or the local authority by the Government in consideration of the work;

(ii) any assistance given to the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* or the local authority by the State Government in money, material or labour; and

(iii) in the case of reclamation or of the conversion of unirrigated to irrigated land, the length of time during which the Gaon Sabha or the local authority has had the benefit of the development work.

(3) The order of the Assistant Collector in charge of the sub-division shall be appealable to the [Commissioner] *[Substituted by Notification No. 315-R(4)/I-A-1042-1955, dated 20.02.1957.]* within thirty days of the date of the passing of the original order.]

115C. [***[Substituted by Notification No. U.O.605/Rajaswa-1-2(8)-75 dated 01.11.1975.]***

(1) It shall be the duty of the Land Management Committee to preserve or protect from damage, misappropriation and wrongful occupation, all properties vested in it under Section 117, including vacant land and land over which it is entitled to take possession under the Act and to manage and maintain all such property and land in its possession.

(2) The Chairman or any Member or the Secretary of the Land Management Committee shall report all cases of damage to or misappropriation or wrongful occupation Of, the property referred to in sub-rule (1) to the Collector praying for recovery of compensation for damage to or misappropriation of the property or possession of the land together with damages for wrongful occupation thereof.

(3) It shall be the duty of the Lekhpal to report to the Collector through the Tahsildar all cases of wrongful occupation or damage to and misappropriation of property vested in the Gaon Sabha as soon as they come to his notice and in any case after the conclusion of Kharif and Rabi Partal every year.

(4) The Tahsildar shall satisfy himself in the month of May every year that each Lekpal has submitted all such reports.

(5) The provisions of sub-rules (1) to (3) shall mutatis mutandis apply to a local authority in respect of the properties vested in it, including vacant land and land over which it is entitled to take possession, under the Act:

Provided that the duty in respect of sub-rule (3) above, shall be discharged by such official of the local authority as may be decided upon by the local authority concerned.]

115D. [***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)-75, dated 01.11.1975.]***

(1) Where the Land Management Committee or the local authority as the case may be, fails to take action in accordance with Section 122-B, the Collector shall-

(a) on an application of the Chairman, Member or Secretary of the Committee; or

(b) on a report made by the Lekhpal under sub-rule (3) of Rule 115-C; or

(c) on the report of the local authority concerned or its official referred to in the proviso to sub-rule (5) of Rule 115-C;

(d) on facts otherwise coming to his notice ;

call upon the person concerned through notice in Z.A. Form 49-A to refrain from causing damage or misappropriation, to repair the damage or make good the loss or remove wrongful occupation and to pay damages or to do or refrain from doing any other thing as the exigencies of the situation may demand or to show cause against it in such time not exceeding fifteen days as may be specified in the notice.

(2) Before issuing a notice under sub-rule (1), the Collector may make such inquiry as he deems proper and may obtain information on the following points

(a) full description of damage or misappropriation caused or the wrongful occupation made, with details of village, mohalla or ward, plot number, area, boundary, property damaged or misappropriated and market value thereof;

(b) full address along with father's name of the person responsible for the damage, misappropriation or wrongful occupation;

(c) period of wrongful occupation, damage or misapproriation, class of soil of the plot numbers involved and hereditary rates applicable to them; and

(d) value of the property damaged or misapproriation calculated at the prevailing market rate in the locality.]

115E.

(1) Where any direction for eviction or recovery of any amount of compensation has been issued by the Collector under sub section (4) of Section 122-B an order in Z.A. Form 49-C shall be sent to the Tahsildar concerned for execution who shall as far as possible follow the procedure laid down in paragraphs 137 and 138 of Revenue Court Manual.

(2) The order under Z.A. Form 49-C shall also specify the amount which shall be recovered from the person concerned as expenses of execution which shall include the pay and allowances of the staff deputed to be calculated according to the rates mentioned in paragraphs 405 of the Revenue Court Manual.

115F.

(1) All damages ordered to be recovered and expenses incurred in the execution of the orders of the Collector shall be realised as arrears of land revenue and credited to the Consolidated Gaon Fund or the Fund of a local authority other than a Gaon Sabha, as the case may be except that the cost on account of pay and travelling allowance of staff deputed shall be deposited in the Tahsil Sub-Treasury under the head "029-Land Revenue-E-other receipts (5) Collection of payment for services rendered".

(2) If the damage or loss caused through misappropriation is of such a nature as is not capable of being repaired or made good, (as in the case of cutting of trees, or grazing of plants or grass) the Collector shall assess the amount of damage or loss in terms of money at the prevailing market rate in the locality. In case of wrongful occupation of land, the damage caused to the Gaon Sabha or the local authority, as the case may be, shall be assessed for each year of such wrongful occupation or any part thereof) at 100 times the amount of rent computed at the sanctioned hereditary rates applicable to the plots concerned. In case the occupant of land continued to remain in such wrongful occupation, he shall be further liable to pay

one-eighth of the damages so assessed for every month of the continued occupation after the date of the order.

115G.

(1) If the person wrongfully occupying the land has done cultivation therein, he may be allowed to retain possession thereof until he has harvested the crop subject to the payment by him of 100 times the amount of rent computed at the sanctioned hereditary rates applicable which shall be credited to the Consolidated Gaon Fund or the Fund of the local authority other than the Gaon Sabha as the case may be. If the person concerned does not make the payment of the aforesaid amount within the period specified in the notice in Z. A. Form 49-A, possession of the land shall be delivered to the Land Management Committee or the local authority, as the case may be together with the crop :

Provided that where such person wrongfully occupies the same land or any other land within the jurisdiction of the Gaon Sabha or the local authority, as the case may be, a subsequent time, he shall be ejected therefrom without being permitted to gather his produce and possession of the land together with the crop thereon shall be delivered to the Land Management Committee or the local authority, as the case may be.

(2) Nothing in sub-rule (1) shall debar the Land Management Committee or the local authority, as the case may be, from prosecuting the person who encroaches upon the same land a second time in spite of having been ejected under the Act or rules under Section 447, of the Indian Penal Code.

115GG. [***[Inserted by Notification No. U.O. 605/Rajaswa-1-2(8)-75, dated 01.11.1975.]***

(1) There shall be maintained in the office of each Collector a register in Z.A. Form 49-CC showing details of the amount ordered to be realised on account of damages and compensation awarded in proceedings under Section 122-B.

(2) A similar register shall also be maintained by each Tahsildar showing realisation of damages and compensation awarded in each proceedings. The entries made in the register maintained at Tahsil shall be compared with the register maintained by the Collector to ensure accuracy of the entries made therein.

(3) A progress report showing realisation of damages and compensation awarded in proceedings under Section 122-B shall be sent to Board of Revenue U.P. Lucknow by the 15th day of April and October every year. The Board after consolidating the report so received from the districts, shall send it to the Government in the Revenue Department]

115H. [***[Added by Notification No. 3548/I-A-1059-1953, dated 13.06.1953.]***

Nothing in Rules 115-D to 115-G shall debar any person from establishment of his right in a court of competent jurisdiction in accordance with the law for the time being in force in respect of any matter for which any order has been made by the Collector.]

115I. [Section 198. ***[Substituted by Notification No. 950-RS/I-A-1061(7)-1958, dated 13.03.1957.]***

- The provisions of Rules 115-D to 115-G shall mutatis mutandis apply to the proceedings for ejectment of the allottee referred to in sub section (3) of Section 198, or any person claiming through him who retains possession of the land, allotment whereof has been cancelled by the Assistant Collector in charge of the Sub-Division under sub-section (2) of Section 198.]

115J. [***[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]***

(1) The Assistant Collector incharge of the sub-division shall exercise superintendence and control over the affairs of the Land Management Committees within his sub-division and make such periodical inspections as may be deemed necessary. The inspections may be made by himself or by the Tahsildar, Naib-Tahsildar, Supervisor Kanungo of his sub-division [* * *].

(2) The inspecting officer shall examine whether the procedure laid down in the rules or instructions regarding maintenance of accounts and holding of meetings by the Land Management Committee has been followed. [It shall also be the duty of the Inspecting Officer to ensure the proper execution and registration or attestation as the case may be, of lease granted by the Land Management Committee in respect of admission to land, within the period provided therefor under law.] *[Added by Notification No. 3266/I-A-1056-1954, dated 17.08.1954.]*

(3) The Assistant Collector incharge of the sub-division and the Tahsildar shall check the accounts of at least 5 per cent and 10 per cent, respectively of the Land Management Committees within the sub-division during their tours in the year.

(4) [The records, registers and accounts of the Land Management Committee shall be maintained by the Chairman of the said committee and the Supervisor Kanungo shall check those records, registers and accounts at least once a year and as often as the Tahsildar or the Assistant Collector incharge of the sub-division may direct. It shall also be the responsibility of the Supervisor Kanungo to report cases of mis-management, abuse of power or negligence, misappropriation of funds, embezzlements and other irregularities on the part of the Land Management Committees, their Chairmen or member to higher authorities concerned for necessary action, as soon as such cases come to his notice either during the course of inspection or otherwise.] *[Substituted by Notification No. U.O. 65/Rajaswa-1/71.]*

115JJ. [***[Added by Notification No. 1214/I-A-l056-1954, dated 09.04.1955.]***

(1) The Assistant Collector incharge of the sub-division shall be the prescribed authority for purposes of sub-section (1) of Section 123-A.

(2) The Collector of the district shall be the prescribed appellate authority under sub-section (2) of Section 123-A.]

115K. [***[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]***

If on the report of the Assistant Collector incharge of the sub-division [or the District Collection Officer] the Collector is satisfied, that the Land Management Committee has failed persistently without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned to it under the Act, or the rules framed thereunder, or has persistently disregarded the directions given to it by the Assistant Collector [or the District Collection Officer] *[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1655.]* either on the result of inspections or otherwise, he may [take action against the Committee under Section 127 under the powers delegated to him in Notification No. 6374/I-A-1192-53, dated May 13, 1954.] *[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]* When such action is taken by the Collector, he shall submit immediately a report to the Land Reforms Commissioner and the Government in the Revenue (A) Department.]

115KK.

[* * *] *[Deleted by Notification No. 5846/I-A-270-61.]*

Allotment of Land for Housing Sites

115L. [A-Abadi sites for preferential categories. ***[Substituted by Notification No. 256/Rajaswa-1-3(1)-71]***

(1) The Assistant Col-lector-in-charge of the sub-division may, wherever land ear-marked for the extension of abadi for Harijans under the provisions of the Uttar Pradesh Consolidation of Holdings Act, 1953 and any other land of abadi site vested in Gaon Sabha is insufficient to meet the housing requirements of persons referred to in sub-section (3) of Section 122-C, proceed to earmark land for abadi sites in accordance with sub-section (1) of the said section.

(2) [* * *]

(3) Before allotting housing sites to persons referred to in sub-section (3) of Section 122-C, the Assistant Collector in-charge of the sub-division shall, in respect of each village, cause to be prepared the following lists and extracts-

(i) a list in Z.A. Form 49-D showing separately particulars of persons of the three categories mentioned in sub-section (3) of Section 122-C;

(ii) a list in Z.A. Form 49-E of lands enumerated in sub-section (2) of Section 122-C; and

(iii) an extract of village map showing the plots given in the above list.

(4) In making allotment of housing sites under this rule, the order of preference mentioned in sub-section (3) of Section 122-C shall be observed.

(5) No premium shall be charged for allotment of housing sites under this rule.]

115M. [B-Other abadi sites. ***[Substituted by Notification No. 256/Rajaswa-1-3(1)-71.]***

(1) Abadi sites other than those referred to in Rule 115-L and vested in a Gaon Sabha may be allotted for construction of buildings for residential or charitable purposes or for purposes of cottage industry in the following order of preference -

(a) a landless agricultural labourer or a village artisan residing in the village;

(b) a bhumidhar, sirdar or asami residing in the village and holding land less than 1.26 hectares (3.125 acres);

(c) any other person residing in the village.

(2) Every allottee under this rule shall be required to deposit an amount equal to 40 times of the rent of the land calculated at hereditary rates which shall be credited to the Gaon Fund :

Provided that no premium shall be charged in respect of site allotted for charitable purpose.]

115N. [C-General. ***[Substituted by Notification No. U.O. 605/Rajaswa1-2(S)-75 dated 01.11.1975.]***

(1) Whenever the Land Management Committee proceeds to allot housing sites under Rule 115-L, or 115-M, it shall announce by beat of drum in the village the exact location of the sites to be allotted, the time, the date and venue of allotment.

(2) All allotment shall be made by the Land Management Committee in a meeting held for the purpose on the date announced under sub-rule (1). Where more than one person belonging to the same order of preference express their desire to be allotted a particular site, the said Committee shall draw lots to determine the person to whom the site should be allotted :

Provided that the prior approval of the Assistant Collector-in-charge of the Sub-Division shall be obtained for every allotment under Rule 115-L or 115-M.

(3) The allottee of the housing site shall be given a receipt for the premium, if any, paid by him to the Land Management Committee and a certificate of allotment.

The certificate shall be in Z.A. Form 49-F which shall be prepared in two parts, the main certificate being given to the allottee and its counterpart remaining with the Land Management Committee for record.]

115O. [***[Substituted by Notification No. 256/Rajaswa-1-3(1)-71.]***

The maximum area of allotment under Rule 115-L or 115-M shall not exceed 250 square metres and the allottee shall not be required to pay ground rent therefor :

Provided that the limit of 250 metres shall not apply to cases of allotment of land for construction of a building for a charitable purpose or for setting up a cottage industry.]

115P. [***[Substituted by Notification No. 256/Rajaswa-1-3(l)-71.]***

(1) The Collector may, of his own motion or on the application of any person aggrieved by any order of allotment of land under Rule 115-L or 115-M, proceed to make an inquiry in the manner given hereunder.

(2) The allottee and Land Management Committee shall be necessary parties to all such cases.

(3) The Collector on the application of any party or otherwise may pass suitable interim orders at any time before the final disposal of the case.

(4) The Collector shall call upon all persons interested in the order of allotment to appear and present their case before him. It shall not be necessary to record evidence but the memo of the day to day inquiry shall be kept on record by the Collector. On making inquiries, if he is satisfied that the allotment is irregular, he may cancel the allotment and thereupon the right, title an interest of the allottee and of every other persons claiming through him in the land shall cease.

(5) The order of the Collector under the preceding sub-rule shall be final.]

115Q. [***[Substituted by Notification No. 1-(57)-LXXXII-U.P.A-I-1951-Rule 1952-A.M.-(15)-1983, dated 18.07.1983.]***

The person to whom the housing site is allotted shall be required to build a house and begin to reside in it or to use it for the purpose for which it was built within three years from the date of allotment : If he fails to do so or uses it at any time for a purpose other than that for which it was allotted his rights shall be extinguished and the site may be taken over by the Land Management Committee;

Provided that in the case of a person belonging to Scheduled Caste or Scheduled Tribe the aforesaid time limit for building of the house shall not apply.]

115R.

[(1) Where any land or site is allotted in accordance with Rules 115-L to 115-Q and house is built thereon or not, then, subject to the provisions of sub-rule (2), the allottee, and in case of death of the allottee, his heirs shall have no right to transfer such land, site or house within a period of ten years from the date of the allotment:] *[Substituted by Notification No. 66/U.O.-44/One-1/99-3-1(37)/84-180 Revenue-2 U.P. Act-1/1951-Rule-1952-Amendment (17)/Revenue-1, dated 25.01.2000.]*

Provided that the restriction regarding the period of ten years shall not apply to the heirs of a deceased allottee.

(2) Subject to the provisions of Rules 115-L or 115-Q, all allotments of land or site be subject to the following conditions, namely-

(a) the allottee as well as his heirs shall have a heritable interest in the land or site so allotted;

(b) the allottee and his heirs shall not be liable to ejectment;

(c) the succession shall be governed by the personal law to which the allottee was subject to and;

(d) the allottee may mortgage, without possession, his interest in the land or the site allotted to him under rules 115-L to 115-Q, as security for a loan taken from a co-operative society or from U.P. Harijan and Weaker Sections Housing Corporation, or from State Bank of India, or from any bank which is a scheduled Bank within the meaning of clause (e) of Section 2 of the Reserve Bank of India Act, 1934 for construction of a house on the land or site so allotted; and

(e) if the building is abandoned or if the owner thereof dies without any heir entitled to succeed the land or site and the building shall vest in the Gaon Sabha.

115S. [***[Substituted by Notification No. 1145-RZ/I-A-1058-59, dated 11.3.1960.]***

(1) No lease or licence in respect of any property vested in the Gaon Sabha shall be made for a period exceeding one year except with the specific permission of the Government in the Revenue Department and that no lease or licence shall be made in favour of a person except by public auction held in accordance with the procedure given below:

(i) The auction shall be well advertised in the circle of the Gaon Sabha by beat of drums giving descriptions of the property to be auctioned and shall be open to the public:

Provided that no one who has any [dues of the Bhumi Prabandhak Samiti outstanding against him shall be allowed to participate in the auction.]

(ii) The highest bidder shall have to deposit one-fourth of the bid money with the closure of the auction and the balance in three equal instalments each instalment being payable at the expiry of every three months calculated from the date of auction.

(iii) The auction shall be closed in favour of the highest bidder and shall become final -

(a) where no objections are filed-on the expiry of forty-two days from the date of auction;

(b) where any objections are filed-on the auction being confirmed by the Tahsildar or the Collector after the disposal of objection or the appeal as the case may be.

(iv) Any resident of the Gaon Sabha where the property is situate or any other person interested in the same may within forty-two days from the date of auction, file objection against the auction before the Tahsildar of the tahsil in which the Gaon Sabha exists who shall thereupon stay confirmation of the sale, by intimation in writing to the Bhumi Prabandhak Samiti (Land Management Committee) concerned and dispose of the objection as expeditiously as possible in the manner given in clause (v).

(v) The Tahsildar shall fix a date for hearing of objection and issue notice to the Bhumi Prabandhak Samiti concerned and the highest bidder of the auction to show cause and produce evidence, if any, on the aforesaid date as to why the auction should not be set aside, The objector shall also be served with a notice to produce upon on the said date of hearing such evidence, in support of his objection as he may like. After hearing the parties and considering the evidence produced, the Tahsildar shall, for reasons to be recorded in writing pass order upholding or setting aside the auction. In particular, the Tahsildar will set aside the auction where he is of opinion hat the auction was unfair or illegal or the highest bid offered was inadequate as compared to the average bid in the preceding three years. The order passed by the Tahsildar shall be immediately communicated to the Bhumi Prabandhak Samiti concerned, the highest bidder and the objector.

(vi) Any party aggrieved by the decision of the Tahsildar under clause (v) may, within fifteen days of the date of the order, file any appeal to the Collector who shall call for the records of the case and pass orders after hearing the parties. The order of the Collector shall be final and conclusive and shall not be questioned in any Court of law.

(vii) Notwithstanding anything contained in clause (iii) when no objection has been filed under clause (vi), the Tahsildar may, within six months from the

date of the auction, set aside the same on the ground of illegality and thereupon the lease or licence, if any, shall stand cancelled :

Provided that no such order shah be passed without allowing the person concerned an opportunity of being heard.

(b) Provisions of clause (vi) shall be applicable to such an order as if it were an order under clause iv).

(viii) The proceedings of the auction shall be duly noted in a book kept for this purpose :

Provided that the provisions of ibis rule shall not apply to

(i) cases of allotment of agricultural land and abadi sites covered by Rules 173 to 177 and Rules 155-L to 155-R, respectively; and

(ii) cases in which the State Government issues directions under Section 126 of the Act read with Rules 115-A and 115-B]:

Provided further that in the case of perennial tanks of three or more acres in area, the Land Management Committee may, with the previous permission of the Assistant Collector-in-Charge of the sub-division concerned, grant a lease for a period not exceeding seven years in favour of one or more than one fisherman residing within the circle of the Gaon Sabha or in favour of a co-operative society of such fisherman registered under the Co-operative Societies Act, 1912 (Act No. 2 of 1912), and registered place whereof situate within such circle.]

(2) [The provision of sub-rule (1) shall mutatis mutandis apply to sale of trees, grass, sarpat, pula, bamboos, wood fruit, flowers, leaves, or any other produce of land of water.] *[Added by Notification No. 1447-RS/I-A-1008-58, dated 07.05.1958.]*

115T. [***[Substituted by Notification No. 192/12-1(4)/RZ-Rajaswa, dated 17.12.1973.]***

Where any person referred to in sub-section (3) of Section 112-C has built a house on any land vested in the Gaon Sabha, not being land reserved for any public purpose and such house exists on the twenty-fourth day of May, 1971, the site of such house shall be held by the owner of the house on terms and conditions prescribed in Rule 115-R.]

115U. [***[Added by Notification No. U.O. 605/Rajaswa-1-2(8)/1975, dated 01.11.1975.]***

(1) Where any person referred to in sub-section (3) of Section 112-C has built a house on land held by a tenure-holder (not being a Government lessee) and such house exists on the fifteenth day of March 1974, the site of the house shall be deemed to be held by the owner of the house on the terms and conditions, enumerated in sub-rules 5(2) to (7) below.

(2) The owner of the house as well as his heirs shall have a heritable interest in the site and shall also have unrestricted right to use the trees and wells existing on the site subject to existing rights of easements.

(3) He shall have a right to use the site for construction of residential house, subject to existing rights of easement.

(4) The owner of the house shall not be liable to pay to the tenure-holder or the State Government any future rent in respect of the site.

(5) The succession over the site shall be governed by personal law to which the house owner was subject to.

(6) The owner of the house and his heirs shall not be liable to ejectment on any ground whatsoever.

(7) If the building is abandoned or if the owner thereof dies without any heir entitled to succeed, the land or site shall escheat to the State.

(8) The tenure-holder shall be allowed remission of the proportionate land revenue for the portion of his holding settled under this rule with house owners. The land shall also be classified as abadi in the annual register maintained under the U.P. Land Revenue Act.]

Chapter VIII
Tenure

116. [***[Substituted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]***

(1) Subject to the provisions of sub-rule (2), every application under section 134 (1) for the acquisition of bhumidhari rights shall contain the following particulars:-

(a) The name, parentage and address of the applicant.

(b) Whether the bhumidhari rights are sought to be acquired in respect of the entire holding or any-part thereof.

(c) Khasra number of plots and area of each plot in respect of which bhumidari rights are sought to be acquired.

(d) Name of village, pargana and tahsil in which plots are situate.

(e) Amount of land revenue payable or deemed to be payable in respect of the plots referred to in clause (c).

(f) Total amount deposited in the Treasury for the acquisition of bhumidhari rights.

(2) Where the application referred to in sub-rule (1) is made by or on behalf of some of the co-sirdars only, the following further particulars shall also be mentioned in the

application:-

(a) The names of the recorded co-sirdars who have joined in the application and their respective shares in the holding.

(b) The names of the recorded co-sirdars who have not joined in the application and their respective shares in the holding],

117.

(1) The deposit referred to in clause (j) of rule 116(1) shall be made under head :

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(2) The Treasury Challan showing the said deposit and a certified extract of the latest Khatauni relating to the plots concerned shall accompany every application referred to in rule 116.

118.

The application referred to in rule 116 shall be checked by the departmental clerk and if it is found prima facie to be in order, he shall immediately enter columns 1, 2 and 8 of the Register in Z.A. Form 50.

119.

(1) The Assistant Collector shall thereupon scrutinize the application and may examine on oath the applicant or any other person whose evidence he considers necessary.

(2) The Assistant Collector shall make a memorandum of the statements recorded by him and shall sign it.

(3) If the Assistant Collector finds that the amount deposited under rule 116 is less than the amount specified in section 134(3), he may grant time to the applicant to make up the deficiency.

(4) Where the Assistant Collector is satisfied that the amount required by section 134(3) has been properly deposited and the application is otherwise in order, he shall make on order declaring the applicant to be the bhumidhar of the land specified in such order and shall also direct that necessary corrections be made in the record-of-rights.

120.

Before making an order under sub-rule (4) of rule 119 the Assistant Collector shall ensure-

(i) that necessary entries in the register in Z.A. Form 50 has been made, and

(ii) that the procedure prescribed in rule 121 has been duly observed.

121.

(1) Where an application under section 134 (1) has been made by or on behalf of a co-sirdar referred to in rule 116 (2), the Assistant Collector shall fix a date of hearing and shall issue notices to the co-sirdars who have not joined in the application to show cause why the application should not be allowed.

(2) If on the date of hearing no objection is filed, by the co-sirdars to whom notices were issued under sub-rule (1), and the Assistant Collector is satisfied that the conditions laid down in Rule 119 (4) are fulfilled, he shall grant the declaration in accordance with section 135.

(3) If on the date of hearing of the application, any objection is filed, the Assistant Collector, shall hear and decide the same and pass such orders as appears to him just and proper.]

122. [***[Omitted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]***

[* * *]

123.

[* * *]

124.

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125.

[* * *]]

126.

[* * *] *[Deleted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*

127.

A plaint for partition of a holding under Section 138 of the Act, shall contain the following particulars :

(1) the name, parentage and residence of the applicant,

(2) the name, parentage and residence of other tenure-holders of the holding,

(3) the share of the applicant,

(4) the share of the other co-tenure-holder of the holding,

(5) the khasra numbers and area of the holding,

(6) the village, pargana and tahsil in which the holding is situate,

(7) [the land revenue payable] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*,

(8) the amount paid under the U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949, or under Section 134 of the Act, as the case may be,

(9) the date of payment,

(10) the date of grant of the declaration.

128. [***[Substituted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]***

The plaint shall be accompanied by a certified copy of the order passed under rule 118 (4) declaring the applicant to be a Bhumidhar.]

129.

(1) The Court shall, after the plaint has been filed, issue a notice to the co-tenure-holders of the holding calling upon them to appear and file objections, if any, on a date to be fixed by him.

(2) If objections are filed, the court shall hear and decide them before making any partition of the holding.

130.

Before making any partition the court shall value each plot comprised in the holding by multiplying its area by the rent rate applicable. [If applicable rent rates have not been sanctioned for any plot, the court shall determine appropriate rates after taking into consideration the land revenue generally payable by sirdars for lands of similar quality and advantage in the vicinity.] *[Added by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*

131.

(1) In making partition of a holding into two or more portions the following principles shall be observed :

(a) The valuation of the portion allotted to each party shall be proportionate to his share in the holding.

(b) The portion allotted to each party shall be as compact as possible.

(c) As far as passible no party shall be given all the inferior or all the superior classes of land.

(d) As far as possible existing field shall not be split up.

(e) Plots which are in the separate possession of a tenure-holder shall, as far as possible be allotted to such tenure-holder if they are not in excess of his share.

(2) The land revenue payable by each person shall bear the same proportion to the total land revenue as the valuation of the share bears to the total valuation of the holding.

132.

The court shall prepare and place on record a map showing in different colours the plots given to each party, and if any field has been sub-divided, he shall demarcate the portions at the expense of the parties.

133. Section 140.

- The Assistant Collector [* * *] *[Deleted by Notification No. 315-R(4)/I-A-1042-1955, dated 20.02.1957.]* shall, before making an order under Section 140 for the refund of amount deposited inquire from the Tahsildar in whose jurisdiction the holding is situate if any amount has, since the date of the grant of declaration under the U.P Agricultural Tenants (Acquisition of Privileges) Act, 1949, been paid to the land-holders towards reimbursement of the rent due to him or adjusted towards the recovery of the land revenue due from the land-holder, and on receipt of the information the amount so reported shall be deducted from the total amount deposited by the applicant and a refund voucher shall be prepared for the balance.

133A. [Section 140-A. ***[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]***

- The obligation of the State Government in respect of refunds under Section 140-A shall be discharged by an Assistant Collector [* * *] in the areas, to which the said Act applies, and in which the land in respect of which the refund is claimed is situate.]

134. Section 143.

- Unless the applicant proves to the satisfaction of the Assistant Collector that he has lost the declaration or certificate a refund voucher shall not be prepared until he has returned the declaration or certificate in question.

134A. [Section 140. ***[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]***

- The amount, if any, paid to the land-holder under the provisions of Section 140-A shall be entered in the remarks column of the register in the Z.A. Form 50.]

135. [***[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]***

(1) [On an application made by a bhumidhar under Section 143 or on facts coming to his notice otherwise, the Assistant Collector in-charge of the Subdivision may cause enquiry being made through the Tahsildar or any other officer not below the rank of a Supervisor-Kanungo for the purpose of satisfying himself that the bhumidhar's holding or a part thereof is really being used for a purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming. The enquiry shall be made on the spot and the enquiry officer shall, along with his report also furnish information in the proforma given below:]

Name of village	Name of bhumidhar with parent-age and residence	Khata Khatauni number	Area of the holding	Land revenue	Area of the holding used for non-agricultural purposes		The specific non agricultural use to which the holding or part thereof is put to	Rer
(a) Plot No.	(b) Area							

1	2	3	4	5	6	7	8	9

(2) Where the proceedings have been started by the Assistant Collector incharge of the Sub-Division on his own motion he shall issue notice to the bhumidhar concerned. Otherwise also he shall give him an opportunity of being heard before coming to a decision in the matter.

(3) Where the entire holding of the bhumidhar has been put to use for a purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, the Assistant Collector in-charge of the sub-division may make a declaration to that effect.

(4) Where only part of the holding of the bhumidhar has been put to use for a purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming the Assistant Collector-in-charge of the sub-division shall make a declaration to that effect accordingly and get the said part demarcated on the basis of existing survey map and actual user of the land.

(5) The Assistant Collector-incharge of the sub-division shall get prepared and placed on record a map showing in different colours the plots put to use for purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming and for purposes not so connected. He shall also apportion the land revenue payable for each part of holding. The land revenue payable for each shall bear the same proportion to the total land revenue as the valuation of part bears to the total valuation of the holding calculated on the basis of rent rates applicable. An entry shall also be ordered to be made accordingly in the khatauni.

(6) The cost of the demarcation shall be realized from the bhumidhar concerned as an arrear of land revenue unless it has been deposited during the course of the proceedings. For the services of the government servants deputed for carrying out the demarcation, the cost shall be calculated according to the time taken in the work at the rates laid down in Paragraph 405 of the Revenue Court Manual.

The cost so calculated shall be deposited in the treasury under the head [LII-Miscellaneous 9-Collection of payments of services rendered.] *[Substituted by Notification No. 1950/I-A-2006-D-60, dated 21.03.1966.]*

135A. [***[Added by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]***

(1) On an application made by bhumidhar under Section 144 or on facts coming to his notice otherwise, the Assistant Collector in-charge of the Sub-Division may get enquiries by an officer not below the rank of Supervisor Kanungo. After considering the enquiry report submitted through the Tahsildar and the objection

of the bhumidhar, if any, he shall, on being satisfied that the land in respect of which a declaration under Section 143 was made has now become land used for purposes connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry fanning, make a declaration to that effect and order the khatauni to be corrected accordingly.

(2) Under the proviso to sub-section (3) of Section 144, the rate of interest shall be 2½ per cent per annum.]

136.

A copy of a declaration made under Section 144 or 143 shall be duly signed by the Collector and bear the seal of his court and shall contain the following particulars-

(i) the section under which the declaration has been granted,

(ii) the number and area of the plots in respect of which the declaration has been granted,

(iii) the land revenue of the said plots,

(iv) the name of the village, pargana and tahsil in which the said plots are situate,

(v) the name, parentage and residence of the bhumidhar in whose favour the declaration has been granted.

137.

The copy shall be forwarded to the Sub-Registrar concerned through the District Registrar. The Sub-Registrar shall register the same and return the copy with his endorsement thereupon to the effect that it has been duly registered. The endorsement shall bear the signature of the Sub-Registrar and shall contain the following particulars-

(i) the date of registration, and

(ii) the number of the mislband register in which the declaration has been registered.

137A. [Section 153(2). ***[Substituted by Notification No. 365/I-A-2-1-(2)/68, dated 28.01.1969.]***

- A sirdar may, for any purpose connected with the promotion of agriculture, horticulture or animal husbandry, mortgage, without possession, his interest in his holding as security for a loan taken from the State Government by way of taqavi or from a co-operative society or from the State Bank of India or from any other bank which is scheduled bank within the meaning of the clause (e) of Section 2 of Reserve Bank of India Act, 1934 (Act No. 2 of 1934), or from the Uttar Pradesh State Agro-Industrial Corporation Limited.]

137B. [*[Omitted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]*

[*****]

138. Section 157 read with Section 158.

(1) All leases of land made under Section 157, annual rent of which exceeds Rs. 100, shall be executed by registered instrument.

(2) Leases of land the rent of which is Rs. 100 or less may be attested by any revenue court or a revenue officer not inferior in rank to a Supervisor Kanungo within the local limits of whose jurisdiction the whole or some portion of the land to which such lease or counterpart relates, is situate.

The endorsement on the instrument of lease shall be, as nearly as may be in the following form:

"This document was presented before me on the ..... day of.....in the year.....by the person/persons specified below. I have satisfied myself as to his/their identity and his/their acquaintance with, and assent to the terms of the document.

Execution is admitted by .....

son of.....

profession.....

resident of.....

and.....

son of.....

profession.....

resident of.....

who is/are personally known to me

or

who is/are identified by.....

son of.....

profession .....

resident of.....

and.....

son of.....

profession.....

resident of.....

who is/are personally known to me

or

who is/are identified by.....

son of.....

profession.....

resident of.....

and .....

who is/are of apparent respectability

Date of attestation	Signature of the executants	Signature or thumb-impression of the witness	Signature of the attesting officer or court
1	2	3	4

139.

Every document to be attested shall be presented in person by the executant himself or by his duly authorised agent.

140.

If the attestation is made by a Supervisor Kanungo, he shall note in his register of agreements the date of presentation of the document, and nature of the document and the name and address of the executant, and shall note the fact of attestation in his diary. If he is not satisfied as to the identity of the executant or his acquaintance with and assent to the terms of the document, or if execution is not admitted by him, he shall refuse to attest it, and shall enter in his diary the date of presentation, the nature of the document, the name and address of the executant, and the reason for his refusal.

141.

No lease or counterpart shall be attested unless it is presented for attestation within four months from the date of its execution :

Provided that where a document has been executed by more than one person on different dates, then, for the purpose of this rule, it shall be deemed to have been executed when the last executant signed it.

142.

[* * *] *[Deleted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]*

143.

[* * *] *[Deleted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]*

143A. [***[Substituted by Notification No. U.O. 605-Rajaswa/1-2(8)/75, dated 01.11.1975.]***

(1) An application under Section 157-A or under Section 157-A read with sub-section (2-A) of Section 169, for permission to transfer land by sale or gift or for permission to bequeath land by will, as the case may be, shall be made, by a bhumidhar, belonging to a Scheduled Caste or Scheduled Tribe, to the Collector in Z.A. Form 91-A.

(2) An application under Section 157-A for permission to mortgage his interest in land, shall be made by a bhumidhar belonging to a Scheduled Caste or Schedule Tribe, to the Collector in Z.A. Form 91-B.

(3) An application under Section 157-A for permission to let out land shall be made by a bhumidhar, sirdar or asami referred to in Section 157 and belonging to a Scheduled Caste or Scheduled Tribe, to the Collector in Z.A. Form 91-C.]

143B. [Inquiry by the Collector on application referred to in Rule 143-A. ***[Inserted by Notification No. 174/1-A-3-1(1)-69, dated 21.01.1971.]***

- The Collector shall on receipt of an application referred to in Rule 143-A, make such inquiry as may appear to him to be necessary and he may also, cause to be made a local inquiry by an officer not below the rank of a Naib-Tahsildar. The Collector may also refer the application to the Tahsildar concerned for verification of the facts stated therein, and for a report as to the circumstances of the applicant and his means of livelihood or any other matter concerning the application on which he may desire to obtain information.]

143C. [***[Substituted by Notification No. U.O. 605-Rajaswa/1-2(8)/75, dated 01.11.1975.]***

In deciding any application referred to in the Rule 143-A, the Collector shall see that the total area of the land held by the applicant exceeds 1.26 hectare (3-1/8 acres) and that in the event of the applicant being permitted to transfer the portion of his land applied for by him, the area of land remaining with him after such transfer shall not be less than 1.26

hectare (3⅛ acres). Any application not fulfilling these conditions shall be rejected by the Collector straightaway. And where these conditions are satisfied, in respect of an application, the Collector shall in deciding the same, consider reasons as to why the applicant desired to transfer or bequeath, as the case may be, his holding or part thereof, as the case may be, in favour of a person not belonging to a Scheduled Caste or Scheduled Tribe, and why the applicant has not been able or does not want to make such transfer or bequeath, as the case may be, in favour of a person belonging to a Scheduled Caste or Scheduled Tribe. For the purpose of deciding such application for permission to transfer by sale, the Collector shall also take into consideration the following facts :

(i) the purpose for which the applicant desires to transfer land and the genuineness of that purpose; and

(ii) the circumstance of the applicant necessitating the transfer proposed by him.

143D.

(1) An application referred in sub-rule (2) or sub-rule (3) of Rule 143-A for permission to mortgage, or to let out land, as the case may be, may be granted by the Collector on his being satisfied that the mortgage or letting out, as the case may be, was not possible in favour of a person belonging to Scheduled Caste or Scheduled Tribe.

(2) An application referred to in sub-rule (1) of Rule 143-A for permission to transfer land by sale or gift or to bequeath land by will as the case may be, may be granted by the Collector on his being satisfied that-

(i) the transfer or bequeath as the case may be, of the land was not possible in favour of a person belonging to a.Scheduled Caste or Scheduled Tribe; and

(ii) the land which the applicant desires to transfer is isolated from the other land of the applicant and is situate at such distance therefrom, or from his permanent place of residence, that its cultivation is thereby economically unprofitable.]

144.

An application [for permission to make an] *[Substituted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]* exchange shall contain the following particulars and be accompanied by the following documents:-

(1) The khasra number of the plots-

(a) [* * *] *[Deleted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]* which the applicant wishes to receive and of the plots which he offers in exchange of,

(b) [* * *] *[Deleted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]*

(2) certified copies of the khataunis relating to the khatas in which all such plots are included;

(3) [* * *] *[Deleted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]*

(4) a statement showing the details of any valid deeds mortgage or other encumbrances with which the lands to be exchanged may be burdened, together with the names and addresses of lessees, mortgagees or holders of other encumbrances.

145.

On receipt of an application for [permission to make an] *[Added by Notification No. 468/I-A-1544-1953, dated 04.09.1953.]* exchange of land the Assistant Collector [shall cause to be calculated the rental value of the land proposed to be given in exchange and of the land proposed to be received in exchange at hereditary rates and] *[Substituted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]* if he is satisfied that the exchange is not invalid according to the proviso to sub-section (1) of Section 161, call upon the parties, the lessees, mortgagees or holders of other encumbrances, if any, to show cause why the exchange should not be made. Every such notice shall be accompanied by a copy of the application which shall be supplied by the applicant.

146.

The Assistant Collector shall thereupon decide the objections, if any, and pass suitable orders. If he decides that the exchange should be allowed, he shall also make an order for the delivery of possession, if necessary, and for the correction of papers.

147.

[If the Assistant Collector permits exchange] *[Substituted by Notification No. 5468/I-A-1544-1953, dated 04.09.1953.]* in respect of land constituting a portion of a holding, he shall apportion the land revenue payable for the holding between such portion and the remainder of the holding.

148. Section 164.

- The Lekhpal shall as soon as he learns of a transfer mentioned in Section 164 submit a report lo the Assistant Collector in-charge of the Sub-Division mentioning therein-

(a) the name, parentage and address of the transferor and the transferee,

(b) the number and area of the plots transferred,

(c) the date of the transfer of possession, and

(d) the nature of the transfer.

149.

(1) On receipt of the report from the Lekhpal or information from any interested party the Assistant Collector in-charge of the Sub-Division shall call upon the parties to show cause why action under Section 164 should not be taken in respect of the land in question.

(2) After hearing the parties and making such further inquiry as he considers necessary, the Assistant Collector shall pass suitable orders and shall also order the Correction of papers accordingly.

150. Section 165.

- The provision contained in Rules 148 and 149 shall apply mutatis mutandis to the leases mentioned in Section 165.

151. [***[Inserted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]***

(1) It shall be the duty of the Lekhpal to report to the Assistant Collector, First class through the Tahsildar all cases of transfers made in contravention of the provisions of sections 154 and 157-A as soon as they come to his notice.

(2) The Tahsildar shall satisfy himself in the month of May every year that each Lekhpal has submitted all such reports. If there is no such transfer, the Lekhpal shall submit a negative report.

(3) On receipt of the report from the Lekhpal or information from any interested party or on facts otherwise coming to his notice, the Assistant Collector, First class shall call upon the persons concerned through notice in Z.A. Form 50-A to show cause within 15 day s why action under section 163 should not be taken in respect of the land in question.

(4) Before issuing a notice under sub-rule (3) the Assistant Collector, First class may make such inquiry as he deems proper and may obtain information on the following points-

(a) full description of the land i.e., plot number, area, boundary, land revenue payable;

(b) full addresses along with father□s name of both of the transferor as well as of the transferee;

(5) The Assistant Collector, First class may, if he thinks fit, obtain any information from the Gaon Sabha concerned in respect of any transfer referred to in sub-rule (1).

(6) After hearing the parties and making such further inquiry as he considers necessary, the Assistant Collector, First class shall pass necessary orders in accordance with section 163.]

152.

Where any transfer has been declared to be void under rule 151, the Assistant Collector may permit the transferee to remove any movable property or the materials of any immovable property existing on the holding on the date of the order, within such time as he consider necessary.

153.

Every application for ejectment of tenure-holder or a person in possession, otherwise than in accordance with the provisions of the law, shall except when it is second or subsequent application for the execution of the same order, be accompanied by a certified copy of the order.

154.

Delivery of possession in execution of a decree on order for ejectment shall [except in case covered by Rule 154-A] *[Inserted by Notification No. 4311-RS/I-A-1078-1958, dated 14.12 1959.]* be made by the Kurk Amin who, on his arrival in the village, shall send notice to the person to be ejected and in case there is any other person holding from him to such other person also. The ejectment shall be made on the spot, and for each field separately in the manner provided in Rule 35 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908 (V of 1908), in the presence of the person to be ejected if he is in the village and of two villagers whose name should be mentioned in the Kurk Amin's report. If the person to be ejected is not present in the village or refuses to attend, the Kurk Amin shall record the fact in his report If at the time of the delivery of possession there exists on the holding any ungathered crop of any tree of which the value has not been determined by the court, the Amin shall state in his report the kind of crop and his estimate of its probable value, and the kind, number and estimated age and value of the trees. The report shall be signed by the decree-holder or his agent to whom delivery is made, and by the person to be ejected, if present, and the parties shall be delivery is made, and by the person to be ejected, if present, and the parties shall be directed to apply, if they wish to do so, to the court executing the decree, for the settlement of the value of such crops and trees. If the [Lekhpal] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* is present in the village, the Kurk Amin shall ask him to attend, and shall see that he [Lekhpal] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*

makes a record of the ejectment in his diary. In ease any party refuses to sign the report, the Amin shall record the fact.

154A. [***[Added by Notification No. 4311-RS/I-A-1078-1958, dated 14.12.1959.]***

(1) A decree or order for ejectment or for delivery of possession or for both, may without prejudice to the other powers of the Court in this behalf be executed through a Commissioner appointed for this purpose by the Court executing the decree or order, within such period as may be fixed by it.

(2) The procedure for execution laid down in Rule 154 shall mutatis mutandis apply to execution of a decree or order under sub-rule (1).

(3) Before issue of a commission under sub-rule (1), the Court shall require the party seeking the execution to deposit a fee for payment to the Commissioner. The fee shall be fixed by the Court with due regard to the nature of work to be done by the Commissioner and other relevant circumstances of the case :

Provided that the Court, executing the decree or order may, in suitable cases, direct the person proceeding with the execution to pay such additional fee to the Commissioner as may appear to it reasonable, having regard to the labour involved and the time spent by the Commissioner.

(4) The Court may, whenever it so deems necessary, extend the period during which the commission should be executed.

(5) (a) For the purpose of sub-rule (1) the Collector shall maintain a list of legal practitioners suitable for appointment as Commissioners and shall cause it to be revised annually.

(b) Commissions shall so far as it may be practicable so to do, be issued in strict order of rotation to the legal practitioners entered in the list.]

155. [***[Substituted by Notification No. 4311-RS/I-A-1078-1958, dated 14.12.1959.]***

When delivery of possession has been made in accordance with Rule 154 or 154-A, the Kurk Amin or the Commissioner, as the case may be, shall submit his report with the particulars required by the said rules to the Court which issued the order for delivery of possession.]

156. [Division] ***[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*** **of holdings Sections 176 to 182.**

- [(1)] *[Renumbered by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* A plaint for [division] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* of a holding under Section 176 shall contain the particulars mentioned in clauses (1) to (6) of Rules 127 and the land revenue payable for the holding.

(2) [Where a suit has been filed for division of more than one holding, the particulars referred to in sub-rule (1) shall be mentioned in the plaint for all such holdings.] *[Added by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*

157.

Before making a [division] *[Substituted by Notification No. 950-RS/I-A0-1031(7)-1958, dated 18.03.1959.]* the court shall-

(a) determine separately the share of the plaintiff and each of the other co-tenure-holders,

(b) record which, if any, of the co-tenure-holders wish to remain joint,

(c) make a valuation of the holding [or holdings] *[Added by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* in accordance with the rent-rate applicable to each plot in the holding, and

(d) determine separately the value of the share of the plaintiff and each of the co-tenure-holders.

158.

In making a [division] *[Substituted by Notification No. 950-RS/I-A-1031(7)-58, dated 18.03.1959.]* to which sub-section (1) of Section 178 does not apply the provision contained in Rules 127 to 132 shall apply mutatis mutandis.

159.

Any order for sale made by the Court under Sub-section (1) of Section 178 shall be deemed to be a decree within the meaning of Section 2 of the Code of Civil Procedure.

159A.

The price of a holding to be ascertained under Section 179 shall be 400 times the annual' land revenue payable by the tenure-holder. To such valuation the compensation for the improvement and trees, if any, shall be added.

159B. [***[Substituted by Notification No. 240/I-A (29)-77-UPA-1-51 Rule 1952-AM(10)-78, dated 08.03.1978.]***

The following shall be order of preference for sale to co-tenure-holders under Section 179-

(a) co-tenure-holder, who does not hold any land in the circle other than his interest in the holding in suit.

(b) a co-tenure-holder, who is an asami in the circle but does not hold any land as bhumidhar other than his interest in the holding in suit; and

(c) a co-tenure-holder, holding land less than 3.125 acres in area in the circle as bhumidhar other than his interest in the holding in suit.]

160. Section 178.

(1) A holding ordered to be sold under sub-section (1) of Section 178 shall be sold by auction in one lot.

(2) In any such sale any of the co-tenure-holders shall be at liberty to bid on such terms as to non-payment of deposit or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, as may seem reasonable to the Court.

160A.

The price of the holding sold shall be distributed in proportion to the share of each co-tenure-holder.

161.

In addition to the particulars required by sub-rule (2) of the Rule 66 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908, the sale proclamation shall mention the khasra numbers the area and the revenue of the holding or portion thereof which is to be sold.

162.

The sale shall be held either in open court or at the place where the land is situated as the Court may direct.

163.

In conducting a sale the court shall follow the procedure relating to sales of immovable property in execution of a decree prescribed in order XXI of the First Schedule to the Code of Civil Procedure 1908.

164.

As soon as the order confirming the sale has become final, the court shall order that the tenure-holder be ejected from and the purchaser be put in possession of the holding, or part of the holding of which the tenure-holder's interest has been sold. The purchaser shall have the same interest in the holding or part, of which the interest has been purchased by him, as the tenure-holder had and the purchaser shall be liable to pay for holding or part thereof land revenue specified in the proclamation of sale and the court shall order the record-of-rights be amended accordingly.

165. Surrender of land by sirdar or asami. Sections 183 and 184.

- Any person who surrenders his holding or part thereof under the provisions of Section 183 or 184 shall do so by a notice in writing in Z.A. Form 55 which-

(1) in the case of a sirdar or an asami belonging to the clauses mentioned in [clause (e) and (f) of sub-section (1) of Section 21 or in] *[Substituted by Notification No. 1950/I-A-2006-D-60, dated 21.03.1966.]* clause (c) of Section 133 or in clause (b) of sub-section (3) of Section 13, shall be served personally on the Chairman of the Land Management Committee or sent to him by registered post, acknowledgement due;

(2) in the case of an asami other than an asami mentioned in clause (1) shall be served personally on the land-holder or sent to him by registered post, acknowledgement due :

Provided that a sirdar shall, in addition to giving the notice in Z.A. Form 55, to Chairman of the Land Management Committee, submit an application to the tahsildar, informing him of his intention to surrender the land and mentioning the date on which the notice was served on the said Chairman or sent to him by post. A copy of the notice shall be attached to the application.

166.

On receipt of the notice the Chairman of the Land Management Committee shall call the sirdar or the asami to attest the notice given by him and, if necessary, to produce two witnesses to identify him. The signature of the sirdar or asami and the witnesses shall be taken on the portion provided therefor.

167.

(1) After receipt of an application for the surrender of the land the Tahsildar shall at the commencement of the next agricultural year send the application to the [Lekhpal] *[Substituted by Notification No. 950-RS/I-A-1031(7)-58, dated 18.03.1959.]* of the circle who shall get it attested by the applicant and the Chairman of Land Management : Committee and report if possession has been given up.

(2) On receipt of the [Lekhpal's] *[Substituted by Notification No. 950-RS/I-A-1031(7)-58, dated 18.03.1959.]* report to the effect that possession has been given up and if the

notice and the application had been given and made before the first day of April the Tahsildar shall order the correction of papers accordingly :

Provided that in cases where a part of the holding has been surrendered the Tahsildar shall submit a report to the Assistant Collector in-charge of the Sub-Division who shall apportion the revenue payable for the portion which has not been surrendered.

(3) If the application and the notice had been given and made after the first day of April the action for the correction of papers shall be taken after the expiry of the year next succeeding the agricultural year in which the application had been made.

(4) If the [Lekhpal] *[Substituted by Notification No. 950-RS/I-A-1031(7)-58, dated 18.03.1959.]* reports that possession has not been given up the Tahsildar shall reject the application and inform the sirdar or asami and the Chairman of the Land Management Committee accordingly.

168. Section 186.

- An application under Section 186 for declaration that a holding has been abandoned shall contain the following particulars:

(a) The name of the village, pargana and tahsil in which the holding is situate.

(b) The name, parentage and address of the tenure -holder against whom the declaration is sought.

(c) Khasra number, area of the plots.

(d) Land revenue or the rent as the case may be.

169.

[(1)] *[Renumbered by Notification No. 950-RS/I-A-1031 (7)-1958, dated 18.03.1959.]* Upon receipt of the application [or on facts coming to his notice otherwise] *[Added by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* the Tahsildar shall issue notice to the tenure-holder in Z.A. Form 56. to show cause why he should not be deemed to have abandoned the holding:

Provided that if the notice is not served in person the Tahsildar may publish the same in accordance with the provisions contained in Section 197 of the Land Revenue Act, 1901, at the cost of the applicant.

(2) [If the tenure-holder docs not appear in spite of service or publication of the notice as laid down in sub-rule (1). or if the tenure-holder appears and does not contest the notice Tahsildar shall, except where the holding or any part thereof has been mortgaged under sub-section (2) of Section 153 and the mortgage has not been

fully redeemed, declare the holding as abandoned and order the annual registers to be corrected accordingly. If the tenure-holder appears and contests the notice, the Tahsildar shall drop the proceedings.] *[Substituted by Notification No. 3223/I-A-553-61, dated 11.08.1964.]*

(3) [In case the holding or any part thereof is found to be mortgaged under sub-section (2) of Section 153, and the mortgage not fully redeemed, the Tahsildar shall suspend the proceedings, and report the matter to the Collector for realization of the loan.] *[Added by Notification No. 3223/I-A-553-61, dated 11.08.1964.]*

(4) [On receipt of the report under sub-rule (3), the Collector shall-

(i) in the case of a taqavi loan, issue a notice to the tenure-holder to furnish fresh security for the loan within one month from the receipt of notice, and, in case the tenure-holder fails to comply with the notice, he shall order recovery of the remaining instalments of the loan in instalment; and

(ii) in the case of a loan from a co-operative society or from the State Bank of India or from any other bank which is a scheduled bank within the meaning of clause (e) of Section 2 of the Reserve Bank of India Act, 1934 or from the Uttar Pradesh State Agro-Industrial Corporation Limited, ask the Co-operative Society concerned or the State Bank of India or any other bank concerned or the Uttar Pradesh State Agro-Industrial Corporation Limited, as the case may be, to take action of the nature described in clause (i) under intimation to him as well as the Tahsildar.

The Collector shall inform the Tahsildar of the action taken by him in either case.] *[Substituted by Notification No. 365/I-A/2-I(2)-68 dated 28.01.1969.]*

(5) [As soon as it comes to the notice of the Tahsildar that the mortgage has been redeemed in respect of the holding or the part as the case may be, cither by release of the holding or part, as the case may be, from the security of the loan or as a result of recovery of the remaining instalments of loan in one instalment, he shall proceed to declare the holding or part thereof as abandoned.] *[Added by Notification No. 3223/I-A-553-61, dated 11.08.1964.]*

170. Section 187.

- In making an inquiry under Section 187 the Land Management Committee shall take into account the following factors-

(1) the age of the minor,

(2) the relation between the minor, lunatic or idiot and his natural guardian.

(3) the natural guardian's capacity to cultivate the fields, and

(4) where there are any other persons related to the minor, lunatic or idiot who are willing and able to cultivate the land on their behalf.

171.

(1) If the Land Management Committee comes to the conclusion that an asami should be admitted to the land it shall fix the rent payable for the land which shall not be less than 133 per cent and not more than twice the land revenue payable therefor by the sirdar.

(2) The asami shall pay the rent direct to the guardian of the minor, lunatic or idiot [and the guardian shall without delay issue receipt for the payment to the asami.] *[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

(3) The asami so admitted shall have the same rights as if he were admitted by the tenure-holder. himself.

171A. [Section 187-A. ***[Added by Notification No. 1214/I-A-1056-1954.]***

(1) The Collector shall, at the time of passing an order under sub-section (5) of Section 187-A record the rate of rent to be charged from the asami.

(2) The period of letting out to an asami shall be nine years.

(3) The rent fixed on the asami shall not, in case the tenure-holder is bhumidhar, exceed double the amount of land revenue payable by the bhumidhar, and in case the tenure-holder is a sirdar, exceed 133 per cent of land revenue payable by the sirdar.

(4) In letting out the land to the asami the Collector or the Land Management Committee may provide for the increase of rent at fixed intervals depending upon the nature of the land so however, as never to go beyond the maximum limit prescribed by sub-rule (3).

171B.

(1) The Collector shall, subject to the provisions of sub-rule (2), direct the Land Management Committee to let out the land which shall in letting out the land to an asami under Section 187-A, act in accordance with the provisions of Section 198 and the rules made thereunder.

(2) Where the Collector is of the opinion that the land is not fit for cultivation without proper development and investment of capital which cannot be provided by a landless agricultural labourer or other person to whom the land may be let out in accordance with the provisions of Section 198, he may himself let it out to a suitable person capable of making the necessary investment.

171C.

An asami to whom land has been let out under Section 187-A shall pay the rent fixed by the Collector or the Land Management Committee to the bhumidhar or the sirdar concerned and the latter shall without delay issue receipt thereof to the asami.

171D.

With regard to the leases granted by the Collector or the Land Management Committee or an asami under Section 187-A provisions of Rule 177 shall be followed.

171E.

The action taken under Section 187-A shall not relieve the bhumidhar or sirdar of his liability to pay the land revenue of the land so settled with the asami.]

172. Section 230 (2)(i)

- [(1) An application under Section 194 for declaration of the extinction of tenure-holder's rights shall be filed in the court of the Assistant Collector in-charge of the Sub-Division by the Land Management Committee in whose local jurisdiction the extinction has occurred. Where on the application of the Land Management Committee or on facts coming to his notice otherwise, the Assistant Collector is satisfied that there is a prima facie, case for declaration of the extinction of the tenure holder's rights under Section 194, he shall issue a proclamation in Z.A. Form 57 and where the tenure-holder is alive, a copy of the proclamation shall be served on him in person asking him to show cause why the declaration in question should not be granted.] *[Substituted by Notification No. 1583(A)/I-A-614-60, dated 20.11.1961.]*

(2) The Assistant Collector shall, on the date fixed in the proclamation, and after personal service, if required, has been effected, proceed to make such inquiry as he deems necessary.

(3) If after inquiry, he comes to the conclusion that a declaration in favour of the Land Management Committee should be made, he shall make a declaration to that effect and specify the numbers of the plots with their respective areas of which the Committee is entitled to take a possession. The possession shall then be delivered to the Committee on behalf of the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-60.]* in accordance with the procedure laid down in Rule 154.

173. Sections 195, 197 and 198 : Admission to land.

- Whenever the Land Management Committee intends to admit any person to land under Section 195 or 197, it shall announce by beat of drum in the circle of the Gaon Sabha in which the land is situate at least seven days before the date of meeting for admission of

land, the numbers of plots, their areas and the date on which admission thereto is to be made.

174.

On the said date, a meeting of the committee shall be held to select persons for admission to land as sirdar or asami as the case may be. A list of all the persons who are present and who express their desire to be admitted to the land shall be prepared in Z.A. Form 57-A. The list shall be drawn up separately in respect of the land to be settled to a sirdar and land to be settled to an asami. The names of the persons shall be arranged in the list in the order of preference laid down in Section 198.

174A.

[* * *] *[Omitted by Notification No. 694/I-A-2-1(11)-70, dated 12.10.1971.]*

174AA.

[* * *] *[Omitted by Notification No. 694/I-A-2-1(11)-70, dated 12.10.1971.]*

174B.

[* * *] *[Omitted by Notification No. 694/I-A-2-1(11)-70, dated 12.10.1971.]*

175.

If the number of applicants does not exceed the number intended to be settled on the land in respect of which announcement has been made under Rule 173, the Committee shall examine the eligibility of the person included in the list in Z.A. Form 57-A and take a decision regarding the plots of land to be settled with each such person. The Committee shall in the same meeting announce the names of the persons selected for settlement of land and also the revenue or rent to be fixed for the land proposed to be settled. If the number of applicants belonging to the categories mentioned in clauses (c), (d) and (e) of sub-section (1) of Section 198 is more than the number with whom land is in (ended to be settled, the list of applicants shall be placed before a meeting of the residents of the village called by the Land Management Committee and such of the applicants shall be selected for allotment as are considered to be the most suitable on merits on the basis of a consensus be arrived at the meeting so convened. If such a consensus cannot be arrived at, the Land Management Committee shall draw lots to determine the person or persons with whom the land should be settled.

176. [***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)/75 dated 01.11.1975.]***

(1) After selecting the person or persons for admission to the land in accordance with Rule 175, the Committee shall prepare-

(a) a list of persons so selected in Z.A. Form 57-B;

(b) a certificate of admission to land in Z.A. Form 58; and

(c) a counterpart in Z.A. Form 58-A.

(2) The documents referred to in clauses (a) and (b) of sub-rule (1) shall be duly signed by the Chairman of the Land Management Committee but the document referred to in clause (c) shall be signed by the person so selected for admission of land.

(3) The document referred to in sub-rule (1) shall then be forwarded to the Assistant Collector-in-charge of the Sub-Division along with-

(a) a copy of the proceedings of the meeting of the Committee in which the decision to settle land was taken; and

(b) a certificate from the Lekhpal concerned to the effect that the particulars of the land mentioned in the list are correct, and that the admission to the land is in accordance with the provisions of the Act and the Rules.

(4) The Assistant Collector in-charge of the Sub-Division shall, on receipt of the documents, referred to in sub-rule (3) scrutinize the decision taken by the Committee and if he is satisfied that the decision of the Committee is in accordance with the Act and the rules made thereunder, he shall record his approval on the list in Z.A. Form 57-B and return the papers to the Land Management Committee within a week of its receipt from the Chairman with the direction that the possession may be delivered to the lessees and the report of the mutation be submitted to the Supervisor Kanungo by the lekhpal immediately after delivery of possession.

(5) If the Assistant Collector in-charge of the Sub-Division finds that the whole or part of the decision taken by the Committee is not in accordance with the provisions of the Act and Rules, he shall record his disapproval on the list in Z.A. Form 57-B and return the papers to the Chairman.]

176A. [***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)/75 dated 01.11.1975.]***

(1) On receipt of the list in Z. A. Form 57-B with the order of the Assistant Collector in-charge of the Sub-Division, the Chairman of the Land Management Committee shall call the person whose selection for allotment of land has been approved by the Assistant Collector m-charge of the Sub-Division and shall furnish to him a certificate in Z.A. Form 58 and shall get a counterpart in Z.A. Form 58-A executed by him. If the land sought to be allotted is a land referred to in Section 132, the

person concerned shall be furnished with a certificate in Z. A. Form 59 and shall be asked to execute a counterpart in Z. A. Form 59-D:

Provided that no lease shall be made to an asami for a period exceeding five years.

(2) It shall be lawful for the Assistant Collector-in-charge of the Sub-Division to determine at any time the lease in favour of an asami and upon such determination, the asami shall not be entitled to any compensation.

(3) Every order of determination of lease under sub-rule (2) shall be effective from the commencement of the agricultural year following the date of the order.

(4) Where the decision of the Land Management Committee regarding admission to any land is not approved by the Assistant Collector-incharge of the Sub-Division, steps will be taken afresh for settlement of such land in accordance with the procedure laid down in sub-rule (1) read with Rules 173 to 176-A. All contracts relating to a lease, licence or allotment of land shall be executed in duplicate. One copy of the contract shall be given to the lessee, licencee or allottee and the other copy shall be retained by the Land Management Committee for record.]

177. [***[Substituted by Notification No. 40.605/Rajaswa-1-2(8)/75, dated 01.11.1975.]***

(1) A certificate of admission to land under Section 195 to 197 may be attested by any Revenue Officer not below the rank of a Supervisor Kanungo.

(2) Before attesting the certificate of admission, the Revenue Officer shall satisfy himself that-

(a) the provisions of Rules 173 to 176-A have been followed ; and

(b) the land leased out is not a part of the land which has been reserved for planned use.

(3) If the revenue officer finds that the conditions laid down in sub-Rule (2) have not been observed, he shall refer the matter, to the Assistant Collector incharge of the Sub-Division for necessary action.

(4) The attestation on the instrument of lease shall be as nearly as may be, in the following form :

"This document was presented before me on the day of.....in the year by Sri son of..... resident of.....

I have satisfied myself as to his identity and acquaintance, and I hereby attest the terms of the document.

Execution is admitted by..... son of..... profession..... resident of..... and son of..... profession..... resident of..... who is personally known to me.

or

who is identified by..... son of..... profession..... resident of..... and..... son of..... profession..... resident of..... who is personally known to me.

or

who is identified by..... son of..... profession..... resident of..... and ..... son of..... profession..... resident of..... who is of apparent respectability.]

Signature of the executant.	Signature or thumb-impression of the witness.
Date of attestation	Signature of the attesting Officer"

177A. **[** ***[Added by Notification No. 5647/I-A-1073-1958, dated 25.08.1953.]***

All persons recorded in Khatauni 1369 F. as occupiers of land (other than land mentioned in Section 212), when there is no one already recorded in Column 5 of the Khasra who have not acquired the right of a sirdar in accordance with Section 16, read with Section 19 of the Act, shall-

(a) if the land belongs to any of the classes mentioned in Section 132, be deemed to be asamis of the [Gaon Sabha] liable to pay rent equal to an amount computed at hereditary rates, and

(b) in other cases, be deemed to be sirdars, liable to pay land revenue at an amount equal to the amount computed at hereditary rates.

A statement showing all such persons shall be prepared in Z.A. Form 59-C and land revenue determine. The statement shall be checked by the Supervisor Kanungo and the Z. A. C. Naib-Tashilder. When the statement has been prepared and signed by the Sub-Divisional Officer (after satisfying himself about its accuracy) the necessary entries shall be made in the Register of alterations in the jamabandi and in the addendum.]

178.

[* * *] *[Deleted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

178A. **[** ***[Substituted by Notification No. U.O.-605/Rajaswa-1-2(8)/75, dated 01.11.1975.]***

(1) Where the settlement of land made by the Land Management Committee, as approved by the Assistant Collector-incharge of the Sub-Division is challenged under sub-section (4) of Section 198 by any person aggrieved or where the

Collector intends to take suo moto action, the Collector may pass suitable interim orders by way of stay of proceedings or otherwise.

(2) Where the Collector makes an enquiry under sub-section (4) of Section 198, the Land Management Committee and the allottee of land shall be made parties and given an opportunity of being heard before final orders are passed.]

179. Sections 212 and 212-A.

- [(1) The compensation payable on ejectment under Section 212 [or 212-A] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* of the Act, shall be equal to the cost of improvements, if any, made upon the land and one year's rent computed at hereditary rates.]

(2) [A person, who has become a bhumidhar in accordance with sub-section (2) of Section 18 or Section 134, shall, on ejectment under Section 212 [or 212-A] *[Added by Notification No. 2016/I-A-463-1052, dated 11.04.1953.]*, be entitled to a refund of the amount deposited by him, less the amount which might have been paid or be payable by the State Government under Sections 7 and 8 of the U. P. Agricultural Tenants (Acquisition of Privileges) Act, 1949.]

179A. [*[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*

- Applications filed under Section 212-A shall in addition to other necessary particulars, also contain the following-

(a) tahsil,

(b) village,

(c) name, parentage and the residence of the persons whose ejectment is sought,

(d) plot numbers from which ejectment is sought, and their area,

(e) the use to which the land was put prior to cultivation or plantation of grove and the period of such use.

(f) details of the entry in the khatauni about such land prior to its cultivation or plantation of grove and the existing entry,

(g) name and capacity of the person making the application,

(h) date of grant of patta or of taking possession for cultivation or plantation of grove.]

180. Section 240.

- The rent payable by an asami may be enhanced or abated on the application of the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* or the landholder as the

case may be or the asami on the ground of increase or decrease in the area of his holding.

180A.

(1) In the case of an asami holding from the [Gaon Sabha] *[Substituted by No. 5846/I-A-270-61.]* where rent is payable but not determined or where the rent is payable in kind or on estimate or appraisement of the standing crop or on rates varying with crop sown or partly in one of such ways and partly in another or other of such ways, the rent shall be determined or [commuted at [* * *] *[Substituted by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]* double the amount computed at applicable] hereditary rates.

(2) [Where there are no hereditary rates, the court shall calculate the rates after taking into consideration the rent payable by sirdars holding land of similar quality and advantages in the vicinity of the land held by the asamis.] *[Added by Notification No. 2016/I-A-463-1952, dated 11.04.1953.]*

180B. [***[Added by Notification No. 5647/I-A-1073-1953, dated 25.08.1953, read with corrigenda No. 5939/I-A-1073-1953, dated 11.09.1958.]***

(1) In the case of an asami holding from a bhumidhar or a sirdar where the rent is payable but not determined on is payable in kind or on estimate of appraisement of the standing crop or on rates varying with crop sown or partly in one of such ways and partly in another or other of such ways, the rent shall be commuted at [* * *] double the amount computed at applicable hereditary rates.

(2) Where there are no hereditary rates, the court shall calculate the rates after taking into consideration the rents payable by sirdars, holding land of similar quality and advantages in the vicinity of the land held by the asamis.]

180C. [Section 225-A. ***[Substituted by Notification No. 1583(A)/I-A-610-60, dated 20.11.1961.]***

(1) The whole or any part of arrears of rents, sayar or other dues in respect of any land or other property vested in a Gaon Sabha or any other local authority under the provisions of this Act may, by resolution and subject to confirmation by the Collector, be written off by the Land Management Committee or the local authority, as the case may be. as irrecoverable, if the same are outstanding for at least one year.

(2) Before confirming the resolution under sub-rule (1), the Collector shall satisfy himself-

(a) that there has been no negligence or misconduct on the part of the office bearers or the members of the Land Management Committee or the local

authority, as the case may be, on account of which the dues could not be recovered; and

(b) the dues cannot be recovered as arrears of land revenue and the defaulter has no property from which the arrears can be realized or the recovery would cause undue hardship to the defaulter in the special circumstances of the case.]

181. Section 226.

- Where a court allows remission of rent of an asami under sub-section (2) or Section 226 consequential remission in land revenue will be granted in proportion to the remission in rent.

182. [General. ***[Substituted by Notification No. 3726/I-A-44-1952, dated 27.07.1957.]***

(1) In hearing and deciding suits, applications and other proceedings under this chapter, revenue courts shall follow mutatis mutandis and subject to the following amendment, the procedure laid down in Parts I and IV of the Revenue Court Manual :

In between the words "Government" and "as a party" occurring in sub-rule (1) of Rule 204 of the Revenue Court Manual, the words "or a [Gaon Sabha]" shall be inserted.]

[(1-A) The provisions of Section 80 of the Code of Civil Procedure, 1908. shall apply to all suits covered by sub-rule (1).] *[Added by Notification No. 1427-RS/I-A-667-1957 dated 02.05.1958.]*

(2) The provisions regarding appeals, revisions and review contained in Chapter X of the U.P. Land Revenue Act, 1901, as amended by the Act, shall apply to the orders passed by revenue courts under this chapter.

182A. [***[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]***

- For every instalment of rent paid by an asami to the [Land Management Committee] or the land-holder, the asami shall be entitled to get a receipt immediately.]

182B. [***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8/75 dated 01-11-1975.]***

- Delivery of possession in execution of a decree or order for ejectment shall not be made before the fifteenth day of April or after the thirtieth day of June in any year :

Provided that the State Government may by notification specify in respect of any local area other dates between which delivery of possession shall be made :

Provided further that the provisions of this rule shall not apply to cases of ejectment under Section 122-B or Section 198 (4) or Section 209.]

Chapter IX
Adhivasis

183. Section 232.

(1) An application for recovery of possession under Section 232 shall contain the following particulars-

(a) the name, parentage and residence of the applicant, the land holder and any other person or persons who may be in possession of the whole or any part of the land in respect of which the application is made ;

(b) Khasra number of plots and area of the land in respect of which the application is made, together with the name of the village in which the plots are situate;

(c) the year in which the name of the applicant was recorded in the khatauni

(d) the date on which the applicant was evicted from the land.

(2) [The application shall be accompanied by a certified copy of the order if any, in pursuance of which the applicant was evicted from the land.] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

(3) The application shall be signed and verified in the manner laid down for verification and signing of plaints in the Code of Civil Procedure, 1908.

183A. [***[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]***

(1) In the case of an adhivasi where rent is payable but not determined or where the rent is payable in kind or on an estimate or appraisement of the standing crop or on rates varying with crops sown or partly in one of such ways and partly in another or other of such ways, the rent shall be determined or commuted at an amount which shall not be less than 133 1/3 per centum and not more than 200 per centum of the rent commuted at hereditary rates applicable to the land.

(2) Where there are no hereditary rates, the court shall calculate the rates after taking into consideration the rents payable by sirdars holding land of similar quality and advantage in the vicinity of the land held by the adhivasi.]

183B. [***[Added by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]***

- In determining or commuting the rent of an adhivasi within the limits laid down in Sections 233 and 233-A, the Court shall have regard to the following factors as may be

applicable:

(a) The pitch of cash rents payable by adhivasis holding land of similar quality and advantages in the vicinity of the land held by the adhivasi.

(b) Availability of irrigation facilities.

(c) Accessibility to the market.

(d) Development activities of the State in the village where the adhivasi holding is situate.

(e) The proportion of produce which was being paid as rent in kind.]

184.

[* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*,

185.

[On receipt of an application under Section 232 [* * *] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*, the Assistant Collector shall send for relevant khataunis and other records and make such other enquiry as may be necessary in this connection.]

186.

The provisions contained in the U.P. Tenancy Act, 1939, as regards the hearing and decision of suits under the said Act shall apply to the proceeding under Section 232 [* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*.

187.

[* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*

188.

[* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*

189.

[* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*

190.

Delivery of possession in an execution of an order under Section 232 [* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]* shall not be made before the first

day of May or after 21st day of June in any year:

[Provided that the provisions of this rule shall not apply to a case of delivery of possession of the land under the U.P. Land Reforms (Supplementary) Act, 1952 (U.P. Act XXXI of 1952.] *[Added by Notification No. 3266/I-A-1057-1954, dated 17.08.1954.]*

191. Section 240(2)(d).

(1) An appeal shall lie to the Commissioner from the final orders passed by the Assistant Collector in-charge of the Sub-Division under Section 232 [* * *] *[Deleted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*.

(2) A second appeal shall lie to the Board from a final order deciding an appeal referred to in sub-rule (1) on any of the following grounds and no other, viz.-

(a) the decision being contrary to law;

(b) the decision having failed to determine some material issue of law; and

(c) a substantial error or defect in procedure as prescribed which may have produced an error or defect in the decision of the case upon merits.

192.

[* * *] *[Deleted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*.

193.

[* * *] *[Deleted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*.

193A. [***[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]***

Any person receiving rent from an adhivasi shall issue a receipt for the same.]

[Chapter IX-A] *[Added by Notification No. 1214/I-A-1056-1954, dated 09.10.1953.]* Conferment of Sirdari Rights of Adhivasis

193B.

As soon as the notification under Section 240-A has been published, the following statements shall be prepared in :

(i) Z.A. Form 101 in respect of lands held by adhivasis other than evacuee land. Part I of the statement shall contain particulars in respect of whole khatas no part of which is held by adhivasis who held evacuee land. Part II of the statement shall contain particulars of khatas part of which is so held.

Future land revenue in Column 10 of Z. A. Form 101 shall be-

(a) in case where the rent payable is not fixed or where it is payable in kind-an amount equivalent to double the amount computed at hereditary rates applicable.

(b) in other eases an amount equivalent to the rent recorded in the Khatauni or the amount computed at hereditary rates applicable, whichever is less.

(ii) Z.A. Form 102 showing apportionment of rent by plots.

(iii) Z.A. Form 103 showing apportionment of land revenue in the case of land-holders part of whose holdings are held by adhivasis.

(iv) Z. A. Form 104 showing calculation of the amount of Zamindari Abolition Compensation and Rehabilitation Grant payable to land-holders who were intermediaries

(v) Z.A. Form 106 showing compensation for vesting of land held by adhivasis and payable to land-holders referred to in sub-section (1) of Section 240-E.

(vi) Z.A. Form 107 showing calculation of compensation payable to landholders referred to in sub-section (2) or Section 240-E.

(vii) Z.A. Form 108 showing calculation of compensation payable to landholders referred to in sub-section (3) of Section 240-E.

(viii) Z.A. Form 109 for calculation of compensation payable to land-holders referred to in sub section (4) of Section 240-E.

(ix) Compensation statement in Z.A. Form 110.

The statements aforesaid shall be prepared in respect of all adhivasis other than those who hold evacuee land

193C.

The rent payable on the date previous to the date of vesting shall be entered in Z. A. Form 102 only in the case of land-holders who belonged on the date previous to the date of vesting to any of the following classes :

(a) Permanent lessees in Avadh.

(b) Rent-free grantees.

(c) Persons in favour of whom declaration under Section 6 of the U.P. Agricultural Tenants (Acquisition of Privileges) Act. 1949, was made

(d) All tenants referred to in Section 19 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 :

Provided that no rent shall be recorded in Z.A. Form 102 in the case of landholders who held the land free of rent on the date previous to the date of vesting :

Provided further that in the case of holdings which wert; grain-rented the rent payable on the date previous to the date of vesting shall be deemed to be the rent as computed in the statements in Z. A. Form 18.

193D.

If in any district, part of a district or local area the rent rates have not been determined, the Compensation Officer shall decide the rates for the purposes of determination and commutation of rents after considering the rents generally payable for land of similar quality and advantages in the vicinity.

193E.

(i) After the draft compensation statements has been drawn up, the Compensation Officer shall cause a notice in Z A. Form 111 to be published in the official Gazette.

(ii) A copy of the aforementioned notice along with a certified extract of the draft compensation statement shall be served on the land-holders in the manner specified in the Code of Civil Procedure.

193F.

All objections filed under Section 240-G shall be recorded in a Mislband register to be maintained in Z.A. Form 29.

193G.

(i) After the amount of final compensation to be paid to the landholder has been determined and entered in the register in Z.A. Form 112 a notice in Z.A. Form, 113 shall be issued to the land-holder asking him to receive payment thereof on the date specified in the said notice.

(ii) When the land-holder appears, the amount of compensation due to him shall be paid through a voucher in Z.A. Form 114 or 115, as the case may be.

193H.

The Compensation Officer shall also maintain a register in Z. A. Form 116 in two parts, part I for payments made in cash and Part II for payments made by adjustment.

193I.

The Treasury Officer/Sub-Treasury Officer shall furnish in Z. A. Form 39 to the Compensation Officer an account of the vouchers presented and encashed on each day of payment, and the Compensation Officer shall on its receipt fill in entries in the statement in Z. A. Form 112 The statements in Z. A. Form 39 shall be kept in a guard file in the serial order of receipt. The Compensation Officer shall also furnish a statement in Z. A. Form 117 to the Collector of his district at the end of each month, who shall consolidate the statements so received in Z.A. Form 39-B in duplicate, both copies, whereof shall be sent to the Treasury Officer for verification of the totals from the Treasury records. The Treasury Officer shall verify the totals from his registers and not the verified amount on both the copies of the statement under his dated signatures and return them to the Collector. The Collector shall then transmit one copy to the [Compensation Commissioner] *[Substituted by Notification No. 3036/RZ/I-A-610-60, dated 26.12.1960.]* by the 20th of each month In case there is any difference between the Treasury and departmental figures, the Collector shall institute an enquiry at once and report the result thereof to the [Compensation Commissioner.] *[Substituted by Notification No. 3036/RZ/I-A-610-60, dated 26.12.1960.]*

193J.

The provisions of Rule 80 shall apply in case of vouchers not encashed for more than three months lost destroyed or mutilated.

193K.

The statements in Z.A. Form 39, 117 and 39-B shall, as and when necessary, be prepared in two parts-Part I to deal with payments made in cash and Part II to deal with payments made by adjustment of arrears.

193L.

The books containing entries and counterfoils of Z. A. Forms 114 or 115 shall be kept in the personal custody of the Compensation Officer who shall before commencing use of voucher book intimate to the Treasury Officer/Sub-Treasury Officer, as the case may be, in Z. A. Form 41-B.

193M.

In case of payment through a duly authorized agent, the Treasury Officer/Sub-Treasury Officer shall maintain a register in Z.A. Form 118 and enter therein the necessary particulars before making payments.

193N. [***[Substituted by Notification No. 1241/I-A-588-62, dated 25.03.1963.]***

An account of voucher books in Z.A. Forms 114 and 115 shall be maintained by the Treasury Officer and the Officer In-charge, Form, Room, respectively, in separate stock-

register in Z.A. Form 119.]

193O. **[** ***[Substituted by Notification No. 2287-R/I-A-Revision, D-25-1954, dated 10.07.1957.]***

In the case of land-holders referred to in sub-sections (1) and (4) of Section 240-E, the amount of compensation together with 6 1/4 per cent there on shall be paid in five annual instalments, while in the case of those referred to in sub-sections (2) and (3) of Section 240-E, the amount of compensation together with 6-1/4 per cent thereon shall be paid in 10 annual instalments. The first instatement shall be paid immediately after the final determination of compensation while each of the remaining instalments shall be paid on July 1, each year following the pavement of the first instalment :

Provided that if the amount of compensation is Rs. 50 or less, it shall be paid in one instalment immediately after the final determination of compensation.]

193OO. **[** ***[Added by Notification No. 4115/I-A-615-D-63, dated 25-09-1964.]***

(1) The provisions of Rule 77-D shall apply mutatis mutandis to the cash compensation amounting to Rs. 5 or more but not exceeding Rs 50, payable to the land-holders under this chapter with the modification that references to Z.A. Forms 37-A, 37-C, 38 and 41 in Rule 77-D, aforesaid shall be construed as references to Z.A. Forms 113, 113-A, 112 and 114, respectively.

(2) Where a land-holder desires that compensation payable to him in cash be donated for and on his behalf to the National Defence Fund, the Compensation Officer shall on receipt of a request to that effect either on the back of the notice which might be issued to the land-holder in Z.A. Form 113 or 113-A, under clause (i) or Rule 193-G or sub-rule (1) above, as the case may be, or through an application duly signed and attested in the manner prescribed in sub-rule (3) of Rule 77-D, draw the amount through voucher in Z.A Form 114 for and on behalf of the land-holder concerned and deposit the same through the District Magistrate in the said Fund in the name of the said land-holder. The receipt in receipt of the deposit of the said amount shall be filed along with the compensation statement of the land-holder. In case a receipt for the said deposit is desired by the land-holder it may be given to him by the Compensation Officer after obtaining an acknowledgment therefor from the land-holder which shall be filed along with his compensation statement. The number and date of the deposit receipt shall be entered in the 'Remarks' column of the register in Z.A Form 112.]

193P.

Compensation calculated in Z.A. Form 104 and shown in Column 17 of Z.A. Form 110 shall be entered in the register in Z.A. Form 105. Compensation and Rehabilitation Grant so payable shall be paid in the manner provided therefor in chapter IV and V but

separate accounts shall be maintained in respect of these payments. Separate accounts of payment of the amount shown in Column 16 of Z.A. Form 110 shall also be maintained.

193Q.

The Court-fee payable on memorandum of appeal to the Collector under Section 210-1 shall be 2 per cent on the value of the subject matter in appeal.

193R.

For purposes of this chapter, every Tahsildar and every Assistant Collector Incharge of a Sub-Division shall be ex-officio Compensation Officer within his jurisdiction.

Chapter X
Land Revenue

Section A - Determination of Land Revenue

194. **[** ***[Rules 194 to 196-C Substituted by Notification No. 110-11/1(4)-76-Rajaswa-1, dated 30.06.1976.]***

(1) The Assistant Collector incharge of the Sub-Division shall cause to be prepared statements in Z.A. Form 60-A and Z.A. Form 60-B, for the determination of land revenue payable by bhumidhars and sirdars.

(2) The Z.A. Form 60-B shall also be utilized as the Provisional Statement referred to in Section 246(1).

195.

(1) The statement in Z.A. Form 60-A shall be prepared for each village by the Lekhpal who shall enter (a) the source of irrigation and the area irrigated with the help of khasra for the years 1379-F to 1383-F and (b) the soil class and hereditary rate applicable to each plot with the help of settlement volume. Where the khasra for one or more years is not available, the entries relating to source of irrigation or area irrigated may be made, with the help of irrigation jamabandi, irrigation khasra, consolidation records, or, where need be by making local enquiry.

(2) The local enquiry referred to in sub-rule (1) shall be made in the village in or joint gathering of the members of the Land Management Committee or Gaon Panchayat. As many residents of the village as can be collected shall be invited to the gathering on a date to be announced previously by beat of drum.

(3) In areas where during the consolidation operations or record operations on re-numbering of plots a khasra plot consists of portions bearing different soil classes, the soil class whose area is the maximum in the khasra plot shall be deemed to be

the soil class of the whole plot and the hereditary rate applicable to such soil class shall be deemed to be sanctioned hereditary rate for the whole plot.

(4) In areas in which rent rates have not been sanctioned, the Assistant Collector in-charge of the sub-division shall compute such rates by taking into account the rates of land of similar quality and advantages in the vicinity.

196.

(1) The provisional statement in Z.A. Form 60-B shall be prepared for each village by the Lekhpal who shall make entries from column 1 to column 8 with the help of the entries in the current khatauni and in the Statement in Z.A. Form 60-A.

(2) The land revenue payable by a bhumidhar or sirdar shall be rounded off to the nearest multiple of five paise.

196A.

(1) The Assistant Collector shall cause the provisional statement in Z.A. Form 60-B to be published in the manner specified in sub-rule (2).

(2) Copies of the notice in Z.A. Form 60-C shall be pasted on the notice board of the Tahsil and Gaon Sabha concerned within whose jurisdiction the land is situate. In additional the contents of the notice in Z.A. Form 60-C. shall cause the provisional statement in the village for general information.

(3) Any person aggrieved by any entry in the statement in Z.A. Form 60-B may, within 15 days from the date of its publication under sub-rule (1) file an objection before the Assistant Collector in-charge of the sub-division, giving therein clearly the grounds of such objection. Every such objection shall be entered in a Misilband Register in Z.A. Form 60-D.

196B.

(1) Where an objection has been filed or where any error or omission otherwise comes to his knowledge, the Assistant Collector in-charge of the subdivision shall after afording the parties interested reasonable opportunity of being heard and of producing evidence, if any, decide the objection or correct such error or omission.

(2) Where no objection has been filed under sub-rule (1) or, when an objection has been filed and has been disposed of in accordance with the said sub-rule (1), the entries in the statement in Z.A. Form 60-A and Z.A. Form 60-B shall be amended wherever necessary The Assistant Collector in-charge of the subdivision shall thereafter sign the entries in these statements and also affix his seal thereto. The statement in Z.A Form 60-B, when so signed and sealed, shall become final.

196C.

(1) The amaldaramad of entries in the final statement in Z.A. Form 60-B shall be made by the Lekhpal in the current khatauni by writing legibly in red ink the amount of land revenue realizable in respect of each khata in the name of bhumidhar or sirdar.

(2) The amount of land revenue as recorded under sub-rule (1) shall become due and recoverable with effect from the 1st day of July, 1976.]

196D.

[* * *] *[Omitted by Notification No. 110-11-1(4)-76-Rajaswa-1, dated 30.06.1976.]*

197. Section 294(1) read with Section 242(1).

(a) Land occupied by a grove on the date of vesting which was immediately before the said date held by a grove-holder and for which no rent was payable on the said date shall remain conditionally exempted from the payment of land revenue for as long as there are trees on the land in such number that they preclude the land from being used for cultivation.

(b) Where after the date of vesting a grove is planted by a bhumidhar or sirdar, he may, at any time after the grove is well established, apply to the Collector for conditionally exempting the land from payment of land revenue and local rate.

(c) To every such application the [Gaon Sabha] *[Substituted by Notification No. 5846 I-A-271-61.]* shall be made a party.

198.

(i) The Collector shall, on application mentioned in Rule 197 being filed before him, make an enquiry to satisfy himself that-

(a) the land is covered by a grove;

(b) there are trees in such number that they preclude the land from being used for any other purpose.

(c) the applicant is entitled to file the application; and

(d) the grove was planted on or after the day of vesting.

(ii) If the Collector thinks necessary the enquiry may be made by an officer subordinate to him not lower in rank than a tahsildar.

199.

(1) On being satisfied that the land should be conditionally exempted from payment of land revenue and local rate the Collector shall pass necessary orders and shall inform the tahsildar concerned for amaldaramad of his orders in the records.

(2) [Exemption of land revenue and local rate shall be granted in multiples of five naye paise. Fractions of five nave paise, how ever small shall be reckoned as five naye paise.] *[Substituted by Notification No. 558-RS/I-A 342-D-57, dated 16.02.1959.]*.

200.

[(1)] *[Renumbered by Notification No. 3559-RS/I-A-1066-1958, dated 04.10.1958.]* The revenue or local rate so remitted shall be reimposed by the Collector when he is satisfied that the trees have been cut down or have decayed even though the land may not have been brought under cultivation.

(2) [The Collector shall assess the land revenue on the grove-land referred to in Clause (a) of Rule 197 when it ceases to be a grove-land in accordance with the sanctioned rent rates applicable to hereditary tenants.] *[Added by Notification No. 3559-RS/I-A-1066-1958, dated 04.10.1958.]*

(3) [Before taking action cither under sub-rule (1) or under sub-rule (2), the Collector shall issue notice to the person or persons affected to show cause and produce necessary evidence, if any, within a period specified therein which shall not be less than fifteen days from the date of service of the notice, why the land revenue and local1 rate remitted under Rule 199 be not reimposed or why the proposed amount of land revenue calculated in accordance with sub-rule (2) above be not assessed on him/them. On receipt of objections the Collector shall, after making such further enquiry as he may deem necessary and after affording to the objector (s) reasonable opportunity of being heard, pass such orders in the matter as he may deem just and proper If no objections are filed within the period specified in the notice, the Collector shall make assessment as proposed.] *[Added by Notification No. 9203(1)/IA-463-52, dated 11.02.1953.]*

200A. [***[Added by Notification No. 1583(A)/J-A-610-60, dated 20.11.1961.]***

The Collector shall cause to be prepared the following statement, namely-

(a) a statement in Z.A Form 9 showing the holding whose rent has been reduced or remitted by the land-holder after July 1, 1948;

(b) a statement in Z.A Form 10 showing the holding of grove-holders, permanent lessee in Avadh, sub-proprietors or under-proprietors who held the land prior to July 1, 1948, and whose rent has been reduced or remitted by the land-holder on or after July 1, 1948, otherwise than in pursuance of a decree or order of a Court; in respect of persons who or whose predecessor-in-title held the land before July 1, 1948;

(c) a statement in Z.A. Form 9-A in the cases of persons admitted on or after July 1, 1948.]

(d) [a statement in Z.A Form 59-A-determination of land revenue in the case of rent-free grants; *[Added by Notification No. 5647/I-A-1073, dated 25.08.1953.]*

(e) a statement in Z.A Form 59-B showing land revenue of holdings settled with an intermediary as bhumidhar.]

201. Section 272.

- (i) The Registrar Kanungo shall maintain register in [Form Rule 53 of the Land Record Manual] *[Substituted by Notification No. 315-R(4)/I-A-1042-1955, dated 20.02.1957.]*. The supervisor kanungo shall report annually by [May 1] *[Substituted by Notification No. 315-R(4)/I-A-1042-1955, dated 20.02.1957.]* to the tahsildar the continued existence and the condition of the groves on the register and the Superior Officers shall annually satisfy themselves of the correctness of kanungo's reports. Tahsildars are particularly made responsible for bringing to the Collector's notice cases in which land revenue, and local rates ought, in their opinion, to be re-imposed under Rule 200.

(ii) The orders of the Collector passed under Rules 199 and 200 shall be final.

202.

The Collector shall report in the annual administration report the areas in respect of which exemptions have been granted under these rules during the past years and the areas upon which revenue and local rates have been reimposed.

[Explanation - Except in the Trans-Yamuna portions Mathura and Agra Districts, for the purposes of Rule 197 to 202 "grove" means a grove of timber trees the value of which mainly lies in their timber for building purposes and not their fruit or like produce. Example's of timber tree are Sakhu, Sagon, Hanswa, Haldua, Deodar, country mango (not kalmi), Neem, Sheesham, Jamun, Asna, Mahua Tun, mulberry, kadam, bamboo, Imli, Chair Cypures, Babul, Aonla, Bel, Kajur, Ber Katiha Dhak, Kikar, Amra, Kanju, (prongamia-glabra), Khathna and Kardhai, etc. In the Trans-Yamuna portions of Mathura and Agra Districts even fruit grove planted by a bhumidhar or sirdar after the date of vesting can be exempted from the payment of land revenue and local rate.] *[Notification No. 4819/I-A-1042-1955, dated 04.10.1955.]*

203. [*[Omitted by Notification No. 110/11-1(4)-76-Rajaswa-1 dated 30.06.1976.]*

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205A.

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205B. [*[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]*

(1) Immediately after the rabi partai the Lekhpal shall submit to the Supervisor Kanungo a statement in duplicate showing all holdings in his halqa of bhumidhar, sirdar or asami of Gaon Sabha whose cultivable area has decreased by duluvian. The Supervisor Kanungo shall by personal inspection check all the entries in the statement and after making such corrections as may be necessary submit the statement in duplicate to the Tahsildar The Tahsildar shall immediately transmit one copy to the Assistant Collector in-charge of the sub-division. The Tahsildar, Naib Tahsildar and the Assistant Collector-in-charge of the subdivision shall personally check sufficient number of the entries to satisfy themselves of the accuracy of the statement. When the statement has been finalised the Assistant Collector-in-charge of the sub-division shall determine the land revenue/rent payable during the current agricultural year in respect of the land which is cultivable. The land revenue/rent for the cultivable portion of the holding shall bear the same proportion to the total land revenue/rent of the holding as the valuation at hereditary rates of the cultivable portion bears to the valuation of hereditary rates of the whole holding. The Assistant Collector, in-charge of the sub-division shall pass order remitting for the agriculture year the land revenue/rent equal in amount to the difference between the land revenue/rent payable for the holding and the land revenue rent determined under this rule for the cultivable portion of the holding.

(2) If in any district part of a district or a local area the rent rates have not been determined, the Assistant Collector in-charge of the sub-division shall determine the hereditary1 rates after considering the land revenue generally payable by the sirdar for land of similar quality and advantage in the vicinity.]

205C. [*[Substituted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]*

(1) Where only a part of any holding is transferred in accordance with the provisions of the Act, the land revenue payable in respect of the part so transferred shall be determined by the officer passing the mutation order in accordance with the provision of Section 245 and 246 :

Provided that the aggregate of the land revenues so determined shall be equal to land revenue of the entire holding determined earlier in accordance with the said sections.

(2) The provisions of sub-rule (1) shall mutatis mutandis apply to the case where the area of any holding has decreased under the provisions of this Act.]

205D.

[* * *] *[Omitted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]*.

205E.

[* * *] *[Omitted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]*.

205F. [Course of Procedure in Settlement. ***[Rules 205-F to 205-SS inserted by Notification No. 44/Rajaswa-1/1-1(3)-72, dated 08.02.1973.]***

- The course of procedure in settling a tract shall ordinarily be-

(i) by demarcation of village boundaries, re-survey, map-correction and preparation of record-of rights in land by the record staff;

(ii) by inspection by the Settlement Officer of each village, with special reference to the existing soil classifications, analysis of revenue rates as to the actual revenue collections, the amount and value of the produce of various agricultural crops grown on the various soils, irrigated and unirrigated as to the cultivator's cost of production and maintenance in general, as to the improvements and their worth, as to the number and circumstances of tenure-holders and the size of their holdings. The Settlement Officer shall record as soon as possible after inspection a tentative note summing up the physical and economic condition of the village in the light of the relevant facts ascertained;

(iii) by the grouping of villages into assessment circles and soil classes;

(iv) by calculation of the estimated average surplus produce for each class of soil in an assessment circle, after deducting the ordinary expenses of cultivation and submission of a schedule containing details of per hectare average, surplus produce of each class of soil, irrigated and unirrigated, to the Board with a brief note, explaining the consideration on which these have been evolved,

(v) by estimation of the fair and reasonable percentage for various slab of money value of average surplus produce at graduated scale on the basis of total money value of the total surplus produce of the assessment circle; the percentage which the existing land revenue bears to it, extent of increase in prices of farm produce and irrigated area and the prosperity of the circle reflected by the use of the fertilizers and high yielding varieties of seed;

(vi) by assessment of each holding in accordance with the percentages sanctioned by the Government; and

(vii) by submission to the Board of the assessment report of the tract.

205G. Record work preliminary to settlement.

- When a general or partial re-survey or revision of records preliminary to settlement is ordered the Board shall apply to the Government to issue notification placing the area under survey and record operations, under Section 48 of the U.P. Land Revenue Act, 1901, appointing a Record Officer with as many Assistant Record Officers as may be required under Section 49 of the U.P Land Revenue Act, 1901.

205H.

Pending the appointment of a Settlement Officer, the Board may apply to the Government to issue a notification placing the area under settlement under Section 254 of the Act and appointing the Record Officer and Assistant Record Officer to be Settlement Officer and Assistant Settlement, Officer, respectively.

205I.

When the Settlement Officer is appointed he shall satisfy himself that the necessary notifications as to the area under settlement and as to the appointment and powers of Officers have been published. He shall take steps to rectify any omission and shall see that all the necessary notifications are published in respect of fresh areas coming under survey, record and settlement operations from time to time.

205J.

Unless a special appointment is made, the Settlement Officer shall also be appointed Record Officer on taking over. He shall as far as his settlement duties allow, supervise the survey and record operations and shall issue such order for the conduct and procedure thereof as may be necessary subject to the law and rules regulating survey and record operation.

205K.

(i) The Settlement Officer shall determine and record the number of instalments of revenue and the respective dates of their payment. He shall, therefore, enquire into the suitability of the existing instalments of revenue and the dates on which they are payable bearing in mind the provisions of Section 248 of the U.P. Zamindari Abolition and Land Reforms Act, 1950. If the Settlement Officer considers that the dates or amounts of revenue instalments or both should be altered, he shall, after consulting the Collector, submit a separate report to the Board, through the Commissioner, giving the reasons for the proposed change.

(ii) The Board shall forward this report with their comments to the Government for orders. No alteration in revenue instalments shall be made without obtaining sanction of the Government.

(iii) When the new demand has been ordered to come into force from the rabi instalment any change sanctioned in the dates and proportionate amount of revenue instalment shall not take effect till the following instalment.

205L.

A list of groves excluded from assessment under Rule 197 and the list of such holding which are exempted wholly or partly from the liability of payment of land revenue under Sections 242(1) and 247-B of the Act, shall be bound with the revised record.

205M.

(i) On appointment to the district, the Settlement Officer shall study the reports of the last settlement and the orders passed thereon by the higher authorities and the Government and examine the methods followed in the light of some of the solid classifications, maps and village notes of the last settlement. He should look at a few typical areas of the district and form a general idea as to the system of soil classification suitable in the present conditions.

(ii) Before commencing regular village-wise inspections of the pargana or of a local area coming under settlement in any year, he should by a brief tour, come to a tentative conclusion as to the assessment circles referred to in Rule 205-R.

205N.

He shall before commencing village inspections-

(a) issue a notice to be affixed at the village Panchayat Ghar or other conspicuous place, fine each village containing a list of relevant matters on which he intends to make enquiry;

(b) cause a proclamation to be made in each village about the date of his inspection and such proclamation shall be made at least a week in advance;

(c) issue a notice drawing attention to the provisions of Sections 261, 263 and 274 of the Act, stating that applications for abatement, enhancement, determination and fixation of land revenue under these sections may be presented to him at any time within one month, after the date on which assessment proposals are published under Section 265 Rule or 205-AA, or Rule 205-EE.

205O.

The Settlement Officer shall use his best endeavours to ensure that the matters relating to his enquiry are discussed with the Pradhan, the members of the Gaon Sabha and tenure-holders or their representatives in the village he is inspecting and that full opportunity is given to them to represent their views and to make applications on matters connected therewith.

205P.

The Settlement Officer shall explain to them the Principles on which he proposes to make the soil classifications in the village and shall take due note of their opinion. He shall take into account the physical difference in soil and of other characteristics such as situation, etc. which affect the productivity of the soil. Unless there are reasons to the contrary he shall divide soil classes into 'wet' and 'dry. The land which is irrigated from earthen well of a seasonal or temporary nature and the land, which has not been irrigated in at least two out of five normal years ending with the year of record, shall not be classed, by him as "wet land".

205Q.

In considering the stability or precanousncss of the village or other local area, the Settlement Officer shall enquire into material changes, if any, in the extent of the cultivated area and note the causes thereof in his inspections notes.

205R.

The Settlement Officer shall, where necessary, divide each local area into assessment circles He shall form circles of villages possessing a general similarity of soil or physical character. Where there are well defined tracts, distinctive natural qualities the Settlement Officer shall ordinarily form these tracts into assessment circles, but in forming them he shall have due regard also to other characteristics, whether natural or artificial which are likely to affect the produce or revenue. When he departs from the arrangements adopted at the last settlement, he shall explain the departures in his assessment report.

205S. Analysis of produce generally.

- After inspecting the village, the Settlement Officer will work out the average produce of staple crop, on each type of soil and at the time of inspections shall enquire into such

matters, as the history of general developments, effects of the various plans and community development schemes, use of improved seeds, fertilizers and facilities of irrigation. He shall enquire into the features of the system of crops rotation and prepare the table only with respect to the crops which are generally sown in a rotation of three years. The settlement shall be prepared separate for 'wet' and 'dry land.

205T.

When he has completed the inspections and the enquiries in a circle or any convenient tract, the Settlement Officer shall consider the results of his enquiries for each circle as whole He shall examine the value of the produce of each crop, by making local enquiries in as many villages as possible and in so doing he shall not base his observations on the market rate of the crop, but shall ascertain it from the cultivator and the rate shall be the rate at which the cultivator has sold the produce at the time of harvest The Settlement Officer shall compare the rates of the produce of the past five years and tracing the course of prices, shall also enquire in the reasons which have caused a variation in the price of the produce. He shall enquire into the genuine rates, at which the cultivators have sold their produce, during the past five years and shall exclude speculative or high prices, obtained by drought or other natural calamities or low rates occasioned by bumper crop. He shall thereafter prepare a statement for each assessment circle, indicating therein the average rates of produce of each crop.

205U. Calculation of average surplus produce.

- When the figures of the average produce of crops and its average value spread over a period of five years have been determined, the Settlement Officer will proceed to prepare the figures of per acre average surplus produce obtainable from each type of soil. The statement shall contain the average produce from the land spread over a period of five years. The average produce in terms of the money for each year shall be based on the average produce and the market value of that produce in (hat year. The per acre produce of each type of soil, shall be based on the average of five years.

205V.

The Settlement Officer shall, thereafter, proceed to work out the average expenditure incurred in cultivation of each crop on each type of soil. He shall in so doing, work out the average annual expenditure in cultivation of each crop on each type of soil over a period of five years. In deducing the cost of agricultural operations, the Settlement Officer shall have clue regard to the minimum wages prescribed for the region, under the Minimum Wages Act, 1948, cost of seeds and fertilisers, cost of preparation of field for sowing, number of times the irrigation is normally done and the cost of each irrigation, the amount normally required for reaping, harvesting and threshing of grain, the cost of maintenance of bullocks and tractors required for the field. In so computing the cost of agricultural operations, the cost of the labour put in by the tenure-holder shall also be

worked out in terms of money on the basis of the minimum wages prescribed under the Minimum Wages Act, 1948, for the region and added to the cost derived above.

205W.

From the above figures the Settlement Officer shall work out the per acre average surplus produce for each type of soil in terms of money. This statement shall be prepared separately for 'wet' and 'dry land.

205X.

The Settlement Officer shall submit a schedule of the value of average surplus produce for each type of soil through the Commissioner to the Board of Revenue, accompanied by a map showing the villages of the area and their grouping in assessment circles and by a brief report not exceeding 15 printed pages (excluding appendices, if any)-

(a) very briefly describing the tract, the soil classes and the assessment circles, explaining briefly any important changes from the last settlement and standing the area in each class of soil;

(b) discussing the movement of agricultural prices and any substantial change in the nature and area under irrigation and of the various crops and estimating the changes in the amount of produce, and the value thereof since the last settlement;

(c) in recommending what percentage of the average surplus produce shall be taken as land revenue, the Settlement Officer shall keep in view the provisions of Section 264(2) of the Act and submit his proposals for fixation of land revenue on a graduated scale, for holdings in the following manner-

Holding having average surplus produce in terms of money	Rs. 1,500 and below;
	Exceeding Rs. 1,500 but below' Rs. 5,000;
	Exceeding Rs. 5,000 but below Rs. 10,000;
	Exceeding Rs 10,000 but below Rs. 20,000;
	Exceeding Rs. 20,000 but below Rs. 30,000;
	Rs. 30,000 and above.

(d) in suggesting the percentage of average surplus produce to be charged as land revenue, for each slab, mentioned in Clause (c) above, the Settlement Officer shall first work out the average surplus produce in terms of money for the entire assessment circle on the basis of the area under various soil classes and per acre average surplus produce for each type of soil. He shall then work out-

(i) the percentage which the existing land revenue bears to the total average surplus produce of the whole assessment circle;

(ii) the percentage which the land revenue bears to the total average surplus produce of the whole assessment circle, if the land revenue of the bhumidhars, who had required these rights under Clause (a) of Section 18 of the Act, was computed at hereditary rates and that of those bhumidhars who had acquired these rights by deposing ten/twenty times of land revenue at double their present revenue;

(iii) increase in the irrigated area since the last settlement;

(iv) the increase in the price of farm produce since the last settlement; and

(v) the extent to which the fertilisers and high yielding varieties of seed have been used during the past five years in the assessment circle.

After taking into consideration the above factors, the Settlement Officer shall decide as to what percentage of the total average surplus produce of the assessment circle could reasonably be assessed as land revenue. He shall thereafter proceed to work out the approximate number and area of holdings. Whose annual average produce comes within each of the slabs, mentioned in Clause (a) above and shall suggest a graduated percentage of average surplus produce to be charged as land revenue for the various slabs, in such a way that the total land revenue of all slabs more or less corresponds with revenue calculated for the assessment circle of the percentage initially decided. He shall take care that except for special reasons the proposed assessment does not fall below the percentage, which the existing land revenue as arrived at in item (ii) above bears to the total average surplus produce of the assessment circle.

205Y.

After calculating the total average surplus produce for the assessment circle, the Settlement Officer shall proceed to determine-

(a) the per acre weighted average surplus produce for the circle on the basis of various soil classes and their area; and

(b) modification of the aforementioned per acre weighted average surplus produce necessary for applying it to village inferiority or superiority keeping in view the physical facts of soil erosion, possibilities of extending irrigation and the caste and production efficiency of tenure-holders of the village concerned.

205Z.

While the settlement for the full term is preferable in the public interest to a settlement for a shorter term, when the fluctuations in the cultivation are slight or the deterioration is not serious, the Settlement Officer shall propose shorter term for individual villages which fall in precarious tracts. For temporarily deteriorated villages the Settlement Officer, if he so considers necessary, propose settlement at a reduced assessment for a period of ten years in order to enable the village to recover while fixing the full demand to be enforced later.

205AA. Publication of the schedules of average surplus produce.

- After such scrutiny as it may consider necessary the Board shall publish the schedule and the report for general information and objections. It shall only be necessary to publish the following papers in the official Gazette, with a notification stating therein where the copies of the full report would be available for inspection and also for sale to the public :

(a) A list of villages comprised in each assessment circle indicating clearly villages of marked inferiority or superiority

(b) The schedule of the average surplus produce for each type of soil, per acre weighted average surplus produce for the circle and its modification for villages of marked inferiority or superiority.

(c) A statement giving a rough estimate of the revenue that may be assessed for the circle and each village.

(d) A list of precarious villages where settlement is proposed for a shorter period.

The Board shall cause copies of the schedule of average surplus produce, and copies of the report to be affixed or otherwise laid open for public inspection at the Collectorate, the Tahsil and the Settlement Office, where the Settlement Officer's full report explaining the proposed revenue and the map of the tract shall be exhibited. The Board shall cause printed copies of the full report to be made available for sale to the public both at the Settlement Office and the Government Press.

One month shall be allowed from the date of publication for objections, which shall be filed before the Settlement Officer The Settlement Officer shall consider such objections and forward them with his comments through the Commissioner for the orders of the Board.

205BB.

The Board of Revenue shall submit to the Government the Settlement Officer's report with their own comment and the objections forwarded by the Commissioner for approval of the percentage of average surplus produce suggested for land revenue. The State Government shall put up its recommendations before the Uttar Pradesh Legislature which shall by a resolution decide what percentage of the average surplus produce shall be charged as land revenue.

205CC. Calculation of Land Revenue.

- After the Government approval of the percentage of average surplus produce to be charged as land revenue, but pending its confirmation by the State Legislature, the Settlement Officer shall work out in detail, the effects of the proposal on the land revenue of each bhumidhari and sirdari khata. If the State Legislature modifies these rates, he shall modify his calculations in accordance with the Government's directions.

205DD. Exemption of grove from assessment.

- When the land is covered by timber grove, such as of country mangoes the value of which mainly lies in their timber and not in their fruit or other produce and are situated in bhumidhari or sirdari khata, both the land and trees shall be excluded from assessment.

205EE.

When the Settlement Officer has completed the proposed assessment of any assessment circle, or of any tract for which it is convenient to submit a single assessment report, he shall publish the assessment report by posting notices in the Settlement Office, the Collectorate and the Tahsil headquarters and receive objections filed within one month from the date of such publication. He shall also send to each Pradhan of the Gaon Sabha a notice mentioning the dates on which these papers have been published and stating the place where they are open for inspection. On receiving objections, the Settlement Officer may modify the assessment report, if necessary

205FF. Submission of Assessment Report.

- After the expiry of the period of one month, mentioned in Rule 205-EE, the Settlement Officer shall submit to Government through the Commissioner and the Board for order-

(a) the list of villages included in the assessment circle;

(b) the percentage of average surplus produce which shall be charged as land revenue sanctioned by the State Legislature;

(c) the village wise assessment statement, with the reasons for proposed assessment for each village;

(d) an abstract statement to show the proposed revenue for each village separately distinguishing alluvial from non-alluvial villages; and

(e) the assessment report of the Tahsil.

205GG. Assessment Report.

(1) The assessment report of the Tahsil shall not, without special sanction, exceed 40 printed pages, inclusive of prescribed statements but exclusive of any other statements or tables which the Settlement Officer deems necessary. Supplementary reports for small areas should be avoided.

(2) The report should include a concise description of the tract and its rivers and drainage system, its topographical division, if any and of the communications, trade towns and markets. It shall compare the past and the present conditions of the tract with reference to cultivation and irrigated areas, rainfall, population and crop statistics. The Settlement Officer shall also explain the circumstances and the measures taken since the last settlement to improve the general fertility of the soil, by use of the fertilisers and improved methods of irrigation. He shall also note the position of availability of power tillers, tractors, etc. in the village and shall give his assessment of the improvements in the general economic condition of the village. In the light of these improvements, the general increase in production and the rise in the cost of the farm produce, he shall compare the incidence of the old and proposed revenue, in the cultivated area and the area assessed. The Settlement Officer shall furnish a map showing the divisions of the tracts into assessment circles and describing and justifying the circle formations. He shall explain the soil classifications, state the soil areas and compare them with those of the last settlement. He shall give an account of the methods, by which he obtained the figures of net average surplus produce per hectare for each class of soil and the cost of the produce. He shall state the total area, previous and newly imposed land revenue of the land held by each class of tenure-holder, for which he shall get separate figures prepared.

(3) The Settlement Officer shall also report names of the villages, where he has proposed a settlement for a shorter period, and the reason thereof.

(4) The report shall be prefaced by a table of contents showing clearly which chapter and paragraph deal with the various matters in the report.

(5) An appendix shall give a list of precarious villages or areas showing the kind or kinds of calamities to which they are specially liable.

205HH.

(1) The Board after considering the objections lodged shall pass provisional orders, approving or modifying the assessment proposals and submit the assessment report, together with the Commissioner's review and the Board□s order to Government for final orders.

(2) The Government shall cause the assessment report, the Commissioner's review and the Board's order to be published for general information and objections. In the official gazette, it shall be necessary to publish only the following papers, with a notification stating that copies of the full report are available for inspection and for sale to public :

(a) The Board's order and the Commissioner's review;

(b) A Schedule of average surplus produce for each class of soil in the circle;

(c) A list of villages were the settlement has been done for the full term;

(d) A statement showing the total land revenue of each circle.

(3) The Board shall cause copies of the full report, the review and the Board's order to be laid open for public inspection at the Collectorate, the Tahsil and the Settlement Officer and shall also make printed copies of full report available for sale to the public at the Settlement Officer and at the Government Press.

205II.

The Settlement Officer shall after receipt of the Board's order on his proposals, declare the assessment as final Provided that the Settlement officer may on his own motion or on the application of the "parties correct any clerical error or omission in the assessments before it is finally closed.

205JJ. Enforcement of new demand.

- The new assessment shall come into force unless otherwise ordered by the Government:

(a) if the period of the last settlement has already expired, with effect from the first kharif instalment following the date when the assessment is declared as final; and

(b) if the period of the last settlement has not already expired, with effect from the first kharif instalment due after its expiry.

205KK.

The Settlement Officer shall also make over to the Collector the abstract statement referred to in Clause (d) of Rule 205-FF after the alterations, if any, ordered by the Board in the demand proposed by him have been entered in it, and have been attested by the Secretary to the Board of Revenue.

205LL.

The Hindi copies of the village-wise assessment statement shall be strongly bound in volumes and kept in the Collector's English Record Room.

205MM. Final Settlement Report.

- (i) When the assessment of the district or area under settlement has been completed, the Settlement Officer shall submit a final report, clearly and concisely summing up, for the area as a whole the character of the topography, the physical and economic conditions, the circumstances of the various classes of tenure holders, the details of the improvements made during the past years and the likely effects of the settlement.

(ii) The report shall not ordinarily exceed 30 printed pages, prescribed statements. other illustrative tables, etc. being referred to in an appendix. It shall be prefaced by a table of contents, showing clearly which chapters and paragraphs deal with the matters in the report. Subject to the instructions of the Commissioner and the Board, the report shall proceed from a brief description of general conditions (with reference to trade, population and industry) to a description of agricultural features including cropping, rainfall, irrigation, cultivatory tenures and conditions, changes since the last settlement being noted.. After a brief account of the previous fiscal history and of the record and survey operations, the report shall go more fully into the nature of soil classification and assessment circles, the movement of revenue and the prices, the relation between them, the changes in the produce and its value and the cost of production and maintenance of the cultivator and also explain the procedure by which the net average surplus of produce for each class of soil in an assessment circle has been worked out. Among miscellaneous matters, mention shall be made of the costs attributed to record and survey operations and to settlement separately and an estimate made of the extent to which any increase is attributable to extension of State Irrigation Schemes.

(iii) The report shall be accompanied by a sketch map illustrating the main tract of the district, by an aggregate assessment statement of the whole area and by statements showing the cost of the operations and the amount of litigation.

205NN. Disposal of Final Report.

- (i) The Settlement Officer shall forward the report to the Commissioner for the orders of the Board Unless the Commissioner or the Board return the report for amendment or abbreviations, the Board shall cause it to be printed and submitted, along with the Commissioner's review and their opinion, to Government

(ii) Before passing final orders on a settlement report the Government shall publish the final report, the Commissioner's review and the Board□s opinion in the official Gazette.

205OO.

(i) The Settlement Officer shall have two registers of revenue-free tenures prepared. The first register will be for muafis released in perpetuity and will show only such perpetual muafis as are held revenue-free from any condition and are not resumable except as escheats. The second register will be for muafis released conditionally or for a term and will show-

(a) perpetual muafis held subject to the fulfillment of certain conditions, as for instance, that income be devoted to certain specific purposes; and

(b) muafis other than perpetual, such as revenue-free groves, etc.

(ii) The registers intended for use in the Collectorate headquarters office will be prepared in Hindi written in Devanagri script. For the Tahsil office the Settlement Officer shall have extracts taken from this register. These registers will replace the registers previously maintained in the Collectorate office and in the Tahsils.

205PP.

The Settlement Officer shall have the statistics for the Tahsil book in the form approved for each district prepared from the assessment statements and shall include in the Tahsil book an abstract of his assessment remarks, giving a brief account of the village and of the reasons for which any special action was taken in an assessment.

205QQ. Progress Report and Annual Statement.

- (i) During the continuance of settlement operation the Settlement Officer shall cause to be prepared at intervals of one month or at such shorter interval as he may consider necessary, statements showing the progress that has been made in the preparation of records, in the disposal of cases and in the assessment work.

(ii) By 1st November each year the Settlement Officer shall submit through the Commissioner to the Board a very brief report of the work accomplished up to the end of the revenue year and the work then remaining to be done. Statements will accompany this report showing the progress which has been made in the preparation of records, in the disposal of cases and in the assessment work. The forms in which these reports will be sent will be those approved by the Board of Revenue. If the Settlement Officer is leaving the district before the report is due, he shall have full notes and material with the Collector to enable the latter to make the report.

205RR. Appointment of Collector as Settlement and Record Officer on expiry of Settlement Officer's tenure.

- When the Settlement Officer's term is due to expire and it is not possible to declare, the Settlement or Record operations or both to be closed immediately, the Settlement Officer should apply for the appointment of the Collector to be in charge of the Settlement or Record Operations or both as the case may be. If the Settlement Officer hands over charge without doing this, the Collector should make the necessary application. Recommendations for the closing of the operations should be submitted when no matter other than those which the Collector can dispose of under the Act remains pending.

205SS. Power of Board to issue instructions.

- Subject to the provisions of the Act and these rules, the Board of Revenue may, from time to time, issue directions to the Settlement Officers, with regard to details of procedure to be followed in soil classification, formation of assessment circles, calculation of average surplus of produce for each class of soil, the estimation of percentage of average surplus produce to be charged as land revenue and such other matters as it considers necessary. It shall also prescribe forms, for working out the average surplus produce and lay down procedure to be followed in disposal of objections, appeal and revision during the settlement operations.]

Section B - Payment, Credit and Refund of Land Revenue

206.

The following rules are applicable to the payment of land revenue and shall, as far as may be, apply to the payment of every sum recoverable as arrears of land revenue.

207. [Section 294(1)(d). ***[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

- Land Revenue shall be payable in instalments and on dates as mentioned in Appendix I or on dates as may be prescribed from time to time by Government or by the authority to whom power in this respect may be delegated.]

208.

(1) Subject to the provisions of sub-rule (2) payment of revenue will ordinarily be made at the office of the tahsildar of the Tahsil within the limits of which the holding, on account of which the payment is made, is situate.

(2) [In cases, where amins are appointed for collection of revenue, payment shall ordinarily be made to the amin within whose jurisdiction the holding on account of which payment is made, is situate.] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

208A. [***[Substituted by Notification No. 1082-R/I-A-125-D-53, dated 26.06.1957.]***

(1) A bhumidhar or sirdar may make an application in Z.A. Form 85 to the Assistant Collector transferring his Zamindari Abolition Compensation Bonds of requisite value to the State Government as advance payment of land revenue payable in respect of his holding or that of a member of his family as defined in the explanation to Rule 116-A :

Provided that only such bond shall be accepted by transfer in favour of the State Government as is enfaced for payment of instalments at the Sub-Treasury of the Tahsil in which the holding is situated and all the equated instalments of Principal and interest due on the bond up to the date of transfer have been drawn.

Note. - Where a bond is not so enfaced for payment of instalments at the subtreasury of the Tahsil in which the holding is situate, the applicant may first get his bond enfaced at the sub-treasury.

(2) The bond shall be transferred by an endorsement inscribed on the back of the bond itself under the dated signature of the bond-holder in the following form :

"Pay to the Governor, Uttar Pradesh or Order (under Z.A. Rule 208-A)."

The bond when duly endorsed in the manner aforesaid shall be accepted as evidence of advance payment of land revenue and the applicant or the member of his family, as the case may be entitled to a remission in land revenue equivalent to the amount of instalment fixed on the bond for a number of years equal to the number of unpaid instalments, commencing from the agricultural year following the issue of a remission certificate in Z.A. Form 89.]

208B.

(1) As soon as an application in Z.A. Form 85 is received it shall after being duly checked by the Departmental clerk and found prima facie in order, be entered in register in Z.A Form 87 and sent along with the bond to the Sub-Treasury Officer of the Tahsil Sub-Treasury under the signatures of the Assistant Collector, for verification whether any stop in respect of future payments of instalments on the bond transferred to the State Government is recorded against it in the relevant sub-treasury register.

(2) Immediately on receipt of the application and the bond, the Sub-Treasury Officer shall verify the fact relating to stop from the relevant registers and after recording the result of such verification on the application return it along with the bond to the Assistant Collector. In case the bond is found free from stop, the Sub-Treasury Officer shall record a stop and the words "Transferred to the State Government under Zamindari Abolition Rules 208-A" against the entry of the bond in the relevant register before returning the application and the bond to the Assistant Collector.

208C.

(1) The Assistant Collector shall then scrutinize the application and verify the particulars thereof from the khatauni and jamabandi for the year in which the application is presented Me shall also satisfy him self that the bonds of requisite value have been duly transferred to the State Government and have been reported to be free from stop by the Sub-Treasury Officer.

(2) The Assistant Collector may examine on oath the applicant or any other person whose evidence he considers necessary.

(3) The Assistant Collector shall make a memorandum of the statements recorded by him and shall sign it.

(4) Where the Assistant Collector is satisfied that the applicant or the member of his family, as the case may be, is entitled to obtain remission in land revenue, issue a remission certificate in Z.A. Form 89.

(5) Before the grant of the remission certificate the Assistant Collector shall satisfy himself that entries in the register in Z.A. Form 87 upto Column 18 have been properly and correctly made. The entries in Columns 19 to 22 and the signatures in Column 23 will be made at the time of issuing the remission certificate. The rest of the columns shall be filled immediately as and when occasion arises

(6) The forms of remission certificates in Z.A. Form 89 shall be kept in bound volumes in the custody of the Assistant Collector himself and before a remission certificate is issued entries in the counterfoils shall be completed and signed by the Assistant Collector.

(7) Before the delivery of the remission certificate to the person concerned, the Assistant Collector shall have corresponding entries made in the jamabandi and the khatauni for the current agricultural year. The entries so made in the jamabandi and the khatauni shall be copied out from year to year.

208D.

As soon as a remission certificate is issued, the Assistant Collector shall send the bond to the Public Debt Office, Lucknow, for cancellation along with a forwarding letter in Z.A. Form 90 in duplicate. The provisions of Rule 120-A and 120-B shall apply mutatis mutandis with regard to cancellation of bond and sending of intimation to the Secretary to the Government in Revenue Department in respect of cancelled bonds.

208E.

In case a bond transferred under Rule 208-A is not accepted for valid reasons to be recorded in the register in Z.A. Form 87, the provisions of Rule 120-C shall apply mutatis

mutandis with regard to cancellation of the endorsement and delivery of the bond to the applicant.

208F.

(1) A remission certificate granted under Rule 208-C may on the application of the State Government or any person interested, be cancelled or modified by the Assistant Collector for any of the following reasons, namely-

(a) that the certificate was obtained fraudulently by the making of a false suggestion or by concealment of something material to the case or by means of an untrue allegation of a fact though such allegation was made in ignorance or inadvertently; and

(b) that a decree or order passed by a Competent Court in a suit or other proceeding with respect to the holding for which certificate has been granted shows that the holder was not entitled to the certificate aforesaid.

(2) Where the certificate is cancelled under sub-rule (1), the Assistant Collector shall send a requisition to the Public Debt Office, Lucknow, in Z.A. Form 91 for issue of bond identical to that which had been transferred under Rule 208-A. The provisions of Rule 120-D shall apply mutatis mutandis with regard to issue of bond delivery thereof, etc. :

Provided that in case any amount is found payable by the holder of the remission certificate to the State Government as a result of cancellation of the certificate, it shall be payable forthwith in cash by the holder of the certificate aforesaid and in case of default it shall be realizable as arrears of land revenue and until such realization the identical Zamindari Abolition Compensation Bond received from the Public Debt Office under sub-rule (2) shall not be delivered to the holder thereof.

(3) As soon as a remission certificate is cancelled, the Assistant Collector shall direct that entries of remission of land revenue made in the khatauni or jamabandi to be expunged therefrom.

209.

[* * *] *[Omitted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]*

210.

Payments shall not be made to peons entrusted with the service of any writ of demand or with the execution of a warrant of arrest.

211.

(1) Revenue where it is realised by an [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1960.]* must be paid directly to him Revenue may also be deposited at the tahsil or remitted by money order to the Tahsildar.

(2) The District Officer may in cases where he considers suitable permit the payment of land revenue at the Tahsil Treasury by a bank draft to the extent allowed by Paragraph 525 of the Financial Handbook, Volume V, Part I.

(3) Valuable securities or stamps of any description shall not be accepted in payment of revenue and currency notes sent through the post shall be refused.

212.

Where arrears are outstanding on account of two or more years and no express intimation is given by a person making a part payment that the payment is to be applied to the discharge of the arrears of some particular year, the receipt shall be credited first against Hie demand on account of the initial year for which arrears are outstanding and the balance, if any, against the demand on account of the next succeeding year and so on

213. [***[Substituted by Notification U.O. No. 241/I-A-122-D-57, dated 01.03.1961.]***

Any sum collected in excess of the proper demand may be refunded by the District Officer either suo motu or on application of the person concerned.]

214. [***[Substituted by Notification U.O. No. 241/I-A-122-D-57, dated 01.03.1961.]***

In making refunds under Rule 213 the District Officer shall follow such procedure as may in this behalf be laid down by the Board of Revenue. He shall also observe the rules contained in Paragraphs 194 and 197 of Part I and Paragraphs 494, 546 and 548 of Part II of Financial Handbook, Volume V.]

Land Revenue Exemptions

214A. [Sections 247-A and 294. ***[Inserted by Notification No. 232/11 (4)-77-UPA-1/51-Rule 1952-AM(11) 78, dated 14.04.1978.]***

- The Collector shall cause to be prepared the following statements, namely :-

(a) a statement in Z.A. Form 61-A showing the details of holdings of nonresident tenure-holders in individual khatas and their shares in joint khatas; and

(b) a statement in Z.A. Form 61-B showing details of holdings of resident tenure-holders and members of their families in individual khatas and their shares in joint khatas.

214B.

(1) The statements of tenure-holders in Z.A. Form 61-A and Z.A. Form 61-B shall be prepared by every Lekhpal who shall enter the respective shares of each bhumidhar by taking into consideration any decree or order of a Competent Court indicating the shares of the co-tenure-holders or by making local enquiries in the village.

(2) the enquiry referred to in sub-rule (1) above shall be made in a joint gathering of the members of the Land Management Committee and such persons having interest in joint khatas as are present in the gathering which shall be held on a date to be announced previously in every village by beat of drum.

(3) Apart from the inquiry referred to in sub-rule (2), the Lekhpal shall also conduct inquiries with regards to-

(a) the members of the family, who might be bhumidhar in the same village or elsewhere;

(b) the full addresses of the bhumidhar who may be resident of other places or villages;

(c) the person recorded as bhumidhar who may be minors but have not been so recorded; and

(d) the female tenure-holders having inherited from father in one village and from husband in another, in order to fix the identity of the same person, whose name is recorded with reference to her father at one place and with reference to the husband at another.

214C.

(1) If the bhumidhar is a resident of another Lekhpal halqa within the same Supervisor Kanungos's halqa, every lekhpal in whose halqa such Bhumidhar holds any land as such, shall forward the statement in Z.A. Form 61-A, duly filled in form Columns 1 to 8 to the Supervisor Kanungo concerned.

(2) The Supervisor Kanungo shall enter the statement referred to in sub-rule (1) in the outgoing register in Z.A. Form 61-C and in case the same relates to a village in his own halqa shall hand over the same to the lekhpal concerned after obtaining his signature in the said register. He shall thereafter forward the statements of villages which do not lie in his halqa to the Tahsildar.

(3) The Tahsildars shall cause the statements received under sub-rule (2), to be entered in the outgoing register in Z.A. Form 61-C, to be maintained by the Registrar Kanungo. The statement pertaining to the villages lying within the tahsil, shall be delivered to the Supervisor Kaimngos concerned, who shall after making entries in the incoming register in Z.A. Form 561-C send them to the lekhpal to whose halqa the statement pertains.

(4) If the bhumidhar resides in another Tahsil in the same district or in another district inside the State, the Tahsildar shall send the statement received under sub-rule (2) to the Tahsildar concerned for being forwarded to the lekhpal in whose halqa such bhumidhar normally resides, through the Supervisor Kanungo as laid down in sub-rule (3) above.

(5) If the bhumidhar resides outside the State then the statement referred to in sub-rule (1) shall be sent to the Board of Revenue for being transmitted to the tahsil where such bhumidhar holds the maximum holding. The Office of the Board of Revenue shall also maintain the registers in Z.A. Form 61-C.

214D.

The preparation of the statements in Z.A. Form 61-B and all proceeding subsequent thereto shall be done and held in the lekhpal halqa where the bhumidhar ordinarily resides and in case he is a resident of a place outside Uttar Pradesh, where he holds the maximum holding.

214E.

(1) With the help of the entries in the khatauni of villages under his charge, the lekhpal shall prepare the statement in Z.A. Form 61-B after taking into account the information contained in Z.A. Form 61-A when received.

(2) If the tenure-holder is a resident of the same lekhpal halqa, in which he holds land as bhumidhar, details of his land holding shall be directly brought on the statement in Z.A. Form 61-B and no statement in Z.A. Form 61-A will be prepared.

(3) Separate Z.A. Form 61 -B shall be prepared for each family.

(4) Every statement in Z A. Form 61-B shall be prepared in duplicate. One copy of it shall remain in the office of the prescribed authority and this will be treated as authentic for all purposes. The second copy shall be utilised for publication as prescribed hereinafter

(5) All the statements prepared by lekhpal in Z.A. Form 61-B pertaining to bhumidhar who are residents of one village shall be made into village Mutthas on the top of which will be placed the certificates of checking and verification by Supervisor Kanungos and Naib-Tahsildars concerned.

(6) The Supervisor Kanungos and Naib-Tahsildars shall separately verify entries in Z.A. Form 61-A and Z A. Form 61-B including the particulars and number of family members in 20 per cent of the entries in the villages allotted to them. The Tahsildar shall so distribute the villages among his Supervisor Kanungos and Naib-Tahsildars, that each one of them gets equal share of work and each of the villages under their charge is visited by either of them. The S.D O. and Tahsildar each separately conduct similar verification in 5 per cent of the villages in the Sub-Division. They shall put their dated signatures in full on the entries checked and verified by them.

214F.

After checking the statements in Z.A. Form 61-B as prescribed above and after incorporating the changes found necessary in both the copies of these statements, the Prescribed Authority shall pass provisional orders by putting his initials in Columns 20 and 21. as the case may be, of statement in Z.A. Form 61-B (both copies) depending on whether the khata has been exempted or has not been exempted from the liability to pay land revenue.

214G.

The Sub-Divisional Officer, Tahsildar and Naib-Tahsildar shall be the Prescribed Authority for the purposes of Section 247-A for the Tahsil to which they are posted for the time being.

214H.

The Prescribed Authority shall cause the village-wise statements in Z.A. Form 61-B incorporating the provisional orders passed under Rule 214-F, to be published in the Gaon Sabha concerned. It shall be notified in the village by beat of drum that the copy of the relevant statements is available for inspection at the specified hours and place.

214I.

Any person aggrieved by any entry in the statement in Z.A. Form 61-B may, within fifteen days of the date of publication or service of' notice whichever is later file an objection before the Prescribed Authority of the halqa referred to in Rule 214-G giving therein clearly the grounds of such objection. Every such objection shall be entered in a misilband Register in Z A. Form 61-D.

214J.

(1) Where an objection has been filed under Rule 214-1 or where any error or omission otherwise comes to his knowledge, the Prescribed Authority shall, after affording the parties interested reasonable opportunity of being heard and of producing

evidence, if any, decide the objection or correct such error or omission after taking into account the findings in respect of share in a joint holding as hereinafter provided.

(2) Where a co-sharer of a joint holding residing in a halqa other than the halqa in which such holding is situate, files an objection involving the question of determination of his share therein, the Prescribed Authority before whom such objection is filed, shall frame an issue to that effect and refer the same to the Prescribed Authority within whose jurisdiction such holding is situate.

(3) The Prescribed Authority, receiving the reference under sub-rule (2), shall proceed to decide the issue as far as possible within thirty days from the date of receipt of the reference. A copy of each finding together with Z.A. Form 61-A duly corrected, shall forthwith be sent to the Prescribed Authority from whom the reference was received as well as within whose jurisdiction other co-sharers affected by the finding might be residing.

(4) The finding recorded under sub-rule (3) shall be binding on the Prescribed Authority making the reference who shall thereafter proceed to decide the remaining parts of the objection.

(5) Notwithstanding anything in the foregoing provisions the issue of determination of shares under sub-rule (2) shall be decided by the S.D O. or the Tahsildar.

(6) Where no objection has been filed under sub-rule (1) or when an objection has been filed and has been disposed of in accordance with the said sub-rule (1) and the statement in Z.A. Form 61-B [copy remaining with the Prescribed Authority under sub-rule (4) of Rule 214-E] has been amended, altered or modified accordingly, the Prescribed Authority shall sign the same and also affix his seal thereto. The statement in Z.A. Form 61-B when so signed and sealed shall become final.

214K.

When the statement in Z.A Form 61-13 has become final, the statement in respect of non-resident tenure-holders received in Z.A. Form 61-A shall be sent back to the place of issue, indicating in Columns 6 to 9 thereof, the shares of area and of land revenue pertaining to the bhumidhar, particulars of members of his family and decision taken with regard to his exemption from liability to pay land revenue under the dated signature of the Prescribed Authority.

214L.

(1) The amaldaramad of entries in the finalized statements in Z.A. Form 61-B and in the case of the non-resident bhumidhar in Z.A. Form 61-A shall be made by the lekhpal in the remarks column of the khatauni by writing legibly that such

bhumidhar is exempt from the liability to pay the specified land revenue. These entries pertaining to the amaldaramad shall be checked cent per cent by the Supervisor Kanungo with the help of orders on Z.A. Form 61-B and twenty per cent of the entries shall also be rechecked by the Naib-Tahsildar.

(2) The lekhpal, while making amaldaramad of the orders from Z.A. Form 61-A or Z.A. Form 61-B, shall also legibly write against the khata, the realisable land revenue after deducting the exempted amount from the total land revenue of the khatas and the names of the persons from whom such land revenue shall continue to be realised. These entries shall be checked cent per cent and initialled by the Supervisor Kanungo. The Naib-Tahsildar shall re-check twenty per cent of these entries and the Tahsildar five per cent. The S.D.O. shall also check as many of these entries as may be possible for him in order to ensure accuracy.

214M.

(1) The lekhpal shall verify all the khatas with the help of entries of changes recorded in the khatauni every year in the month of July. The provisions contained in Rules 214-A to 214-L shall mutatis mutandis apply in the cases of those tenure-holders, who have cither become eligible for exemption or have otherwise become liable to pay land revenue and exemption in whose case is no more warranted.

(2) The changes that may become necessary as a result of orders passed under sub-rule (1) above shall be incorporated in the khatauni by way of amaldaramad in the remarks column in the manner indicated in Rule 214-L, above.]

Section C - Demands Register

215.

[* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

216.

[* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25.10.1953.]*

217.

[* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25.10.1953.]*

218. [***[Substituted by Notification No. 232/11-(4)-77-UPA-1/51-Rule 1952-AM(11)-78, dated 14.04.1978.]***

(1) The lekhpal shall prepare the land revenue demand and collection jamabandi for each village in his halqa in Z.A. Form 62 showing therein the kharif and rabi land revenue payable by such bhumidhar who are not exempted from the liability to

pay such revenue under Section 247-A in view of the family holding being more than 1.26 hectares (3.125 acres) in the State.

(2) The jamabandi shall be prepared on the basis of entries in Columns 1 to 6 of the current triennial khatauni incorporating the changes noted in Columns 7, 8 or 9 thereof taking into account the entries made in the remarks Column of the khatauni under Rules 214-L and 214-M. Arrears and excess collections shall also be entered in the jamabandi with the help of the statements of arrears and excess collections prepared by the wasil baqi navis in Z.A. Form 62-E.

(3) The Collection Amins shall check all the entries in the jamabandis of their respective halqas and shall compare these with the previous jamabandi to see if there is any mistake or omission. The Collection Naib-Tahsildars shall with the assistance of the Supervisor Kanungos, check 5 per cent of the entries in each jamabandi to be selected at random.

(4) The following percentages of checking are further prescribed in each jamabandi for the Regular Naib-Tahsildar, the Tahsildar and the Sub-Divisional Officer;

(i) Naib-Tahsildar (Regular). - Five percent other than those already checked by the Collection Naib-Tahsildars;

(ii) Tahsildar. - Five per cent;

(iii) Sub-Divisional Officer. - There will be no specific percentage for the Sub-Divisional Officer but he shall check an adequate number of the entries to ensure the overall correctness of the Jamabandi. All the officers who check any entries shall enter their initials in the space available between Columns 9 and 10 against the entry checked

(5) The Lekhpal shall start the preparation of the Jamabandi after July 15, if forms are available. The arrears of land revenue of the previous fasal, which may be due from the tenure-holder, including the suspended revenue to be collected in the fasal shall be entered in the Jamabandi after September 30. The work of preparation of the Jamabandi shall ordinarily be completed within 15 days i.e., by October 15, but in cases where the number of Khatas in the Lekhpal halqa is large, it shall be completed by November 7, at the latest.

(6) The Wasil Baqi Navis shall then check the demand and sign the Jamabandi.]

219. [***[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

(1) After the Jamabandi has been prepared and checked, the Lekhpal shall prepare consolidated statements of the demand for the khariff and rabi separately in Z.A. Form 63. The statement shall be checked and signed by the Supervisor Kanungo by November 7.

(2) The Wasil Baqi Navis shall check the statements and shall forthwith fill in entries from Columns 5 to 11 in the kharif statement The entries from Columns 5 to 11 in the rabi statement shall be filled in by him by the 5th Of March. After the statements have been checked and discrepancies, if any removed, the Tahsildar shall, after satisfying himself of their accuracy, sign them.]

220.

[(1) Corrections in the statements in Z.A. Form 62 or 63 shall be made under the signature of the Tahsildar.] *[Substituted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]*

(2) Suspensions or remissions shall be entered immediately on receipt of orders in [* * *] *[Deleted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* the jamabandi and in the statement in Z.A. Form 63. The number and date of the order granting the suspension or remission and the period of suspension shall be entered in the remarks column If an order for suspension is modified or cancelled the entry shall be corrected under the signature of the Tahsildar and particulars of the order entered in the remarks column [* * *] *[Deleted by Notification No 3036-RZ/I-A-610-60, dated 26.12.1960.]*. If the jamabandi has been given to the Land Management Committee, an order shall be issued to the Chairman to come over to the tahsil forthwith so that the necessary entries may be made.

[(3) Section 294(1). - As soon as an order involving a change in the Jamabandi is received and the change belongs to any one of the classes mentioned below, namely:-

(i) a change in the demand, for example, an increase or decrease in the land revenue payable for the holding or reimposition of land revenue upon a grove or exemption from land revenue of a grove or variation due to fluvial action of the river, etc.;

(ii) a change of title over the holding for example, change by succession or transfer by the extinction of the rights of the person recorded and admission of another person, etc.; or

(iii) a change in the holding, for example, where a part of the holding is surrendered or transferred or where a claimant proves his title to a part of his holding; or

(iv) or a change involving the creation of a new holding in respect of land which was not previously assessed to land revenue-

the Registrar Kanungo shall fill in Columns 1 to 10 of Z.A. Form 62-A with the help of the Lekhpal and communicate it to the Wasil Baqi Navis. The Wasil Baqi Navis shall then fill in Columns 11 to 19 of Z.A. Form 62-A.

On the next visit of the Amin to the tahsil, the Wasil Baqi Navis shall have an entry made in the remarks column of the Jamabandi and also get Columns 20 and 21 of Z.A. Form 62-A filled in by the Amin. In case of changes falling under category (iv) the Wasil Baqi Navis shall also prepare an addendum to Jamabandi and hand it over to the Amin

Where the land revenue is being collected by the Land Management Committee, the Chairman shall be called forthwith and an entry shall be made in the remarks column of his copy of the Jamabandi or in addendum handed over to him,, as the case may be. In token of Amaldaramad signatures of the Chairman, Land Management Committee, shall be obtained in place of Amin in Column 21 of Z.A Form 62-A.] *[Substituted by Notification No. 1583(A)/I-A-610-60, dated 20.11.1961.]*

(4) [If any order is found to be incapable of enforcement the Registrar Kanungo shall at once bring it to the notice of the Tahsildar, who shall report to the Court, which passed the order. A note about it shall also be made in the remarks Column of Z.A Form 62-A.] *[Added by Notification No. 1583(A)/I-A-610-60, dated 20.11.1961.]*

(5) [A register showing the annual demand and the varied demand under orders of the Courts shall be maintained in the following proforma in each Court for each tahsil separately These registers will be sent in the first week of July to Chief Revenue Accountant for being utilised for verification of the figures of increase and decrease received by him from Tahsildar:] *[Added by Notification No. 1583(A)/I-A-610-60, dated 20.11.1961.]*

Serial No.	No. and date of order	Name of village	
1	2	3	
Parties	Existing demand	Amended demand	Arrears, if any, to be recovered
4	5	6	7
Year from which the arrear is to be recovered	Signature of the official making entry	Signature of the attesting officer	
8	9	10	

221.

In the statements in Z.A. Forms [* * *] *[Deleted by Notification No. 5647/I-A-1073-1953, dated 25.08.1953.]* 62 or 63 only those amounts will be shown as excess collections which are to be adjusted against the current demand according to sub-rule (1) of Rule 213.

222.

[Amins] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* are not authorized to demand from a tenure-holder any amount before it has fallen due.

Section D - Collections

222A. [***[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

(1) Direct collection shall be made by amins each of whom shall be required to collect according to the standard fixed b\ government]

(2) On receipt of the demand register the tahsildar shall divide his tahsil into Amin circles. The demand in each circle will be approximately equal to the amount that can be collected by one Amin [* * *] *[Deleted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* in accordance with the standard laid down in sub-rule (1). But the Collector may, with the previous sanction of [Board of Revenue] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]* vary the size of an amin circle according to local condition.

(3) [Amins will normally be appointed on all the year-round basis but the Collector may sanction their appointment for a shorter period. These appointments shall be made subject to budged provision.] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

(4) Amins shall not be entrusted with any work other than that connected with the collection of land revenue or of dues realisable as arrears of land revenue.

(5) [* * *]

222B. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

The work of [* * *] amins shall be supervised by Naib-Tahsildars appointed for this purposes].

222C. [***[Substituted by Notification No. 566-RS/I-A-1045-1955, dated 30.10.1958.]***

Each person appointed as Naib-Tahsildar or Amin under the rules will be required to furnish a security of Rs. 7,500 and Rs. 5,000, respectively in accordance with the provisions of Chapter XLV11 of the Revenue Manual and Paragraphs 69-73 of the Financial Handbook, Volume V, Part I.]

223.

Unless the State Government has by notification in the Gazette declared that provisions of sub-section (1) of Section 243 shall apply to any area, collection of land revenue on account of a holding shall be made only from the tenure-holders concerned.

224.

For every amount collected by the Amin a receipt shall be given to the payer in Z.A. Form 64.

225.

(1) The receipts shall be in books of 100 each and shall be kept in the custody of the Sub-Treasury Officer who shall be personally responsible for their safe keeping. Every foil of the receipt book shall bear the stamp of the subtreasury.

(2) The Sub-Treasury Officer shall maintain an account of all counterfoil receipt books received, in his sub-treasury and shall be personally responsible for their safe custody and distribution to [amins and naib-tahsildars] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*.

(3) [Each Sub-Treasury Officer shall maintain a stock account of all receipt books and obtain the signature therein of each Amin or Naib Tahsildar, as the case may be, for all receipt books issued to him. The receipt books issued to an Amin or Naib-Tahsildar will be serially numbered and at the time of issue, the Amin or the Naib-Tahsildar, as the case may be, shall count the number of receipts in each book and endorse on the cover-

'This book contains.....receipt forms.'

The Sub-Treasury Officer shall countersign this certificate and also correct the mistakes, if any. in it and report the same to the District Officer who will send intimation thereof to the Superintendent, Printing and Stationery, U.P. Allahabad.] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

(4) No [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* may have in his possession at one time more than [three receipt books] *[Substituted by Notification No. 566-RS/I-A-1045-1955, dated 30.10.1958.]*. He shall use only one book at a time and shall not issue receipts from [any other] *[Substituted by Notification No. 566-RS/I-A-1045-1955, dated 30.10.1958.]* book until one in use is finished When a receipt book is finished it must be deposited at the next visit to the [Sub-Treasury]. All unused or partly used receipt books must be returned to the [Sub-Treasury Officer] by the amins when they vacate their appointments for any cause.

226. [***[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

(1) Before giving a receipt to the payer, the Amin shall fill in Columns 1 to 11 and sing in Column 12 both on the counterfoil 'A' and on the receipt, duplicate 'A' of Z.A. Form 64. Columns 13 and 14 meant for the progressive total in the counterfoil, shall also be filled in.

(2) The coupon 'B' shall not be filled in by the Amin, the receipt and coupon shall both be given to the payer and counterfoil shall be retained by the Amin]

227.

The [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* shall maintain a register of daily collection in Z.A. Form 65 in which the entries shall be made as and when the amount the collected.

228.

At the close of every-day the [amin] shall with the help of the counterfoils in Z.A. Form 64 and of his register of daily collection fill up in the entries in Columns 12 to 16 of Z.A. Form 62. The entries made in Column 14 shall be totalled daily and shall be compared with the difference between the figures in Column 10 of the counterfoil of Z.A. Form 64 made on that day and those made at the end on the previous days. The aggregate of all the entries in Column 14 of Z.A. Form 62 for all the villages in his halqa shall be compared daily with the column of entries in Column 5 of Z.A. Form 65.

[229 *[Substituted by Notification No. U.O. 38-RZ(A)/I-A-1474-B-1958, dated 09.03.1960.]*

If the demand against a tenure-holder is not realised within three weeks of its falling due, the tahsildar may issue coercive process, which he, under the Act or Rules is empowered to issue against the defaulters]

230.

[* * *] *[Deleted by Notification No. U.O. 38-RZ(A)/I-A-1474-B-1958, dated 09.03.1960.]*

231.

On the visit of the [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* to the tahsil headquarters which shall be at least twice in every month, the tahsildar shall inform him of the amount collected at the tahsil, since the last visit of the [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*. who shall make necessary entries in Columns 14 to 16 of the statement in Z.A. Form 62, mentioning in the remarks column thereof that the amount has been collected at the tahsil. He shall leave Columns 12 and 13 blank and shall mention in the remarks the number column and date of the arzirsal by which the amount has been deposited at the tahsil.

232. **[** ***[Substituted by Notification No. 566-RS/I-A-1045-1955, dated 30.10.1958.]***

The amin of the Naib-Tahsildar shall not keep in his possession at anyone time, any amount exceeding the amount of security furnished by him under Rule 222-C].

233.

On the 31st of March and on 30th of September each year the [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* shall total the entries in Columns 14, 15 and 16 of Z.A. Form 62 and shall transmit to the tahsildar a consolidated statement for his halqa in Z.A. Form 66.

234.

The Tahsildar shall check the statement in Z.A Form [66] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* with the help of the Z.A. Form [62-A] *[Added by Notification No. 5647/I-A-1073-53, dated 26.08.1953.]*, 63 and 64 If any discrepancy is discovered it shall be corrected under the signature of the tahsildar and corrections shall be made by the amin in his own registers and signed by the tahsildar.

234A.

The Collector shall be assisted by an Officer of Gazetted rank to be called the Officer-in-charge, collections for the purposes of supervising the work of the staff employed for this purpose and to co-ordinate the scheme for the collection in the whole district. The Officer-in-charge may be an officer appointed as such by the Collector or his Superior Authority and may either be a whole-time officer specifically appointed for this work or an officer nominated to look after this work in addition to his other duties.

234B.

[* * *] *[Deleted by Notification No. 950-RS/I-A-1031(7)-58, dated 18.03.1959.]*

234C. **[** ***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

The Officer-in-charge, Collections, shall subject to the general control of the Collector, be responsible for the collection of land revenue and other Government dues recoverable is arrears of land revenue in his sub-division His main duties in this behalf shall be--

(a) correct and timely preparation of land revenue Jamabandis and demand register relating to other Government dues;

(b) to inspect the collection work with particular reference to correct maintenance of accounts of Ins sub-division at least once every quarter;

(c) to inspect the work of Naib-Tahsildars and Amins on the spot; and

(d) the correct and timely preparation and submission of all relief proposal.]

234D.

[* * *] *[Deleted by Notification No. 315-R(4)/I-A-1042-1955, dated 20.02.1957.]*.

234E.

The Tahsildar shall be primarily and personally responsible for the correct maintenance of all records, accounts and collection of land revenue and other Government dues recoverable as arrears of land revenue within his jurisdiction He shall carry out the instructions issued by the Collector and Sub-Divisional Officer.

Section E - Coersive Processes

(A) General

235. Section 294(1).

(1) Process against a defaulter being or having property in a district other than that in which the arrears fell due, can be issued against him or against such property only upon a certificate under Section 3 of the Revenue Recovery Act, 1890.

(2) Land Revenue realised upon such a certificate shall not, if the district of issue of the certificate and the district of realisation are both within Uttar Pradesh, be remitted to the treasury of the district in which it is realized and an intimation to the effect that the amount has been realized shall be sent to the officer who issued the certificate. The latter shall then have the fact of realization noted in the accounts of his district, while in the district in which the amount was realized the amount shall be credited as realized on behalf of the demand of the district in which the certificate was issued.

(3) When the district of issue of the certificate is not within Uttar Pradesh, the amount so recovered shall in the first instance be paid into the treasury of the district in which it is realized. At the end of the month, all sums so credited shall be withdrawn and remitted to the District Officer by whom the certificate was issued. Sums of Rs. 15 shall be remitted by remittance transfer receipt and sums of Rs. 15 or less by postal money order, the money order commission being debited to the contract contingencies of the District Officer making the remittance.

(4) A register in Z.A. Form 67 shall be maintained by District Officer for the record of certificates of recovery of land revenue issued to and received from other districts.

236. [***[Substituted by Notification No. 2744-RS/I-A-517-D-1956, dated 01.08.1958.]***

Writs, citations, warrants of arrest and warrants of attachment of movable property shall be in the Z.A. Forms 68, 69, 70 and 71. They shall be signed by the issuing officer and sealed with his official seal.

Note. - Z.A. Forms 69, 70 and 71 will be bound in books of 100 leaves each with foils and shall be serially machine numbered. These books shall be kept at the Form Room of the Collector's office and shall be issued to the Tahsildar on requisition which should be separate for each form Two books of each form may be issued to each Tahsildar on the first requisition and thereafter only one book of each from will be issued at a time on requisition accompanied by a certificate to the effect that any of the books already supplied to him has only ten more leaves left. These books shall remain in the personal custody of the Tahsildar.]

237.

The Wasil Baqi Navis shall be responsible for the correctness of the entries of the demand in all processes in which such demand is required to be entered and shall sign every such process in token of its correctness in that respect.

238.

At the first issue of process for the recovery of an arrear, the statement of account prescribed by Section 278 shall be drawn up by the Wasil Baqi Navis and signed by him and shall be certified by the Tahsildar. But if the first process issued is a writ or citation, the certificate of the tahsildar shall be recorded on the counterfoil.

239.

A single writ of demand or a single writ for attachment and sale of movable property, may be issued against anyone or against some or all of a number of defaulters who are jointly responsible for the payment of the arrears; but a citation to appear or a warrant of arrest must be issued separately in respect of each defaulter required to attend or to be arrested.

240.

Subject to the provisions of the Act, process shall ordinarily be issued in respect of the whole of the arrears due from the defaulter, whether such arrears are due in respect of one or more khata khataunis.

(B) Writs of Demand and Citations

241. Section 280.

- Process under Section 280 (writ of demand or citation to appear) shall be issued by the tahsildar of the tahsil in which the arrear fell due or by order of the Collector or the Assistant Collector-in-charge of the subdivision. If the tahsildar issues such process against a defaulter residing in another tahsil within the district he may do so either direct or through the tahsildar of such other tahsil.

242.

Process under Section 280 is not required by law to precede process under Section 282 (attachment of immovable property) but ordinarily a writ in Z.A. Form 68, or citation to appear in Z.A. Form 69 should issue before any other process is resorted to.

243. **[** ***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]***

The fee charged for the issue of a writ of citation to appear shall be rupees two. This fee shall be added to the arrears to which the writ of citation is issued and shall be included in the amount specified therein.]

244.

Writs of demand and citations shall be served by the fixed establishment of process-servers attached to the tahsil or by additional process-servers. Subject to the condition of funds being available to meet the cost, additional process-servers may be temporarily entertained by the District Officer in accordance with the provisions of Paragraph 1061 of the Revenue Manual.

245.

Not more than one writ shall be issued in respect of the same arrear to any defaulter except under the express order of the Collector. If the arrears are not paid within 15 days from the date of service, more severe measure should promptly be taken.

246.

(1) Service of the writ or citation shall, if possible be made on the defaulter personally, but if service cannot be made on the defaulter it may be made on his agent. If the defaulter or his agent cannot be found or if there is more than one defaulter against whom a writ or citation has issued a copy of the writ or citation may be fixed at a prominent place on or adjacent to the defaulter's residence.

(2) Personal service shall be made by delivery to the defaulter or his agent of the foil of the writ of citation. The other portion shall be brought back to the tahsil by the process-server and attached to the counterfoil. When returning this portion, the process-server shall report to the officer whom the tahsildar may appoint for the purpose, the date of service, the manner in which the writ of citation was served

and if it was not served on the defaulter personally, the reason why it was not served. The official receiving the report shall note the particulars on the process, if this has not been done already.

(3) With the sanction of the Collector, writs of demand may also be served by registered post. In such cases the post office receipt shall be attached to the counterfoil.

(C) Arrest and Detention

247. [***[Substituted by Notification No. 1-1(57)-82-173-U.P.A.-1-1951-Rule-1952-A.M. (15)-1983, dated 18.07.1983.]***

Process under Section 281 (arrest and detention) may be issued by the Collector, the Assistant Collector in charge of the sub-division, or the tahsildar. If the tahsildar issues such process against a defaulter residing in another tahsil within the district, he may do so either direct or through the tahsildar of such other tahsil :

Provided that no process under this rule shall be issued against defaulter if the amount due from him on account of arrear of land revenue*or any sum of money recoverable as arrears of land revenue, docs not exceed rupees five hundred.]

247A. [***[Added by Notification No. 5846/I-A-270-61.]***

The warrant of arrest may be executed by any one of the process-servers referred to in Rule 244 or an Amin or any other officer whose name is entered in the warrant of arrest. Where the person authorised to execute the warrant is a process-server who has not furnished any security to Government, an Amin shall be deputed to accompany such process-server.]

247B. [***[Added by Notification No. 5846/I-A-270-61.]***

(1) Where a defaulter at the time of his arrest pays the entire amount of arrears specified in the warrant of arrest along with the process-fee referred to in Rule 248 to the process-server, the Amin or the officer, as the case may be, empowered in the said warrant to receive such arrears and process-fee, shall not be arrested, and if arrested shall be released, and a receipt for the amount so paid shall be issued to him on the spot in Z.A. Form 64 by the process-server, Amin or Officer, as the case may be

(2) The amount of arrears and the process-fee paid by the defaulter shall immediately be deposited in the tahsil in the same manner as a land revenue collection is deposited. The fact of payment of the aforesaid amounts as also the reference of the Receipt No. and Book No. of the receipt issued to the defaulter shall also be noted down on the warrant which shall then be put up before the officer issuing

the warrant of arrest who shall ensure that the amounts noted on the warrant have been duly deposited in the Tahsil.]

248. **[** ***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]***

The fee levied for a warrant of arrest in Z.A. Form 70 shall be rupees five.]

249.

(1) Under Article 181 of the Indian Articles of War Section 73, (Act XII of 1894) no person subject to those articles, so long as he belongs to the Defence Forces of the Union, is liable to be arrested for debt by, or by the authority of any Revenue Court or Revenue Officer; and under Article 183 of the same articles, every person belonging to the Indian Reserve Forces when called out or, engaged upon or returning from training or serving as an officer or soldier is similarly exempted from arrest.

(2) Under Article 182 the arms, clothes, equipment and accouterments of such persons and animals used by them in the discharge of their duty, are similarly exempted from attachment.

250.

If it is necessary to enter a dwelling house for the purpose of making an arrest the first three provisions to Section 55(1) of the Code of Civil Procedure, 1908. shall be observed.

251.

(1) Whenever a tahsildar causes a defaulter to be arrested, he shall without delay report the fact for the information of the Collector and Assistant Collector in charge of the sub-division.

(2) After arrest, defaulter shall be brought without delay before the officer, who issued the warrant and shall not be detained in custody unless there is reason to believe that the process of detention will compel the payment of the whole or a substantial portion of the arrear. If an order for detention is passed, it shall specify the date on which the detention will cease if the arrear is not sooner paid.

(3) If the officer who issued the warrant sees fit, when the defaulter is produced before him to give him further time, to pay the arrears, instead of detaining him, he may release the defaulter on his undertaking to pay the arrear within the period fixed. Should it become necessary to arrest the defaulter again, a fresh warrant in Z.A. Form 70 shall invariably be issued, and a separate fee levied. When a warrant has been once executed by the arrest of the defaulter, the same warrant cannot be executed a second time.

252.

If no lock-up for revenue defaulters has been provided at the tahsil, the defaulter may be sent in custody to the civil jail of the district with a warrant to the jailor specifying the date of commitment, the period for which the defaulter is to be detained and the amount, including the costs of his detention on payment of which he shall be released.

253.

(1) If the defaulter is detained in the civil jail the charge for his subsistence, shall be according to the scale laid down in the rules framed by the State Government under Section 57 of the Code of Civil Procedure, 1908. Such charge, if certified by the jailor to have remained unsatisfied on the release of the defaulter, shall be recovered from him by the officer who ordered the detention.

(2) If the defaulter is detained in a lock-up at the tahsil, he shall be permitted to furnish and cook his own food. I f he is not willing or able to do so, he shall either be provided with food and charged for subsistence, or be given an advance of diet money by the Tahsildar. The costs in either case shall be in the scale allowed in sub-rule (1) and shall be similarly recovered.

(D) Attachment and Sale of Movable Property

254. Section 282.

- Process under Section 282 (attachment and sale of movable property) may be issued only by or under the orders of the Collector or Assistant Collector in charge of the sub-division.

255.

Every attachment and sale, of movable property in realization of revenue under Section 282 shall, unless the officer ordering the attachment otherwise directs, be made by a qurkamin. The fee levied for a warrant of attachment (Z.A Form 71) shall be [75 Naye Paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*.

[Note. - Entries in the counterfoils and outerfoils of Z.A. From 71 will be made at the tahsil and will be submitted to the Collector or Assistant Collector In-charge of the Sub-division for signature on the warrant of attachment in the outer-foil. After orders have been passed by the Collector or the Assistant Collector in charge of the sub-division, the book will be returned to the Tahsildar for necessary action. The outerfoil will after attachment, be kept with the Nathi in cases, further proceedings of sale and is, the counterfoil the Tahsildar will make an entry giving reference to the Nathi.] *[Added by Notification No. 2744-RS/I-A-517-D-1956, dated 01.08.1958.]*

256.

When it is necessary to enter dwelling house for the purpose of making an attachment, the previsions of Section 62 of the Code of Civil Procedure, 1908, shall be observed.

257.

Every warrant for the sale of movable property in Z.A. Form 72 shall specify amount for the recovery of which sale is ordered and shall require the property to be sold in default of such amount after the lapse of such period as may be specified.

258.

The costs of every sale of movable property shall be met by levying a sum of [Six Naye Paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]* in the rupee (excluding fractions of rupees), calculated on the amount of the arrear, including the charge on account of the warrant of attachment, which may be realized by the sale Any sum in excess of such arrear realized by the sale shall be paid to the defaulter and shall be excluded from the amount on which costs of the sale are calculated.

259.

When the sale officer goes to any place to conduct a sale and no sale takes place, the fees chargeable to meet the costs of his deputation shall be according to the following scale :

[When the amount of recovery does not exceed Rs. 50 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	[50 naye paise *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
[When such amount exceeds Rs. 50 but does not exceed Rs. 1,000 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	[One rupee, *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
[When such amount exceeds Rs 1,000 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	[Three rupees] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*

260.

The fees leviable under Rules 258 and 259 shall be paid into the treasury with as little delay as possible.

(E) Maintenance and Custody of Live-Stock and Other Movable Properly Attached

261.

Where live-stock or other movable property has been attached, the attaching officer shall-

(a) if the defaulter furnishes such security as appears to the officer to be sufficient order that it be left in the custody of the defaulter; or

(b) if the defaulter, does not furnish such security and some respectable person is willing to undertake the custody and to produce the live-stock or other movable property when required order that it be placed in the custody of such person.

262.

The attaching officer shall enter a brief description of the property attached

(a) in the order referred to in Rule 261; and

(b) in the report of attachment made by him to the Court.

263.

Where arrangement for the custody of the property cannot be made under Rule 261 the attaching officer shall-

(a) if it is live-stock remove it to the nearest pound;

(b) if it is other movable property, appoint one or more care-takers.

264.

Where live-stock is removed to a pound, under Rule 263 the pound-keeper shall enter in a register-

(a) the number and description of the stock;

(b) the day and hour when the stock was committed to his custody; and

(c) the name of the attaching officer who so committed it and shall give the attaching officer a copy of the entry.

265.

The bound-keeper shall take charge of all animals committed to his charge and shall duly feed and water them.

266.

(i) For every animal committed to the custody of the pound-keeper there shall be leviable a rent for the use of the pound for each period during which the custody

continues, in accordance with the scale prescribed in Section 12 of the Cattle Trespass Act, 1871

(ii) The sums so levied shall be sent to the treasury to be credited to the funds of the local authority by which the pound is maintained, or made over to the pound-keeper concerned

(iii) All such sums shall be applied in the same manner as fines levied under Section 12 of the Cattle Trespass act, 1871.

(iv) The pound-keeper shall also be paid for feeling and watering any animal committed to his custody by proper authority, at the rate for the time being fixed under Section 5 of the Cattle Trespass Act, 1871, for feeding and watering impounded cattle.

267.

An animal committed to the custody of the pound-keeper shall not be released otherwise than upon the order in writing of the officer issuing the order of attachment or the tahsildar addressed to the pound-keeper. The officer shall also direct that the live-stock shall be released only after all charges under Rule 266 are paid to the pound-keeper

268.

The cost of preparing live-stock for sale or of conveying it to the place at which it is to be kept or sold and the cost of feeding the live-stock while in the custody of the pound-keeper. shall be payable out of the sale proceeds.

269.

A care-taker appointed under Clause (b) of Rule 263 shall, if necessary, be paid a daily sum of not less than [19 naye paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]* or more than [37 naye paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]* but the officer issuing the order of attachment may, by order in writing, allow a higher rate for reasons to be expressly mentioned.

270.

When the live-stock or other movable property is released from attachment or sold, the charges payable in connection with the attachment and sale shall be ascertained and recorded by the attaching officer or the officer holding the sale and shall, so far as possible, be discharged by him from the amount, if any, paid in by the defaulter before the release of the live-stock or other movable property, or from the proceeds of the sale.

271.

If-

(a) the live-stock is adjudged to belong to a third person who has objected to the attachment; or

(b) the proceeds of the sale are found to be insufficient; or

(c) for any other reason payment of the charge cannot be made.

The attaching officer or the officer holding the sale shall report the matter to the officer issuing the order of attachment or sale, who shall direct the realization from the defaulter as arrears of land revenue of all costs still due, including that of feeding the live-stock, along with the Principal dues, if any, still left to be realized.

(F) Attachment of Lease of Land

272. Sections 279, 284, 286, 289 and 291.

- [(1) Process for attachment of a holding under Clause (d) of Section 279 or for lease of a holding under Section 291 may be issued only by the Collector.

(2) Process for attachment of a village or any area therein under Section 289 may be issued by the Collector with the previous sanction of the [Board of Revenue] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*, While submitting his proposal for attachment to the [Board of Revenue] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]*, the Collector shall report how he proposes to manage the land during the period of attachment and the period for which the attachment is proposed.

(3) Where a holding is attached under Clause (d) of Section 279, the Collector shall forthwith make necessary arrangements for the cultivation of land either by grant of a lease under Section 291 or in such other manner as he considers desirable.]

272A. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

Before proposing attachment under Section 289, the Collector should satisfy himself by reference to the Pargana Book and other sources of information available to him, that there is reasonable probability of the arrears being recovered by this process within the period of three years allowed by the Act. If the Collector or the [Board of Revenue] is not satisfied the attachment shall not be made except as a preliminary measure to some more severe process.]

272B. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

The directions contained in Paragraphs 713 to 716 of the Revenue Manual as to provision for the cost of collecting establishment and local management, shall apply mutatis mutandis to land under management after attachment for arrears of revenue.]

273. **[** ***[Substituted by Notification No. 365/I-A-2-1(2)-68, dated 28.01.1969.]***

Where any land is attached in pursuance of the provisions of Clause (d) or (f) of Section 279 or sub-section (1) of Section 284 or of Section 286 or is let out under sub-section (2) of Section 284, a proclamation in Z.A. Form 73, shall be affixed at a conspicuous place in the village in which the land is situate and it shall also be notified by beat of drum.]

273A. **[** ***[Substituted by Notification No. 365/I-A-2-1(2)-68, dated 28.01.1969.]***

The attachment of holding or other immovable property under Clause (d) or (f) of Section 279 or under Section 284 or Section 286, shall be effected in the manner prescribed in Order XXI, Rule 54 of the Code of Civil Procedure, 1908 and the order to the defaulter shall be issued in Z.A. Form 73-D.]

274. **[** ***[Deleted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

[* * *]

275.

[* * *]

276.

[* * *]

277.

[* * *]]

278. **[** ***[Substituted by Notification No. 365/I-A-2-1(2)-68, dated 28.01.1969.]***

As soon as may be, after the holding is attached under sub-section (1) of Section 284, the Collector shall proceed to let out the holding to any person other than the defaulter, whom he thinks fit and who pays the whole of the arrears due on the holding before a lease is given to them in respect of that holding.]

279. **[** ***[Substituted by Notification No. 365/I-A-2-1(2)-68, dated 28.01.1969.]***

The lease given by the Collector under Section 284 shall be in Z.A. Form 73-C.]

280.

[* * *] *[Omitted by Notification No. 365/I-A-2-1(2)-68, dated 28.01.1969.].*

280A. [***[Added by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]***

When a lease is made under Section 284 the Collector shall issue orders for the necessary mutation of names to be made in the registers. No fee shall be levied in respect of any such mutation.]

Sale of Immovable Property

281. Section 284.

(1) Recourse can only be had to the sale of the holding under Section 284 when the process specified in Clause (a), (b), (c) or (d) of Section 279 would be insufficient for the recovery of the arrear.

(2) [Process for sale of holding under Section 284 and of other immovable property under Section 286 shall be issued by the Collector.

(2-A) In the case of sale of a holding the Collector shall auction the holding in lots of 1.26 hectares (3.125 acres) to 5.04 hectares (12.50 acres) after working out and announcing the land revenue and the estimated value of each lot.

It should also be made clear that only those persons would bid in the auction, acquisition of land by whom would not contravene the provisions of Section 154.] *[Substituted by Notification No. 196/11-3-(11)-73-Rajaswa-1, dated 18.02.1974.]*

(3) [* * *] *[Omitted by Notification No. 196/11-3-(11)-73-Rajaswa-1, dated 18.02.1974.]*

282. Section 286.

- The proclamation for sale shall be in Z.A. Form 74.

283. [***[Substituted by Notification No. 196/11-3-(11)-73-Rajaswa-1, dated 18.02.1974.]***

In proclamation for sale under Section 286, the Collector shall state the amount of the annual demand and the estimated value of the property calculated in accordance with the rules in Chapter XV of the Revenue Manual.]

284.

(1) When the land is put up for sale a charge shall be levied on account of the costs of every sale, upon such amount not exceeding the total sum due for recovery as may be realised by the sale at the following rates;

(i) Where such amount does not exceed 20b rupees at the rate of one rupee for every 100 rupees or portion of 100 rupees;

(ii) Where such amount exceeds 200 rupees but does not exceed 1,000 rupees, 2 rupees for the first 200 rupees and at the rate of [50 naye paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]* per every 100 rupees or portion of 100 rupees in excess of 200 rupees;

(iii) Where such amount exceeds 1,000 rupees, six rupees, for the first 1,000 rupees and at the rate of one rupee for every 500 rupees or portion of 500 rupees in excess of 1,000 rupees.

(2) When immovable property other than the land is put up for sale, a charge shall be levied upon such amount not exceeding the total sum due for recovery as may be realized by the sale at the rate of [three naye paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]* per rupee of the sale proceeds, fractions of a rupee being excluded.

(3) When the sale officer goes to any place to conduct a sale and no sale takes place, a charge shall be levied to meet the cost of his deputation according to the following scale :

			Rs.	P.
(i) [*[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	When the amount for recovery does not exceed Rs. 100 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	.. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	1 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	50 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
(ii) *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	When such amount exceeds Rs. 100 but does not exceed Rs. 1,000 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	.. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	3 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	00 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
(iii) *[Substituted by*	When such amount exceeds	.. *[Substituted by Notification*	6 *[Substituted by Notification*	00] *[Substituted by*

Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]	Rs. 1,000 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	*No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	*No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	*Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*

285.

Whenever any house or other building situated within the limits of a military cantonment or station is sold, the Collector shall as soon as the sale has been confirmed, forward to the Commanding Officer of such cantonment or station for his information or for record in the brigade or other proper office, a written notice that such sale, has taken place and such notice shall contain full particulars of the property sold and of the name and address of the purchaser.

285A. [***[Substituted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]***

Every sale under Sections 284 and 286 shall be made either by the Collector in person or by an Assistant Collector specially appointed by him in this behalf. No such sale shall take place on a Sunday or other gazetted holiday or until after the expiration of at least thirty days from the date on which the proclamation under Rule 282 was issued.

The Collector may from time to time postpone the sale.]

285B. [***[Substituted by Notification No. U.O. 605-Rajaswa-1-2(8)/75, dated 01.11.1975.]***

No officer having any duty to perform in connection with any such sale, and no person employed by, on subordinate to, such officer shall, either directly or indirectly, bid for, acquire or attempt to acquire the property sold or any interest therein :

Provided that where at any auction under Section 248 no bid is offered up to the amount of the arrear, for which the sale has been ordered, the Collector may bid upto the amount of such arrear.]

285C.

If the defaulter pays the arrears in respect of which the land or other immovable property is to be sold, at any time before the day fixed for the sale, to the person authorized to collect the amount in arrears or to the person appointed under Rule 285-A to conduct the sale, the sale officer, on being satisfied of the payment, shall stay the sale.

285D. [***[Added by Notification No. 4943/I-A-1059-1954.]***

The person declared to be the purchaser shall be required to deposit immediately twenty-five per cent of the amount of his bid, and in default of such deposit the land shall forthwith be again put up and sold and such person shall be liable for the expenses attending the first sale and any deficiency of price which may occur on the re-sale which may be recovered from him by the Collector as if same were an arrear of land revenue.]

285E. [***[Added by Notification No. 4943/I-A-1059-1954.]***

The full amount of purchase money shall be paid by the purchaser on or before the fifteenth day from the date of the sale at the district treasury or any sub-treasury and in case of default the deposit, after the expenses of sale have been defrayed therefrom, shall be forfeited to Government and the property shall be re-sold and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold.]

285F. [***[Added by Notification No. 4943/I-A-1059-1954.]***

If the proceeds of the sale which is eventually made are less than the price bid by such defaulting purchaser, the difference shall be recoverable from him as if it were an arrear of the revenue.]

285G. [***[Substituted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]***

No sale after postponement under Rule 285-A, 285-D or 285-E in default of payment of the purchase money shall be made until a fresh proclamation has been issued as prescribed for the original sale.]

285H. [***[Added by Notification No. 4943/I-A-1059-1954.]***

(1) Any person whose holding or other immovable property has been sold under the Act may, at any time within thirty days from the date of sale, apply to have the sale set aside on his depositing in the Collector's office-

(a) for payment to the purchaser, a sum equal to 5 per cent of the purchase money; and

(b) for payment on account of the arrear, the amount specified in the proclamation in Z.A. Form 74 as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been paid on that account; and

(c) the costs of the sale.

On the making of such deposit, the Collector shall pass an order setting aside the sale:

Provided that if a person applied under Rule 258-I to set aside such sale he shall not be entitled to make an application under this rule.]

(2) [* * *] *[Omitted by Notification No. 196-11-3(11)-7-3-Rajaswa-1, dated 18.02.1974.]*

285I. [***[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]***

(i) At any time within thirty days from the date of the sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it; but no sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of such irregularity or mistake.

(ii) [* * *]

(iii) The order of the Commissioner passed under this rule shall be final.]

285J. [***[Substituted by Notification No. 196-11-3-(11)-7-3-Rajaswa-1, dated 18.02.1974.]***

On the expiration of thirty days from the date of the sale if no such application as is mentioned in Rule 285-H or Rule 285-1, has been made or if such application has been made and rejected by the Collector or the Commissioner, the Collector shall pass an order confirming the sale after satisfying himself that the purchase of land in question by the bidder would not be in contravention of the provisions of Section 154. Even order passed under this rule shall be final.]

285K. [***[Added by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]***

If no application under Rule 215-1 is made within the time allowed therefor, all claims on the ground of irregularity or mistake in publishing or conducting the sale shall be barred :

Provided that nothing contained in this rule shall bar the institution of a suit in the Civil Court for the purpose of setting aside a sale on the ground of fraud.]

285L. [***[Substituted by Notification No. 196-11-3-(11)-7-3-Rajaswa-1, dated 18.02.1974.]***

Whenever the sale of any holding or other immovable property is set aside under Rule 285-II or Rule 285-1 the purchaser shall be entitled to receive back his purchase money plus an amount not exceeding five per cent of the purchase money as the Collector or the Commissioner, as the case may be, may determine.]

285M. [***[Added by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]***

(i) After a sale of holding or other immovable property under the Act, has been confirmed in the manner aforesaid, the Collector shall put the person declared to be purchaser into possession of such property, and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers and such certificate shall be deemed to be a valid transfer of such property, but need not be registered as a conveyance except as provided by Section 89 of the Registration Act, 1908.

(ii) The certificate shall state the name of the person declared at the time of sale to be the actual purchaser and any suit brought or application made in a Civil or Revenue Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used shall be dismissed with costs.]

285N. [***[Added by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]***

When sale of property under the provisions of Section 286 has been confirmed, the proceeds of the safe shall be applied in first instance to the payment of any arrears including costs incurred for the recovery thereof, due to the Government from the defaulter at the date of confirmation of the sale, whether the arrears are of revenue or sums recoverable as arrears of revenue; and in the second place if the sale took place for the recovery of an amount recoverable as an arrear of revenue but not due to Government:

to the payment of that amount including cost as aforesaid;

and the surplus, if any shall be paid to the person whose property has been sold; or

if the property sold was held in shares then the co-sharers collectively or according to the amount of their recorded interests, at the discretion of the Collector.]

286.

A register shall be maintained in Z.A. Form 75 for each tahsil and for each description of process employed during the revenue year showing (1) the serial number of the process, (2) the name of the village and (3) the name of the person against whom or against whose property the process was issued.

A-Preliminary Proceedings

286A.

An application made under Section 287 by a bhumidhar or sirdar or a person appointed under Section 275, for the recovery of the amount due to him under Section 287 as an arrear of land revenue shall-

(1) contain all particulars necessary for a plaint in a suit for recovery of the arrears from the defaulter;

(2) bear a certificate that the arrear was duly demanded from the defaulter who had failed to discharge it;

(3) be signed and verified like a plaint; and

(4) bear an endorsement or an annexure containing a memorandum of the documents, if any filed with the application.

286B.

(1) Where the application under Rule 286-A is not made within the time-limit or six months laid down in Section 287 it shall be rejected forthwith.

(2) In case the application, though within the time-limit is not in accordance with the requirements of Rule 286-A, it may be returned for amendment within a time to be fixed by the Collector and if it is again presented within such time after being duly amended, the Collector shall proceed in accordance with Rule 286-C.

Note - Under Government Notification No. 1756/I-A-1073-1953, dated June 11, 1953, printed on page 698, Part I of the Uttar Pradesh Gazette, dated June 20, 1953, all Assistant Collectors in charge of sub-divisions (except in the districts of Almora, Garhwal Tehri-Garhwal and Rampur) have been empowered to discharge all functions of Collectors under Section 3(4) of the Zamindari Abolition and Land Reforms Act, 1950.

286C.

(1) If the application, after amendment, if any, under Rule 286-B, is on the face of it untenable, it shall be rejected summarily.

(2) If the application is not rejected under sub-rule (1) of Rule 286-B or sub-rule (1) of this rule, the Collector shall make such enquiry as he may consider necessary in order to satisfy himself that the amount claimed is recoverable under Section 287 and that it shall be so recovered.

286D.

On considering the result of the enquiry made under Rule 226-C, the Collector shall reject the application, recording his reasons therefor if-

(1) the amount claimed is not recoverable under Section 287;

(2) the amount ought not in the circumstances of the case, to be recovered as if it were an arrear of land revenue payable to Government; or

(3) the amount claimed has been withheld by the defaulter under a bona fide dispute.

286E.

If the application is not rejected under the preceding rules and the Collector is satisfied that the amount should be recovered, he shall record an order determining the amount to be recovered (not exceeding the amount claimed) and shall issue orders for its recovery as an arrear of land revenue with costs and interest at the rate of 5 per cent per annum from the date of actual payment by the applicant to the date of presentation of the application.

B-Procedure after Order for Recovery of Arrears

286F.

An order passed under Section 287, read with Rule 286-E, may be executed by any one of the processes mentioned in Section 279.

286G.

(1) Ordinarily recourse shall first be had to writs, arrest or sale of movable property. If the arrears are not discharged by these processes and the Collector considers that the demand may suitably be liquidated by transfer of the defaulter's holding he shall offer to the applicant its transfer.

(2) If the applicant accepts the transfer, the case shall be reported for the orders of the Commissioner and disposed of in accordance therewith.

(3) If the applicant refuses without reasonable ground to accept the transfer, the proceedings shall be stayed and the case deposited.

(4) If the profits of the holding are insufficient to pay off the arrear or for other reasons, the Collector considers a transfer undesirable he may propose sale of the defaulter's immovable property:

286H. [***[Rules 286-H to 286-N added by Notification No. 2116-RS/I-A-1958, dated 03-02-1959.]***

So far as they are consistent with these rules, the rules in force for the collection of arrears of land revenue shall apply to the procedure under Section 287 and the same diligence shall be exercised in enforcing payments under these rules as in the case of arrear of land revenue payable to Government.

286I.

All processes shall be served or executed and sales conducted by the persons employed to do so for the recovery of arrears of land revenue payable to Government and suitable cost shall be lived from the defaulter or deducted from the proceeds of sales.

C-Accounts, Etc.

286J.

When the whole or part of the amount due is paid into Court by the defaulter, the money paid in shall be treated as a deposit, unless the applicant or his agent be present in Court, when it may be paid direct to him, the amount and the date of payment being noted in the record of the case.

286K.

All sums recovered except such as are paid direct to the applicant or his agent under the preceding rule, shall ordinarily be credited to revenue deposits, but in cases where it is probable that the accounts will be complicated or will extend over a considerable period, the Collector may apply to Government for sanction to open a Personal Ledger Account, who will pass order after consulting the Accountant General, Uttar Pradesh.

286L.

The Tahsildar shall maintain a ledger showing in respect of each case, in addition to the amount specified for recovery in the Collector's order all further cost in respect of such recovery which it may be necessary from time to time to add to the demand under the orders of the Collector and all sums realized in liquidation of the demand and such costs with the date on which such sums were realized.

286M.

At the beginning of each month the Tahsildar shall submit to the Collector a statement showing the progress made in collections under these rules in respect of every case in which the full demand has not been realized.

286N.

A register of proceedings under Section 287 shall be maintained in Z.A. Form 75-A in the Collector's Office so as to enable him to report at the end of each revenue year-

(a) the number of applications pending from the previous year;

(b) the amount of arrears remaining for recovery on those applications at the beginning of the year;

(c) the number of applications instituted during the year;

(d) the amount recoverable on those applications;

(e) the total number of applications for disposal;

(f) the total amount for recovery during the year;

(g) the amount recovered during the year;

(h) the number of applications pending at the close of the year;

(i) the balance remaining for recovery.]

Section F - Inspection

287. [***[Substituted by Notification No. 43-RS/I-A-Rev-D-1193-1958, dated 16.02.1959.]***

(1) An inspection book shall be maintained for each amin by the naib-tahsildar, who shall inspect the work of each amin under his charge at least once in a fasal, forward his inspection note to the tahsildar. The tahsildar after passing order will forward the inspection note to the sub-divisional officer for his information.

(2) The naib-tahsildar shall visit each and every village in his circle within one revenue year ending September 30. In exceptional cases, the period may however, be extended to two years with the previous permission of the Commissioner of the division. The tahsildar shall name in advance the villages to be visited by the naib-tahsildar every month for purpose of coupon collection and ensure that no village is left out at the end of the year or before the expiry of the period if it has been extended by the Commissioner.

(3) While checking the amin's account in villages the naib-tahsildar shall proceed as follows :

(a) He shall examine at least 5 to 8 per cent (the exact quota to be fixed by the Commissioner of the division according to local circumstances) of the receipts in the possession of persons who have paid land revenue and satisfy himself by inquiries from such persons that the amounts have been correctly entered in the receipts and that no manuscript receipt have been issued.

(b) He shall collect at least 5 to 8 per cent (the exact quota to be fixed by the Commissioner of the division according to local circumstances) of the coupons attached to receipts issued to persons who have paid the land revenue and fill up the blank in the coupon from the entries in the receipt.

Note. - The intention is that the naib-tahsildar should check a certain percentage of Coupons, in every village in his circle and 5 to 8 per cent (the exact quota to be fixed by the Commissioner, according to local circumstances) of entire number of receipts issued by an Amin in his circle.

(c) He shall then compare the.coupons with the corresponding counterfoils if the latter are available with the amin and sign the receipts as well as the coupons in token of his having checked them.

(d) He shall forward all coupons so collected and checked and any other coupons whose counterfoils are not available with the amin to the tahsil headquarters where after scrutiny by the naib-tahsildar they shall be pasted to their respective counter-foils.]

288. [***[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]***

The naib-tahsildar and the collection naib-tahsildar shall assist the tahsildar in the correct maintenance of accounts and timely deposit of all collections made by amins].

289.

(1) The tahsildar shall inspect the work of each [* * *] *[Deleted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* naib-tahsildar in his tahsil during each fasal. He shall also keep a strict watch on the work of the [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* throughout the year and shall be responsible for inspection of the work of every [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]* who in his opinion was showing slackness in the collection work or against whom there was a suspicion of fraud or misappropriation. The inspection note recorded by tahsildar in each case shall be forwarded to the Collector through the sub-divisional officer.

(2) He shall particularly see that all the amounts collected have been deposited without undue delay and have been credited to the villages and fasals to which they relate, that items are not unnecessarily left outstanding which may prove troublesome to the Collector later and that processes have been promptly executed.

290.

A fortnightly progress return shall be prepared in the tahsil on the 1st and the 16th of each month showing for each [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*-

(a) the name of the [amin] *[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*;

(b) the total amount to be collected in the fasal;

(c) the total amount collected upto the end of the previous fortnight;

(d) the amount collected during the fortnight; and

(e) the balance outstanding.

This return shall be submitted to the sub-divisional officer, by the 7th and the 23rd of each month who, after passing necessary orders, shall submit it to Collector for information.

291.

[(1) The naib-tahsildar should arrange to meet Amins of the tahsil twice a month on fixed days at tahsil headquarters. He shall check their accounts cent per cent with the help of one of the Assistant Wasil Baqi Navises and initial and date each entry checked.] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

(2) [When the naib-tahsildar "Visits the halqa of an amin which is distant from the tahsil he may take charge of the money collected by the amin.

Where he does so he shall enter the amount in Column 4 of the cash book in Z.A. Form 76 and sign Column 6 thereof in token of receipt. The naib-tahsildar shall deposit the money received by him in the treasury by the next working day or on his return to tahsil.] *[Substituted by Notification No. 9203(1)/1-A-463-1952, dated 11.02.1953.]*

(3) The arzirsal duly signed by the sub-treasury officer shall be pasted in the register in Z.A. Form 76.

292.

The account of each tahsil shall be inspected at least once in Khariff and once in Rabi by the accounts staff under the Land Reforms Commissioner.

Section G - Relief in Revenue and Rent

292A. Section 268 read with Section 294(1).

(1) Relief in Revenue of holding may be given under Section 268 on the occurrence of an agricultural calamity falling under any of the following two classes :

I. Where the fertility of the soil has been affected;

II. Where the crops of a particular harvest have been adversely affected leaving the fertility of the soil unimpaired.

Provisions of sub-rules (2) to (8) shall apply in case of agricultural calamities of Class I and those of Rule 293 in case of agricultural calamities Class II.

(2) In case, where fertility of the soil of a holding has become so seriously affected by the over-saturation, deposit of sand, the growth of kans or noxious weeds or other similar causes that the land revenue cannot be paid without undue hardship, relief

in revenue of that holding shall be given in the shape of remission for the period such a calamity lasts on any part of the holding, in the proportion which the area affected by the calamity bears to the entire area of the holding.

(3) Provisions of sub-rule (2) shall also apply to asamis of [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* as if the amount paid by the asami was land revenue.

(4) When the whole or part of a holding mentioned in sub-rule (2) is based, relief shall be given to the asami or adhivasi, as the case may be in accordance with the Principle mentioned in sub-rule (2).

(5) Immediately after Karif partal the Lekhpal shall submit to the supervisor kanungo a statement in triplicate showing all the holdings in his halqa affected by the calamity mentioned in sub-rule (2). The supervisor kanungo shall, by personal inspection, check all the entries in the statement and after making such corrections, as may be necessary, submit the statement to the tahsildar. The tahsildar shall, after verifying the accuracy of the statement by spot inspection and percentage checking, transmit two copies of the statement, as corrected by him, to the Collector through the Assistant Collector-in-charge of the sub-division, who shall indicate the amount of remission to be given. The Collector shall forward to the Government through the Land Reforms Commissioner a consolidated statement of such holdings in his district for sanction of remission.

(6) When once remission of land revenue or rent has been sanctioned by the Government on account of an agricultural calamity of Class 1, the holding, for which remission has been sanctioned, will be inspected every year after the rains by an officer, not below the rank of Tahsildar and where he certifies continuance of the calamity over the whole or part of the holding the Collector shall continue the remission for the area still affected. Revenue shall be re-imposed on such holding or part thereof, which is no longer subject to the calamity. After the inspection of the holding by the Tahsildar, the Collector shall furnish to the Land Reforms Commissioner for record a statement showing the total land revenue remitted, not later than the 30th November.

(7) A register in Z.A. Form 76-A showing the holdings, in respect of which relief is sanctioned on account of the agricultural calamities of Class I shall be maintained at the Tahsil.

(8) [The Collector is empowered to suspend realization of revenue or rent for a period of three months only from the date the amount falls due but suspension for longer period will require the sanction of the Board of Revenue or Government.] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

293.

(1) Relief in revenue of a holding [on the occurrence of agricultural calamities of Class II mentioned in sub-rule (1) of Rule 292-A] *[Added by Notification No. 1130/I-A-1699-53, dated 11.03.1954.]* shall ordinarily be given in accordance with the following scales :

[(Loss measured in naye paise per rupee of normal produce- *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*		Relief of land revenue per rupee *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	
		Rs. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	P *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
Amounting to 50 naye paise but not amounting to 60 Naye paise *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	..	0 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	40 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
Amounting to 60 naye paise but not amounting to 75 naye paise *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	.. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	0 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	60 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
Amounting to and exceeding 75 naye paise *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	.. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	1 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	00 *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*

Provided that in Bundelkhand and the Trans-Yamuna part of Allahabad, Etawah, Agra and Mathura Districts and in other areas, if justified by the circumstances of the cultivators, suspension or remission of land revenue to the extent of 25 naye

paise in the rupee may be given when the loss measured in naye paise per rupee of the normal produce amounts to 40 naye paise but does not amount to 50 naye paise.] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*

(2) When the whole or a part of a holding is leased relief in rent shall be given to the asami or adhivasi, as the case may be, in accordance with the scale applied to such holding and shall be separate from and independent of the relief given to land-holder which shall be calculated as if no part of the holding were sublet.

(3) The scale of relief given in sub-rule (1) shall also apply in case of asami under the [Gaon Sabha] *[Substituted by Notification No. 5846/I-A-270-61.]* as if the rent paid by the asamis was land revenue.

(4) [The Collector is empowered to suspend realization of revenue and rent for a period of three months only from the date it becomes due but suspension for a longer period will require the sanction of' the Board of Revenue or the Government.] *[Substituted by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

(5) [The instructions contained in Chapter VI of the Revenue Manual, Volume I, will apply mutatis mutandis in drawing up proposals of grant of relief in revenue and rent] *[Added by Notification No. 3036-RZ/I-A-610-60, dated 26.12.1960.]*

Section H - Collection by [Land Management Committees] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*

294. Section 294(2)(e).

- When in accordance with the provisions Section 276 a [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* is charged with the duty of collection of land revenue the procedure mentioned in the subsequent rules shall be followed.

294A.

Where the Bhumi Prabandhak Samiti (Land Management Committee) is also authorised under Section 283 to recover the arrears by any one or more of the processes mentioned in that section, the following procedure shall be followed :

(1) The writ of demand or the citation to appear shall be issued under the signatures of the Chairman of the Committee after he is satisfied of the existence of the amount of arrears, in Z.A. Form 68-A or 69-A, as the case may be.

(2) Where the defaulter is residing in any other tahsil, the writ of demand or citation to appear may be sent to the defaulter under registered post and the amount spent on postage may be charged from the defaulter.

(3) The provisions of Rules 243 to 246 shall apply mutatis mutandis to all the processes mentioned in sub-rule (1) above.

(4) Where it is necessary to recover the arrears by a process under Clause (c), (d), or (e) of sub-section (1) of Section 279, an application giving details of the arrears and the holdings in respect of which they are due and the names of the defaulters from whom they are due, may be made by the Bhumi Prabandhak Samiti signed by its Chairman to the Tahsildar of the tahsil in which the Samiti is situate and thereupon the amount of the arrears mentioned in the said application shall be recovered from the defaulters mentioned therein in accordance with the provisions of Section 282 or 284, as the case may be.

295.

The statement in Z.A Form [62] *[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]* prepared by the Lekhpal shall form the basis of the demand which the I and Management Committees shall be called upon to collect.

296.

The Land Management Committee shall maintain the following registers and records for the collection of land revenue assessed on the village and its remittance to Government treasury :

I. Bahikhata or jamabandi giving the following details :

Village.....Pargana.....Tahsil.....District.....

(a) Serial number;

(b) Name of tenure-holder,

(c) Demand of each instalment;

(d) Collections-

(i) date of collection;

(ii) cash-book number;

(iii) amount,

(e) Rebate, if any, earned;

(f) Arrears at the close of the year; and

(g) Remarks.

II. Cash-book or siyaha giving the following details :

Village.....Pargana.....Tahsil.....District.....

(a) Serial number;

(b) Date of payment with number of receipt.

(c) Date of entry in bahikhata and the serial number of bahikhata;

(d) Name of payer;

(e) Amount paid;

(f) On what account (whether land revenue or other dues and fasli year and instalment; and

(g) Remarks.

III. Receipts and counterfoil specifying the following particulars :

Village.....Pargana.....Tahsil.....

Book number.....Receipt number.....

(a) Date of payment;

(b) Name of payer;

(c) Amount paid;

(d) On what account (whether revenue or other dues and fasli year and instalment); and

(e) Whether in full or part payment.

IV. Register of remittances specifying the following particulars :

Village.....Pargana.....Tahsil.....District.....

(a) Date;

(b) Balance in hand;

(c) Amount received;

(d) Total of (b) and (c);

(e) Amount paid into treasury;

(f) Date and number of challan;

(g) Balance in hand, if any;

(h) Remarks

V. Monthly statement of progress in collection giving the following information :

Village.....Pargana.....Tahsil.....District.....

For the month of.....

(a)	Demand	..	Last year's arrears. Current year's demand.
			Total
(b)	Collection	..	During previous month. During the current month.
			Total
(c)	Rebate, if any, earned		During previous month. During the current month.
(d)	Balance	..	
			Total.
(e)	Remittance to the tahsil		
(f)	Reasons if collections are abnormally low.		

297.

The [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* will be allowed a commission on actual collection at a rate notified by Government.

298.

The [Lekhpal] *[Substituted by Notification No. 950-RS-I-A-1031(7)-1958, dated 11.03.1959.]* of the village shall assist the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* in issuing receipts for the sums collected and in the maintenance of the prescribed registers and records.

299.

The [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* shall use printed counter-foil receipt books and shall give therefrom under the signatures of the [Chairman] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* a receipt in the printed form to every tenure-holder who pays money on account of land revenue or other dues, whether the amount be large or small.

300.

The counterfoil receipt books used by the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]* shall be in Z.A. Form 77 The pages shall be numbered consecutively. A stock book shall be kept up at the tahsil showing the issue of counterfoil receipt books to [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1952, dated 11.02.1953.]*.

301.

All the collections made in the day shall first be entered in the cash book or siyaha and then against the name of tenure-holder in the bahikhata.

302.

A daily progressive total of the money received shall be kept in the receipt book. At the end of the day the progressive total of the money received for the day shall be entered on the last counterfoil used. This total must tally with the daily total of the cash-book and the money received. The total for the day shall then be entered in the register of remittance.

303.

The money collected shall remain in the custody of the [Chairman] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* of the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]*. The [Chairman] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* shall not ordinarily have a large sum of money in his hands at any one time than Rs. 500.

304.

The following procedure shall be adopted in regard to transmission to the tahsil of the money collected by the (Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* :

(a) Challans shall be printed triplicate and bound in serially numbered books. The challans shall be filled up by the [Chairman] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* and show clearly in words and figures the amount of the remittance;

(b) Two copies of the challan shall accompany the remittance and the third shall be retained in the book. The receipted copy of the challan, when received back from the tahsil shall be pasted to the counterfoil retained in the challan book;

(c) The [Chairman] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* shall visit the tahsil at least once in each fasal to check the counterfoils

in the challan book with the entries in the tahsil accounts;

(d) The [Chairman] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* and members of the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* [shall be jointly and severally responsible for the safe custody and transmission of the amount from the village to the treasury or sub-treasury; and

(e) If any money is lost in transmission or otherwise, the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* shall be responsible for the same.

305.

A copy of the monthly progress statement collections shall be submitted to the tahsildar on the first working day of the next month, through post of special messenger, as may be convenient. The tahsildar shall get them consolidated for the tahsil and shall submit a copy of the consolidated statement for the information of the Collector through the sub-divisional officer If the total remittances reported by the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]* do not agree with the total receipts in the tahsil, the tahsildar shall get the discrepancy reconciled. If the discrepancy is not reconciled by the 15th of the month, the tahsildar shall note it on the statement together with the steps taken by him in that respect for the information of the Collector. The statement shall not be deposited by the Collector till the final report of the tahsildar is received.

The Tahsildar shall also submit to the District Officer a six-monthly statement in the fonn given below at the latest by the end of April and October each year in respect of the fasal just preceding:

Statement of Commission paid to L.M.Cs. for the fasal ending.....

Tahsil	District

(a) Serial no.

(b) Name of the L.M.C.

(c) Total amount of collections made during the fasal.

(d) Total amount of commission due on the amount in column (c).

(e) Balance of commission of the preceding fasal, if any.

(f) Total commission (column d+e).

(g) Amount paid during the fasal.

(h) Number and date of voucher through which payment made.

(i) Remarks (showing cause of delay for non-payment or delayed payment).

(j) Signature of Tahsildar.

The district officer shall consolidate the statement for all the tahsils and submit the same to Land Reforms Commissioner by the end of May and November each year.

306.

The Sub-Divisional Officer and the Collector while on tour shall take every opportunity of checking the work of the [Land Management Committee] *[Substituted by Notification No. 9203(1)/I-A-463-1953, dated 11.02.1953.]*.

The Commissioners at their inspections of district offices and tahsil should satisfy themselves that the above rules are duly carried out.

306A. [***[Added by Notification No. 3195/I-A-3594-1959, dated 30.06.1962.]***

The following items may be remitted to tahsil sub-treasury by revenue money orders:

(a) By land revenue money order:

(i) land revenue and cesses;

(ii) canal dues, i.e. owner's and occupier's rates.

(iii) Talbana relating to the above items:

Provided that the amount remitted is due on account of land held in the tahsil to which the remittance is made;

(b) by miscellaneous revenue money order: all other items of Government dues or dues of local bodies payable into a tahsil sub-treasury, except those required to be deposited under a triplicate or special challan or under a triplicate arz-irsal in R D Form No. 293 appended at the end of Chapter IX of the Revenue Manual, Volume I.]

Chapter XI
Co-Operative Farm

307. Sections 296 and 318(2)(a).

- An application for the registration of a co-operative farm shall be made in Z.A. Form 78 and shall be accompanied with two copies of the draft bye-laws for the working of the farm as agreed upon between the applicants.

Note.- Model bye-laws are given in Appendix II.

308.

The Registrar shall, before registering the farm satisfy himself that the bye-laws are suitable for carrying out the objects of the farm and that the proposed farm has reasonable chances of success with reference to local conditions and the financial position of the applicants. He may make such alterations as he may deem advisable in the draft bye-laws provided that the written consent of all the applicants is obtained to such alterations.

309.

If the Registrar refuses to register the farm he shall communicate the fact with reasons to the applicant and shall send a copy of his order to the Collector for information.

310. Section 297(2).

- If the Registrar grants a certificate of registration, he shall send a copy thereof to the Collector for necessary entries in the village records and in the register of co-operative farms in Z.A. Form 79 The Registrar shall also send a copy of the certificate and the approved bye-laws to the registered address of the farm.

311. Section 318(2)(e).

- An application under section 299 shall be in Z.A. Form 80.

312.

If after such inquiry as he deems necessary the Collector is satisfied that the conditions mentioned in Section 209 have been fulfilled, he shall issue a notice in Z.A. Form 81.

313. Section 318(2)(c).

- In hearing and deciding objections made under Section 300, the Collector shall follow, so far as may be, the procedure laid down in Chapter IX of the U.P. Land Revenue Act, 1901.

314.

Notice of an order passed under Section 300 directing a co-operative farm to be established shall be proclaimed in the circle by beat of drum and by affixation in some place of public resort in the circle. A copy of the notice shall also be sent to the Pradhan of the Gaon Panchayat concerned and the [Chairman of the Land Management Committee.]
[Substituted by Notification No. 950-RS/I-A-1031(7)-1958, dated 18.03.1959.]

315. Sections 302 and 318(2)(c).

- An appeal under Section 302 shall be preferred in the form of a memorandum and presented to the Commissioner or such officer as he may appoint in this behalf. The memorandum shall be accompanied by a copy of the order of the Collector passed under Section 300.

316.

The amount of court-fee to be paid on a memorandum of appeal shall be one rupee and [fifty naye paise] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*.

317.

[* * *] *[Deleted by Notification No. 180-RZ/I-A-3509-1959, dated 31.03.1960.]*

318. Section 318(2)(g).

(1) The co-operative farm may grant permission to a bhumidhar member to dispose of his land on any of the following grounds:

(i) if he is unable to cultivate the land on account of physical or mental infirmity,

(ii) if he has to discharge his debts which he cannot do otherwise,

(iii) if he intends to take up his residence in a place other than the village in which the farm is situate and from where he will not be able to take part in agricultural operations on the farm,

(iv) if he intends to take up some profession other than agriculture, and

(v) on any other ground with the consent of two-third of the members of the farm.

(2) The permission to dispose of the land granted under sub-paragraph (1) may be made conditional upon the transferee becoming a member of the farm. If such a condition is imposed the transferee shall become a member of the farm.

(3) If the co-operative farm wishes to purchase the land it shall be entitled to do so at a price agreed upon between the bhumidhar [and] *[Substituted by Notification No. 180-RZ/I-A-3509-1959, dated 31.03.1960.]* the farm. In the event of a dispute the price shall be settled by the Collector in accordance with [sub-section (2) of Section 305] *[Substituted by Notification No. 180-RZ/I-A-3509-1959, dated 31.03.1960.]* The Collector's decision shall be final.

319. Section 318(2)(h).

- Every member shall be entitled to such rights and privileges and be subject to such obligations and liabilities and be bound to discharge such duties as may be conferred or imposed upon him by the bye-laws of the farm.

320. Section 318(2)(i).

- The admission, resignation or expulsion of members shall be governed by the bye-laws of the farm.

321. Section 318(2)(j).

- A member who resigns or is expelled shall be paid by the management of the farm all money due to him from the farm after deducting therefrom all dues owed by him to the farm after the period mentioned in Section 23 of the Co-operative Societies Act II of 1912. He shall also be entitled to receive compensation for land contributed by him and for trees, if any, determined in accordance with [sub-section (2) of Section 305] *[Substituted by Notification No. 180-RZ/I-A-3509-1959, dated 31.03.1960.]*.

322. Section 318(2)(k).

(1) The application for the consolidation of land under Section 314 shall be in Z.A. Form 82.

(2) On receiving the application the Assistant Collector in-charge of the subdivision shall issue a notice to the remaining tenure-holders of the village asking them to show cause within one month of the receipt of notice why the consolidation applied for should not be made If on hearing the objections, if any, the Assistant Collector considers the consolidation inexpedient he shall record the reasons therefor and reject the application But if no reasonable grounds for rejecting the application have been shown he shall direct the Land Management Committee of the village to put up proposals for the consolidation of the land within three months of the date of the order.

323.

The Land Management Committee shall, with the help of the Lekhpal prepare first a valuation khasra in Z.A. Form 83, for all the fields which are likely to be exchanged.

If there are any trees on the land likely to be exchanged, their valuation shall be recorded in the remarks column of the valuation khasra.

324.

With the help of the valuation khasra the Land Management Committee shall prepare the consolidation proposals in Z.A. Form 84 in such a way that land of approximately equal

value shall be given in exchange for the land taken.

325.

The Land Management Committee shall submit the consolidation proposals in triplicate to the Assistant Collector in-charge of the sub-division accompanied by the valuation khasra and two copies of the map, one showing the co-operative farm as it stood before the consolidation and the other showing the position according to consolidation proposals.

326.

On receipt of the consolidation proposals or if the proposals are not submitted within time, after the preparation of the proposals under the supervision of the Tahsildar, the Assistant Collector in-charge of the sub-division shall issue a proclamation inviting objections to the consolidation proposals within one month from the date of its affixation. One copy of the proclamation with a copy of the proposal shall be affixed to the notice board of the court-room and the other copy of the proclamation with a copy of the proposal shall be pasted at some conspicuous place in the village. A copy of the proclamation shall also be served upon the farm.

327.

On the expiry of the period fixed in the proclamation the Assistant Collector in-charge of the sub-division shall hear and decide objections, if any, and pass final orders for the consolidation of the land.

328.

In cases where there is a difference between the value of the land exchanged, the Assistant Collector in charge of the sub-division shall order compensation to be paid to the person receiving land of a lesser value on the lines laid down in [sub-section (2) of Section 305] *[Substituted by Notification No. 180-RZ/I-A-3509-1959, dated 31.03.1960.]*.

329.

The order for consolidation shall take effect from the beginning of the fasli year immediately following. In cases where compensation has to be paid under the foregoing rule, in order of the Assistant Collector in-charge of the subdivision shall not take effect unless the compensation has been paid up.

330.

In cases where any encumbrance is attached to the land to be exchanged, the Assistant Collector in-charge of the sub-division shall direct that the encumbrance shall attach to

the land received in exchange by the tenure-holder responsible for creating the encumbrance.

331.

For the purpose of payment of compensation under Section 305 the State Government may, on the application of a co-operative farm, advance loan to the farm up to twice the valuation of the farm at hereditary rates sanctioned at the last settlement or roster operations. The loan shall be payable in four years in eight equal instalments. The rate of interest chargeable thereon per annum shall exceed the bank rate at the time of the advance by 1 per cent. The land comprised in the farm shall be given in security. The deed of security on behalf of the farm shall be executed by the President of the farm.

332. Sections 318(2)(n)(o)(p)(q)(s) and (t).

- The following matters maybe governed by the bye-laws of the farms-

(i) the contribution of land, funds and other property by members, their valuation and adjustment;

(ii) the remuneration and wages to be paid to members working on the farm;

(iii) the payment of expenses and other dues of the farm,

(iv) the distribution of the produce and the profits of the farm;

(v) the conduct generally of the affairs of the farm and its working.

(vi) the liquidation of personal debts of members and the regulation of their credit.

333.

The State Government may from time to time give such directions for agricultural development and for controlled or planned agricultural development as may seem necessary. If the farm fails to carry out such directions the State Government may refuse to give n any facilities under Section 316.

334. Section 318(2)(r).

- The Managing Committee of the farm shall through any member, officer or employee of the farm or any other person specially authorised, institute, conduct, defend, compromise, refer to arbitration or abandon legal proceedings by or on behalf of the farm.

335. Section 318(2)(u).

- All contracts and others document concerning the farm shall be executed by the President of behalf of the Managing Committee of the farm

336.

Succession to members other than bhumidhars or sirdars shall also be governed by the principles contained in Sections 171. to 175.

Chapter XII
Miscellaneous

337. Section 328.

- All documents, statements and registers maintained under the Act, or these Rules shall be open to inspection during such hours and subject to the conditions and on payment of fees prescribed in Chapter LVI of the Revenue Munual and any person shall be entitled to be furnished with a copy of or any portion of any such document, or register subject to the conditions and on payment of the fees prescribed in Chapter LX of that Manual:

[Provided that no court-fee shall be payable on applications, and no inspection fees shall be charged for the inspection of Z.A. statements connected with the preparation of draft compensation assessment rolls, in cases where the inspection is made in response to the notice under Section 46.] *[Added by Notification No. 5647/I-A-1053, dated 25.08.1953.]*

338. [***[Substituted by Notification No. 1827/I-A-3613-59, dated 27.04.1963.]***

The suit applications and other proceedings specified in Appendix III shall be instituted within the time specified therein for them, respectively.]

338A. [Section 344. ***[Added by Notification No. 1827/I-A-3613-59, dated 27.04.1963.]***

- (I) The Court fees payable on plaints in respect of suits mentioned in Appendix III and on application of plaints in respect of proceedings mentioned in the said appendix shall be specified in the sixth column thereof.

(2) Unless otherwise expressly provided by or under the Act or any rule framed thereunder, the court-fees in respect of memos of appeal and documents other than those mentioned in sub-rule (1), filed or exhibited in connection with or as a result of any suit, application or other proceeding specified in Appendix III, shall be chargeable at the rates given in the Court Fees Act, 1870, for those documents.

(3) The court-fee in respect of any document chargeable at the rate given in the Court Fees Act, 1870, under sub-rule (1) or (2), shall, subject to the second proviso of Section 6(1) of the said Court fees Act, 1870, be reduced by one-fourth in cases where the amount or value of the subject-matter of the suit appeal, application or any other proceeding does not exceed Rs. 500.]

339.

(1) Unless otherwise expressly provided by or under the Act the provisions of Sections 256, 261, 273, 274, 277 to 282 of the U.P. Tenancy Act, 1939, shall apply to the suits and proceedings specified in Schedule II of the Act and appeals, revisions and reviews arising therefrom.

(2) In respect of the suits or proceedings mentioned in sub-rule (1) the first appeal shall lie within thirty days of the date of the decree or order appealed against and the second appeal,if any, shall lie within ninety days of the date of the decree or order passed by the court of first appeal.

340.

A Collector shall have all the powers which may be exercised under these rules by an Assistant Collector incharge of a sub-division.

341.

The Compensation Commissioner and the Assistant Compensation Commissioners, subject to the general control of the Compensation Commissioner, shall exercise power of supervision and superintendence over the work of Compensation Officers and Rehabilitation Grants Officers and in particular may give directions regarding the distribution and programme of work, the appointment of staff, the preparation of statements required by or under the Act, their verification and correction and, other administrative and disciplinary matter relating to the staff employed for the purpose of the Act and the duties entrusted to them.

342. [***[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]***

The abatement of any suit or proceeding (including appeal, reference and revision), under Section 49 of the U.P Tenancy Act, 1939 stayed under clause (iv) of Rule 4 as it stood before its modification by the Legislature under sub-section (4) of Section 344 and abated under clause (1) of this sub-rule, shall be set aside by the court concerned on its own motion, and such suit and proceeding shall be restored to the stage at which it was abated.]

343. [***[Added by Notification No. U.O. 605/Rajaswa-1-2(8)/75 dated 01.11.1975.]***

(1) Where any general or special order under the provisions of the Act is required to the published in the manner prescribed, then-

(a) a copy of every such order shall be affixed on the notice board of the Collector's Court, at the Tahsil Building and at some conspicuous place in or near the village or villages concerned and

(b) if the officer or the authority issuing the order so directs, by beat of drum in the village or villages concerned.

(2) Every order referred to in sub-rule (1) shall be effective from the date specified in such order.]

Appendix I

(See Rule 207)

Statement showing the proportion of each instalment of revenue to the full demand in fractions of a rupee and the date on which it is payable in each district of Uttar Pradesh.

	District	Area in the district	Instalment payable	Date on which instalment fallls due	
| | | |-	| | | Kharif	Rabi	Kharif	Rabi	
	1	2	3	4	5
				Per centage	Per centage
1	DEHRADUN	Whole of the district except pargana Jaunsar-Bawar	50	50	15thNovember.
2	SAHARANPUR	Whole of the district	40	60	Ditto
3	MUZAFFAR NAGAR	Ditto	40	60	Ditto
4	MEERUT	Ditto	40	60	Ditto

5	BULANDSHAHR	Ditto	40	60	Ditto
6	ALIGARH	Ditto	40	60	Ditto
7	MATHURA	Whole of the district except Khadar village	40	60	Ditto
		Khadar village			100
8	AGRA	Whole of the district	40	60	Ditto
9	MANIPURI	Ditto	40	60	Ditto
10	ETAH	Ditto	40	60	Ditto
11	BAREILLY	Tahsils -			
		1. Bareilly			
		2. Nawabganj			
		3. Faridpur except	40	60	Ditto
		Settlement Circle			
		Nos. 1 to 4			
		4. Pargana Saraswan of Tahsil Baheri.			
		Remaining part of Tahsil Anola	60	40	Ditto
12	BIJNOR	Whole of the district	40	60	Ditto
13.	BUDAUN	Whole of the district	40	60	Ditto
14.	MORADABAD	1. Tahsil Amroha	60	40	Ditto

		2. Tahsil Hasanpur (except Assessment Circle Nos. VI Bagad Bhangar, VIII Khadar IX Diluvial).	40	60	Ditto
		3. Tahsils Sambhal and Moradabad and Assessment Circle Nos. VII and IX of Tahsil Hasanpur	50	50	Ditto
15	SHAJAHANPUR	Whole of the District	40	60	Ditto
16	PILIBHIT	Whole of the District	40	60	Ditto
17	RAMPUR..	Ditto	40	60	Ditto
18	FARRUKHABAD	Ditto	40	60	Ditto
19	ETAWAH..	Ditto	40	60	Ditto
20	FATEHPUR	Ditto	40	60	Ditto
21	KANPUR	Ditto	40	60	Ditto
22	ALLAHABAD	Kachar villages of tahsil chail, Soraon and Phulpur where no or nominal Kharif crop is sown.	..	100	..

		Rest of the district..	40	60	15thNovember
23	BANDA	Ditto	40	60	1stNovember
24	HAMIRPUR	All villages of pargana Hamirpur – (except 21 villages, shown in Annexure 1) and all village of pargana Sumerpur (except 15 villages, shown in Annexure 1),	40	60	15thNovember
		23 villages of S.K. Srinagar, adjoining Circle Kabrai as shown in Anexure II and Rath in tahsil Rath,			
		Eight alluvaial villages of low level on the bank of Rivre Yamuna, 7 on the bank of River Betwa and 6			

		irrigated villages situated on the west of Tahsil Hamirpur as shown in Annexure and 12 alluvial villages of low level situated on the bank of River Betwa and 3 on the bank of River Yamuna in pargana Sumerpur as shown in Annexure. 1.			
		Muskara in Tahsil Maudaha,	25	75	15thNovember
		Rest of Tahsil			
		Maudaha and the entire Circle of 41 villages of S.K. Kabrain in Mahoba pargana of tahsil Mahoba.	25	75	Ditto

		Remaining 37 villages of S.K. Srinagar (vide Annexure 1).	60	40	Ditto
		All villages of pargana kulpahar of Tahsil kulpahar, except 22 villages consisting of Kanker soil as shown in Annexure. III.	40	60	Ditto
		22 villages of Kanker soil as shown in Annexure. III.	75	25	Ditto
		Jalalpur in Tahsil Rath	40	60	Ditto
25	JHANSI	..Pargana Moth, Samthar and Garentha.	40	60	Ditto
		Parganas Jhansi, Laltpur, Bansi, Talbehat, Mehroni, Banpur and Madura.	60	40	Ditto
		Pargana Mauranipur	40	60	Ditto

		and Balabihat.			
26	JALAUN	..Tahsil Orai	25	75	15thDecember
		Rest of the district	40	60	Ditto
27	VARANSAI	Pargana Katchar, Dehat Amanat, Sheopur, Jalapur, Pandrah, Barwal Dhus and Maichraja, Kolasea, Sultanipur, Atagawan, Kaswar Sarkari and Kaswar Raja. Parganas Barah, Mawai, Mahwar, and Narwan.	40	60	1stNovember
		Pargana Ralhupur	55	45	Ditto
28.	MIRZAPUR	Whole of the district	40	60	15thNovember
29	JAUNPUR	Ditto	40	60	1stNovember
30	GHAZIPUR	Ditto	40	60	15thNovember
			50	50	Ditto
31	BALLIA	..(Villages Thelia, Bindwalia	100100	..	1stNovemberDitto

		Gadari Pah, Phanfar Siremaurya and Ajhwalia of Pargana Kharid and villages Basantpur, Ethmali, Tal Surha, Arxi English Basantpur and Galhaya of Tahsil Ballia.			
		Pargana Doaba	25	75	Ditto
		Rest of the district	40	60	Ditto
32	GORAKHPUR	Tilhar Maharajganj Binayakpur Pharenda.	60	40	15thNovember
		Pharenda and Sadar Haveli Maharajganj.	50	50	Ditto
33	DEORIA	..Whole of the district	40	60	Ditto
34	BASTI	..[Village Tal Banda (Circle IX of Tahsil Basti).	100	Nil	Ditto
		Domariaganj Circle VI and IX	60	40	Ditto
		Domariaganj Circle VIII	75	25	Ditto

		and Bansi Circle IX			
		Tal Bharonch Tahsil Khaliabad)	Nil	100	
		Hariya Circle 1, Basti Circles and Domariaganj VII Circle Khalilabad Circles IV and VIII.	40	60	1stNovember
		Rest of district	40	60	Ditto
35	AZAMGARH	[whole of the district	40	60	Ditto
36	NAINI TAL	[Pargana Kashipur	40	60	15thNovenber
37	LUCKNOW	Whole of the district	40	60	Ditto
38	UNNAO	Pariar Circle VII Hadha Circle VII and Sikandarpur Cirecles V and VII in Tahsil Unnao.	..	100	
		Rest of the district	40	60	1stNovember
39	RAE BARELI	Whole of the district	40	60	15thNovember

40	SITAPUR	Ditto	40	60	Ditto
41	HARDOI	Ditto	40	60	15thNovember
42	KHERI	Whole of the district	40	60	Ditto
43	FAIZABAD	Ditto	40	60	Ditto
44	GONDA	..Pargana Tulsipur	40	60	Ditto
		Rest of the district	40	60	Ditto
45	BAHRAICH	Tahsil Bahraich (except part of Bhinga Pargana and part of Ikhona Pargana and Tulshipur pargana), Tahsil Nanpara (except pargana Charda) and Tahsil Kaiserganj.	40	60	15thOctober
		Rest of the district	75	25	Ditto
46	SULTANPUR	Whole of the district	40	60	1stNovember
47	PRATAPGARH	Ditto	40	60	Ditto
48	BARA BANKI	Ditto	40	60	Ditto

Annexure 1

To

Appendix 1

List of certain villages in Tahsil Hamirpur of district Hamirpur which are to be treated differently from the rest of the villages in the Tahsil.

Pargana Hamirpur

(21 villages)

(1) Alluvial villages on the bank of river Yamuna (8 villages)

1.

Bhatpura

2. Bhauli

3. Chandupur

4. Jomrehi Tir.

5. Mirapur.

6. Rameri.

7. Sikaraudhi.

8. Manjhupur.

(ii) Alluvial villages on the bank of river Betwa (7 villages)

9. Bhilawan.

10. Gimuhun.

11.

Kanuta.

12. Kandaur.

13. Naithi.

14. Patara

15. Rithaura.

(iii) Irrigation villages on the west of the Tahsil (6 villages)

16. Damar.

17. Satrsc.

18. Tikona Har.

19. Jakhcla

20. Karaunj.

21. Bammanpur.

Pargana Sumerpur

(15 Villages)

(i) Alluvial villages on the bank of river Yamuna (3 villages)

1. Bhaunra

2. Pateora.

3. Surauli Buzurg.

(ii) Villages on the bank of river Betwa (12 villages)

4. Bahrauli.

5. Bardaha Saijna.

6. Hailapur.

7. Kalauli Tir.

8. Kucheha

9. Mamrezpur.

10. Mazara Kundaura.

11. Para Ojhi.

12. Suharapur.

13. Surauli Khurd.

14. Sindra.

15. Surajpura.

Annexure II

To

Appendix I

List of certain villages in Tahsil Mahoba of district Hamirpur which are to be treated differently from the rest of the villages in the Tahsil Circle Srinagar adjoining to Circle Kabrai (23 villages)

1. Kalipahari

2. Bilbai.

3. Chikara.

4. Karehra Kalan

5. Baripura.

6. Dorhat.

7. Kidari.

8. Bijanagar.

9. Shahpahari.

10. Thana.

11. Rahilaya.

12. Bamhori Gusain.

13. Mahoba.

14. Bhatipura.

15. Dariba.

16. Damora.

17. Ghutvvai.

18. Chakmarela

19. Pachahra.

20. Raipura Kalan.

21. Kumaraura.

22. Baniya Tala.

23. Pasvvara.

Circle Srinagar (37 villages)

1. Imalia

2. Atar Maf.

3. Bara.

4. Bhandra.

5. Digarya.

6. Kheriyra Joraiya.

7. Majhalwara.

8. Mawri.

9. Murani.

10. Pawa.

11. Silarpur.

12. Sijarya.

13. Sijwaha.

14. Basora.

15. Bilkhi.

16. Bilrahi.

17. Chando.

18. Chandpura.

19. Chitaiyan.

20. Churbura.

21. Dikwaha.

22. Dhuraiyan.

23. Fatehpur.

24. Gopalpur.

25. Kaimaha.

26. Mamna

27. Mcertalan.

28. Murhara.

29. Nathupura.

30. Pachpahra.

31. Palka.

32. Shamshera Putera.

33. Sijarri.

34. Srinagar.

35. Tindauli.

36. Tontia Bara.

37. Urwara.

Annexure III

To

Appendix I

List of certain villages in Tahsil Kulpahar of district Hamirpur which are to be treated differently from the rest of the village in the Tahsil

Villages of Kankar soil (22 villages)

1. Indaura.

2. Jagpura Khurd.

3. Hilwa.

4. Kusauri.

5. Bagraj.

6. Purainiyan

7. Jateora.

8. Charkhariya.

9. Rajpura

10. Ragulia Buzurg.

11. Ragaulia Khurd.

12. Rampura Naubad.

13. Raipura Kalan.

14. Karahra Khurd Khero.

15. Khonarya.

16. Rikvvaho.

17. Mahewa.

18. Naunka.

19. Karri Jadid.

20. Kotra.

21. Barendra Khurd

22. Bela Tal.

Annexure IV

To

Appendix I

[***] *[Deleted by Notification No. 8462/I-A-1045-1955, dated 22.10.1956.]*

[Annexure V] *[Added by Notification No. 4320/I-A-1962, dated 07.10.1963.]*

To

Appendix I

List of Kachhar villages in Tahsils Chail, Soraon and Phulpur of district Allahabad

Tahsil Chail

1. Palahna Kachhar.

2. Patti Narwar.

3. Umarchha Narwar.

4. Ghauspur Mirzapur Narwar.

5. Kurai Kachhar

6. Ujehni Kachhar.

7. Basantpur Kachhar.

8. Bhopatpur Kachhar.

9. Jalaipur Bharti

10. Kareda Kachhar.

11. Allahpur Baski.

12. Barudkhana.

13. Asad Ullahpur Nikoli.

14. Beli Kachhar.

15. Kachhar Babhanpatti.

16. Kachhar Barahi Patti.

17. Kachhar Baski.

18. Kachhar Mau.

19. Kachhar Mustafabad.

20. Kachhar Sarai Bhikhi.

21. Patti Chirla-Taluqa Sadiabad Kachhar.

22.

Kachhar Bhikhanpur

23. Sadiabad

24. Umarpur Niwan Kachhar.

25. Kueshipur Kachhar.

26. Sarai Mauj alias Kydganj Kachhar.

27. Usmanpur Maiku alias Katghar Kachhar

28. Chaksher Khan Kachhar.

29. Chandpursalori Kachhar.

30. Mahdauri Kachhar.

Tahsil Soraon

1. Akhai Rajpur Kr.

2. Kuresait Kachhar.

3. Korhpur Jhangaha.

4. Khijupur Kachhar.

5. Ghanipur Kachhar.

6. Chafri Kachhar.

7. Mirjahanpur.

8. Fatoohpur Kr.

9. Barainpur Ramnagar Kr.

10. Malak Harhar Kachhar.

11. Pandila (Part.)

12. Morhun Kachhar.

13. Mohiuddinpur Kr.

14. Sarai Dadan Kr.

15. Singarapur Kr.

16. Mubarakpur Kr.

17. Bela Kachhar, Phaphamau.

18. Bela Kachhar Barood Khana.

Tahsil Phulpur

1. Bela Sailabi.

2. Dubaval Kachhar.

3. Patti Barishal Kachhar.

4. Auraha Kachhar.

5. Bhadkar Kachhar

6. Bhandni Kachhar.

7. Ibrahimpur Kachhar.

8. Palikararpur Kachhar.

9. Rasoolpur Kachhar.

10. Srihori Kachhar.

11. Jirat Suthan Kachhar.

12. Clihatnag Kachhar.

13. Ustadpur Mahbudaba Kr.

14. Neemi Kala Kachhar.

15. Nawa Kachhar.

Appendix II

[Section 318(2)(f)]

Model bye-laws for a Co-operative Farming Society

I-Name and address

1. The Society shall be called the..... Co-operative Farming Society Ltd.....and its registered office shall be at.....post office.....tahsil.....district.....

II-Area of Operation

2. Its area of operation shall be limited to.....

III-Definitions

3. In these bye-laws the expressions-

(i) "Society" means the .....Co-operative Farming Society Ltd .....

(ii) "Act" means the Co-operative Societies Act II of 1912, as amended from time to time.

(iii) "Rules" means the rules framed under Section 45 of the Act.

(iv) "Bye-laws" means the bye-laws of the society.

(v) Registrar means the Registrar, Co-operative Societies, U.P. or any officer invested with the powers of the Registrar under Section 5 of the Act.

(vi) "Farm" means the farm run by the Society.

(vii) "Committee" means I he Managing Committee of the Society.

4. Its objects are to encourage thrift, self-help and co-operative spirit and to promote economic, social and cultural interest of its members, more particularly to fulfil any or all of the following aims:

(i) To arrange for the pooling, joint cultivation and joint management of the land and other means of production of the members and to practise farming on modem and scientific lines for increased economic production.

(ii) To start dairy, cattle-breeding and poultry farms and to arrange veterinary assistance.

(iii) To undertake vegetable growing and fruit-gardening.

(iv) To arrange, if necessary, for soil conservation and reclamation of land.

(v) To make suitable and adequate arrangement for irrigation.

(vi) To introduce improvements in agriculture by the use of pedigree seed manures, chemical fertilizers, improved implements and equipments etc.

(vii) To run a demonstration and experimental farm for dissemination of the modern and scientific method of fanning.

(viii) To develop cottage and allied industries and make arrangements for the supply of necessary raw materials.

IV-Objects

(ix) To arrange for the proper storage and sale of the produce of the society and also that of the members, if they have any separately.

(x) To help members in mutually settling their old debts and assist them in their repayments.

(xi) To supply members with their domestic and other requirements.

(xii) To provide medical aid to members and their families and open dispensaries.

(xiii) To provide dwelling houses or house sites for members, lay out roads, provide facilities for water-supply, lighting, preservation of health, education, construct

community hall, improve means of communication and otherwise help in village planning and development.

(xiv) To do any other business for the convenience of members and for raising their standard of living.

(xv) To undertake or promote such other activities as may be conducive for the attainment of aforesaid objects

V-Membership

5. The members of the Society shall consist of-

(i) Persons who join in the application for registration.

(ii) Persons admitted subsequently in accordance with these bye-laws.

6. A person shall be eligible for membership if he-

(i) is over 18 years of age except in the case of a minor provided he joins through his guardian,

(ii) is of sound mind:

(iii) is a resident of the area of operation of the Society or undertakes to reside within that area after becoming a member or owns or cultivates any land within the said area or habitually contributes labour to the Society:

[Provided that these restrictions shall apply only in the case of new members and not in the case of persons who become members by inheritance.] *[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

7. Members shall be admitted after election by the Committee subject to the confirmation by the general body.

8. Every person on being elected to membership shall-

(i) sign a declaration to the effect that he shall be bound by the existing bye-laws of the Society, by any modifications or additions to such bye-laws and by the decisions, rules and regulations of the general body or the Managing Committee that may be effected during the period of his membership;

(ii) pay a membership fee;

(iii) subscribe to any or more of cash shares as may be allotted by the Society.

9. No person shall enjoy any right of membership unless he has complied with the provisions of bye-law 8 above.

10. Any member found guilty of any breach of his declaration may either be fined a sum not exceeding..... by the Committee or be expelled from the Society.

11. The Society may take a prospective member to serve a probationary period before finally admitting him into the Society with or without retrospective effect.

12. Membership shall terminate on-

(i) death.

(ii) resignation.

(iii) removal or expulsion

(iv) [* * *] *[Deleted by Notification No 7996/I-A-1282-1952, dated 08.10.1952.]*

(v) [* * *] *[Deleted by Notification No 7996/I-A-1282-1952, dated 08.10.1952.]*

(vi) transfer of share or other interest in the society to the nominees or other person as permitted in the bye-laws.

13. A member of the Society, provided he is not in debt to the Society or is not surety for an unpaid debt, may resign membership after giving one month's notice in writing to the Committee

14. (a) Subject to confirmation by general body, a member may be removed from the Society by the Committee if he is a persistent defaulter or ceases to be qualified for membership under the rules or bye-laws.

(b) [A member may be expelled by a resolution of the Committee supported by not less than two-thirds of the members constituting the Committee and satisfied by not less two than two-thirds of the members of the Farm.] *[Substituted by Notification No 7996/I-A-1282-1952, dated 08.10.1952.]*

[15. A member of the Farm who resigns or is expelled or removed shall be entitled to receive back land in a consolidated block, equivalent to that contributed by him to the Farm.] *[Substituted by Notification No 7996/I-A-1282-1952, dated 08.10.1952.]*

16. [Subject to any personal law restricting his powers with regard to the disposal of property] *[Added by Notification No 7996/I-A-1282-1952, dated 08.10.1952.]* a member may nominate a person to whom in the event of his death his share or other interest

in the Society as represented in terms of rupees shall be paid or otherwise transferred. A nomination may be changed by making of fresh nomination. Every nomination shall be made under the signatures or the thumb-impression of the member and attested by two witnesses. If no one is nominated or the nominee dies after the death of the member concerned but before the actual payment is made, the amount of his share or interest shall be paid or transferred to such person as may appear to the Managing Committee to be an heir or legal representative of the member. All amounts payable to a minor shall be paid to him through his guardian.

VI-Liability of Members

17. The liability of a member for the debts of the Society shall be limited to .....times of the nominal value of cash share or shares held by him.

VII-Capital

18. The capital of the Society shall consist of any or all of the following:

(i) Membership fee.

(ii) Cash share.

(iii) Land shares.

(iv) Loan capital from members in the form of capitalized livestock, implements, farm building, etc.

(v) Deposits from members and also from non-members with the permission of the Registrar.

(vi) Loans from Central Co-operative Banks, Commercial Banks and Government.

(vii) Retains made out of labour bonus and land dividend of members

(viii) Subsidies or grants-in-aid from the Government of overhead co-operative institution.

(ix) Voluntary contributions from members and non-members.

(x) Donations.

(xi) Fines.

(xii) Reserve and other fund.

(xiii) Undistributed profits.

VIII-Shares

19. Every member shall pay on admission a membership fee of Rs.....

The nominee of a deceased member shall be exempt from this charge.

20. Every member shall subscribe to one or more cash shares of the nominal value of Rs.....each as may be allotted by the Society subject to a maximum of one-fifth of the total subscribed capital or of the value of rupees one thousand, whichever is less.

21. The amount of the share money shall be payable to the Society either in lump sum or in not more than ten equal half-yearly instalments as may be prescribed by the Committee.

22. If a member fails to pay an instalment for more than.....months from the date it falls due, the Managing Committee may, after giving due notice, declare such share forfeited along with all payments thereon and the right of membership attaching to these shares shall be extinct. The shares so forfeited may, within six months from the date of notice of forfeiture, be renewed on payment of all arrear share money together with interest at 6 per cent per annum and renewal fee of rupee one per share. The amount of forfeited shares, if not renewed, shall be credited to the reserve fund.

23. No person shall transfer his share or shares to any person other than one who is eligible as a member and is admitted to the membership by the Managing Committee.

24. A member who resigns or is expelled from the Society or the nominee of a deceased member, if the said nominee is not admitted to the membership, shall not be refunded his share money till all the amounts owned by the members to the Society have been paid and the period prescribed in Section 23 or 24 of the Act, as the case may be, has elapsed. Interest at a rate not exceeding the rate of dividend last declared, on the amount of unrefunded share money shall be paid by the Society till the date of refund.

IX-Loans and Deposits

25. The Committee shall raise loans and deposits only for fulfilling the object of the Society and shall fix rates of interests payable on them.

X-Investments

26. The Society shall invest or deposit its funds as provided in Section 32 of the Act.

27. (a) All land held by the members in the village shall be pooled for joint cultivation.

(b) The relative value of land for the purpose of calculating the dividend on it shall be determined by the Committee on the principles laid down by the general body and approved by the Registrar taking into consideration the productivity, rent or revenue, market value and suitability of the said land for farm work.

28. The Society may acquire land from the Government or other sources by lease or purchase.

29. The ownership rights in land contributed by a member to the joint pool in respect to the particular piece or pieces of land owned by or allocated to him shall remain unaffected provided that all land so pooled shall not during the life time to the Society be withdrawn or released even on cessation of membership by death, removal, expulsion or resignation.

30. The Society shall pay the rent or revenue of all the pooled land on behalf of the members either from the hind dividend of owner, members or from the working expenses as may be decided by the general body.

31. The Society shall have the right to mortgage any portion of the pooled land for raising loans for its objects

32. (a) The following means of production may also be pooled and managed together:

(i) Draught and milch cattle.

(ii) Poultry stock.

(iii) Agricultural implements and equipment.

(iv) Farm buildings and houses.

(v) Seeds, feed and fertilizers.

(b) The means of production thus pooled shall be evaluated by the Committee on the basis of market value. The Society shall credit the account of the members with an amount equal to the value of assets contributed by him and shall treat the amount as loan from him and shall pay such interest not exceeding 6 per cent per annum as the Committee may decide. The loan may be returned as and when the financial position of the Society warrants.

33. The labour of members shall be pooled and the Society shall make all attempts to utilise it properly and to the fullest extent possible. The labour of members may be utilized in rendering custom work for outside agencies and the income therefrom may either be allowed to be retained by the members rendering the service in question or it may be credited by the Society and the members concerned paid a standard wage fixed for that kind of farm or other work of the Society.

34. The Society shall maintain a standard wage basis for all members and nonmembers and types of work and shall decide it from time to time after taking into consideration the wage rate prevalent in the area, the work capacity of different persons and the hours of work put in.

35. The workload shall be divided amongst the members by the Society.

36. In case of labour surplus with the Society, the Managing Committee shall ration the work in an equitable manner to all members.

37. If a member meets with an accident while, working on the farm and if the accident is, in opinion of the general body, not due to Iris own negligence, the Society [shall] ***[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*** **either pay him a full wage or a compensation for the period he is laid up.**

38. The Society may allow a maintenance allowance for a maximum of one-month during the co-operative year to member who is sick and is unable to work provided he has been available for work for not less than six months during the said year and has not been absent during the sowing and harvesting time of both Rabi and Kharif seasons.

39. The provisions of [bye-law 38] ***[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*** **above shall be enforced only when in the opinion of the Registrar, the financial position of the Society permits their enforcement.**

40. The Society may consider the case of a non-member who has contributed labour to the Society over a period of time, for labour bonus or for membership or both.

XII-General Meeting

41. The supreme authority shall be vested in the general meeting which shall be held when summoned by the Registrar or his subordinates, or by the President or the Managing Committee on its motion or at the written request of not less than one-fifth of the members of the Society. The presence of at least one-half of the members shall be necessary for the disposal of any business at such meeting. In the case of an adjourned general meeting a quorum of only one-fourth of the members shall be required. General meetings shall also be held at least once a quarter to check the progress made in the working of the Society.

42. Annual general meeting.-The annual general meeting shall be held once a year as soon after the close of the co-operative year and annual audit as possible subject to Rule 24. The following business shall be transacted at this meeting:

(i) To elect the President, Vice-President and the members of the Managing Committee.

(ii) To elect a Treasurer for the safe custody of money of the Society and a Secretary to maintain accounts and registers and books of accounts.

(iii) To consider the annual statements of accounts and the balance-sheet for the previous year.

(iv) To consider the audit note if it has been received.

(v) To dispose of the profits in accordance with the Act, rules and bye-laws.

(vi) To fix maximum liability to be incurred by the Managing Committee.

(vii) To confirm or otherwise consider the admission and expulsion of members.

(viii) To appoint individual members or elect sub-committees, each of atleast three members to supervise the different activities of the farm or the Society.

(ix) To prepare or approve the plan for the working of the farm.

(x) To consider and approve schemes of cottage industries or other ventures to be taken up by the Society.

(xi) To lay down principles, for the valuation of land and other means of production like bullocks, implements, equipments, farm building, etc., for the guidance of the Managing Committee.

(xii) To prepare or approve the cropping scheme.

(xiii) To transact such other business as may be laid before it by the Managing Committee.

43. Every member shall have only, one vote irrespective of his land or cash share contributions. All questions before general meeting shall be decided by majority of votes. In case of a tie the Chairman of the meeting shall have a casting vote in addition to his own.

44. Voting by proxy shall not be allowed, but a member may send in writing a signed opinion on any question affecting him. This opinion shall not be counted as vote.

45. All business transacted at a meeting shall be recorded in the proceedings book, which shall be signed by the Chairman of the meeting and the Secretary of the Society. Other members present may also sign or put their thumb-impressions.

46. Ordinarily a notice of the general meeting intimating the place, date and time of the meeting shall be given to all the members, but non-receipt of such a notice by any member shall not invalidate the proceedings of meeting.

XIII-Managing Committee

47. The affairs of the Society shall be managed by a committee called the Managing Committee, which shall consist of;

(i) The President elected by the general body in the Annual General Meeting.

(ii) ..... members elected by the general body in the Annual General Meeting including the Vice-President, the Treasurer and the Secretary.

(iii) A nominee of the Registrar, if he appoints one; he shall have power of voting.

48. If a casual vacancy occurs among the elected members of the Managing Committee it may be filled up for the unexpired period of the office by the remaining members. If a vacancy occurs in case of the nominated members the Registrar shall be requested to appoint a nominee for the remaining period of office.

49. A member shall not be eligible for election to the Managing Committee, if he-

(i) is under 21 years of age.

(ii) is declared insolvent,

(iii) is of unsound mind,

(iv) has been convicted of an offence involving, in the opinion of the Registrar, moral turpitude.

(v) holds an office of profit under the Society,

(vi) is in default to the Society without sufficient cause.

[Explanation. - A member shall not be deemed to hold an office of profit under the Society merely by reason of doing manual work therefor on payment of wages] *[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

50. A member of the Managing Committee shall cease to hold office, if he-

(i) ceases to be a member of the Society (unless he is a nominated member),

(ii) is declared insolvent,

(iii) is of unsound mind,

(iv) has been convicted of an offence involving, in the opinion of the Registrar, moral turpitude,

(v) holds an office of profit under the Society,

(vi) is in default to the society without sufficient cause,

(vii) is known to have maliciously done anything against the interest of the Society.

[Explanation. - A member shall not be deemed to hold an office of profit under the society merely by reason of doing manual work therefor on payment of wages.] *[Added by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*

51. Meetings of the Committee shall be held when necessary and at least once every month, the attendance of two-thirds of the members shall be required to transact the business, the President or the Vice-President or in their absence any other member of the Society shall preside.

52. Each member of the Managing Committee shall have only one vote. The Chairman shall have a casting vote in addition to his own in case of a tie. No member shall vote in any manner in which he has a personal interest.

53. All business transacted at a meeting of the Managing Committee shall be recorded in the proceedings book which shall be signed by the Chairman of the meeting and the Secretary of the Society.

54. In the conduct of the affairs of the society, every member of the Managing Committee shall exercise the prudence and the diligence of an ordinary man of business and shall not perform any act contrary to the Act, rules and bye-laws, in case of their contravention of these provisions, they shall be responsible for any loss sustained by the Society.

55. Subject to any regulations or restrictions laid down by the general body or in the bye-laws, the Committee shall exercise all the powers of the Society more particularly:

(i) To maintain true and accurate accounts of all money received or disbursed.

(ii) To keep a true account of assets and liabilities of the society.

(iii) To keep a register of members correct and up to date.

(iv) To prepare and lay before the annual general meeting a profit and loss account and balance-sheet.

(v) To examine accounts, sanction contingent expenditure and supervise the maintenance of the prescribed register.

(vi) To examine reports of the sub-committee appointed for the various operations on the farm and put them before the general meeting for approval.

(vii) To fix up remunerations for various types of labour (piece-wages or time-wages) according to local conditions subject to the approval of the general body.

(viii) To supervise the work of Farm Superintendent and other workers.

(ix) To frame special rules for execution of day-to-day work subject to the approval of the general body.

(x) To facilitate proper organization of labour and setting up standards of work for various classes of operations.

(xi) To consider the inspection notes of the Registrar and his sub-ordinates and take necessary action.

(xii) To elect or remove or expel members subject to confirmation by the general meeting.

(xiii) To summon general meetings in accordance with bye-laws.

(xiv) To assist in the inspection of books by any person authorized to see them.

(xv) To appoint, dismiss, remove, suspend or otherwise punish any salaried and non-salaried officer of the Society and to require all or any of them to furnish security. All appointments will be subject to the approval of the Registrar, Cooperative Societies.

(xvi) To acquire purchase or take on lease land for the objects of the Society and allot it equitably amongst the members or to use it on a collective basis in accordance with bye-law 34.

(b) To fix valuation of the land on the principles laid down by the general body taking into account the quality, fertility, rent and revenue of the land pooled for the co-operative farm and improvements made on it.

(c) To determine the value of the capitalized stock such as bullocks, other live-stock, seed, folder, ploughs, implements and machinery, etc, taking into consideration their utility and usefulness for the farm and their market-value.

(xvii) To appoint a legal adviser to the co-operative farm.

(xviii) To fix rate of interest of all loans and deposits.

(xix) Through any member or officer or employee of the Society or any other person specially authorized to institute, conduct, defend, compromise, refer to arbitration or abandon legal proceedings by or on behalf of the Society, or Managing Committee or the officers or employees concerning the affairs of the Society and to enter into agreement for obtaining land on lease or for acquiring land for the farm.

(xx) To acquire on behalf of the Society shares in registered Central Co-operative Societies.

(xxi) To contract loans or otherwise raise capital on behalf of the Society to an amount not exceeding the maximum liability for the year as fixed by the annual general meeting and approved by the Registrar.

(xxii) To accept the designation of members.

(xxiii) To arrange for the receipt, disbursement and safe custody of money and other property of the Society.

(xxiv) To consider application from members for advances of loans (cash or kind).

(xxv) To prepare periodic forecasts of the financial position of the Society.

(xxvi) To frame, amend and repeal regulations (rules of business, terms and conditions of contracts, etc.) subject to their being approved by the general meetings.

(xxvii) To open accounts in a bank approved by the Registrar.

(xxviii) To delegate the President or the Secretary or any member of the Managing Committee with such of their powers as they consider necessary.

(xxix) To frame rules and regulations for conducting the business of the Society subject to the confirmation by the general body.

(xxx) To do any other such things as may be directed by the general body.

XIV-Sub-committee

56. Sub-committees may be appointed by the general body to go into details of activities of the farm and suggest ways and means for the most efficient execution of work. These committees shall consist of three members but they shall be free to co-opt members or non-members both who may be of value and give assistance and guidance in the execution of the work of the committees.

These committees may be appointed for:

(i) Planning and rotation of crop.

(ii) Surveying, re-arranging and improvement of land.

(iii) Supervision of work and payment of wages.

(iv) Development of the means of irrigation.

(v) Maintenance of live-stock.

(vi) Marketing of products and supply of requirements.

(vii) Cottage and subsidiary industries.

(viii) Custody of movable and immovable property.

XV-Treasurer

57. The Treasurer or any person appointed to act on his behalf shall take charge of all moneys received by the Society from the Central Bank, members and other sources and shall make disbursement in accordance with the direction of the Managing Committee. He shall sign the cash book in token of its correctness and produce the cash balance for verification whenever called upon to do so

XVI-Secretary

58. The Secretary of the Society shall perform the following duties:

(i) To maintain correctly and up to-date the prescribed papers and registers.

(ii) To prepare all receipts, vouchers and documents required by the notified rules or those bye-laws, or called for by the Managing Committee.

(iii) To sign on behalf of the Society and conduct its correspondence.

(iv) To summon and attend the general meetings of the Society and the meetings of the Managing Committee.

(v) To record the proceedings of all meetings and have them duly signed.

(vi) To prepare the annual statements.

(vii) To certify or get certified copies of entries in books under Section 26 of the Act and Rule 91 of the rules.

(viii) To secure from borrowers the due execution of bonds with security.

(ix) To keep a correct record of land in the pool and to maintain a correct map of the farm indicating therein the piece or pieces of land of individual members.

(x) To keep a correct record of labour time contributed by each member to the work of the farm or the Society.

XVII-Farm Superintendent or Manager

59. The Managing Committee may, with the approval of the general body and in consultation with the Registrar, appoint on pay or honorarium [a person who is trained in or has sufficient experience of agriculture] ***[Substituted by Notification No. 7996/I-A-1282-1952, dated 08.10.1952.]*** **as Farm Superintendent or Manager to guide, supervise and co-ordinate all the activities of the farm. He shall be responsible for the efficient organization and operation of the farm and subject to the general control of the committee or sub-committee, he shall perform the following duties:**

(i) To prepare the budget and crop plan for each fasal in advance and submit them to Managing Committee for approval.

(ii) To make timely arrangements for seed, feeds, folders, fertilizers, manures, etc.

(iii) To draw advances, programmes of work and assign duties to members.

(iv) To hire outside labour if and when necessary and to arrange payment of wages approved by the Managing Committee.

(v) To arrange for proper and timely sowing, manuring and irrigation of crops.

(vi) To make arrangements for the protection of crops against stray cattle, wild animals, thieves, etc.

(vii) To arrange for the timely harvesting, threshing, marketing and storing of farm produce.

(viii) To maintain a correct and up-to-date record of all the operations of the farm.

(ix) To prepare true statements of accounts of the business of the farm and submit them to the Managing Committee.

(x) To arrange for the safe custody of the funds and properly of the farm.

(xi) To perform any other duties that may be allotted to him by the Managing Committee.

XVIII-Registers and Books of Accounts

60. The following registers and books of accounts shall be maintained-

(1) A register of members which shall include the declaration to be signed by the members as mentioned in bye-law 8(i).

(2) Land Register showing the area of land contributed to the common pool by each member or acquired by the Society together with valuation and classification of land and a map indicating individual holdings existing before pooling.

(3) Cash book.

(4) Ledger or ledgers of members

(5) Shares and dividend register and registers.

(6) Minute books.

(7) Muster roll of the labourers

(8) Wages calculation and payment register.

(9) Stock register or registers for live, dead, trading and other stocks.

(10) Haisiyat register.

(11) Registers or register for cost of productions and return of crops.

(12) Inspection book.

(13) Any other books or registers considered necessary by the Managing Committee or prescribed by the Registrar.

XIX-Distribution of Profits

61. The net profit of the year shall be worked out by deducting the. following items from the gross profits of the Society.

(i) Interest allowed.

(ii) Cost of management incurred.

(iii) Provision made for bad debts.

(iv) Depreciation of stock and buildings.

(v) Other items (of loss).

62. All interest which is overdue and all interest earned but not from the members from whom interest is overdue shall be excluded from net profit for purpose of

arriving at the distributable profits.

63. Of the year's distributable profits, at least one-fourth shall be credited to the reserve fund provided that the Registrar may permit a lesser allocation to the said fund. The balance shall, with the sanction of the Registrar, be apportioned as follows :

(i) For payment of dividend on cash share at a rate not exceeding 7-1/2 per cent on amounts of cash shares subject to Rule 79

(ii) For contribution to charity fund at a rate not exceeding 10 per cent.

(iii) For contribution to one or more special funds like bad debt fund, building fund, dividend equalization fund, land improvement fund, rural development fund, depreciation fund, cattle and crop insurance fund, etc.

(iv) For payment of bonus to labour either on the basis of wage earned or on the basis of labour time contributed subject to a maximum of.....per cent.

(v) For payment of dividend on land cither on per acre basis or on the basis of the value of land pooled subject to a maximum of.....per cent provided that not more than 50 per cent of the distributable profits shall be distributed under items (iv) and (v) above with the proviso that the said limit may be exceeded with the permission of the Registrar.

(vi) For carrying over to next year's profits :

Provided that the society may retain a portion of the bonus or land dividend not exceeding , per cent payable to a member and deposit it as his cash share.

XX-Reserve and Other Funds

64. The reserve and other funds of the society shall be indivisible, no member having any claim to a specified share in them Investment of reserve fund shall be governed by Section 32 of the Act and Rule 83.

XXI-Affiliation to Regional or Provincial Organization

65. The society may by a resolution passed by the Managing Committee and with the approval of the Registrar, become a member of any other regional or provincial registered co-operative society.

XXII-Disputes

66. All disputes regarding these bye-laws and touching the business of the society between members or between the Managing Committee and any member shall be referred to the Registrar for decision in accordance with Rule 115.

XXIII-Amendment of Bye-laws

67. No alteration or addition to these bye-laws shall be made except by resolution passed by the votes of atleast two-thirds of the members present at a special general meeting called for the purpose. A quorum of atleast one-third of the total number of members shall be required for such a meeting provided that if the requisite quorum cannot be obtained, the Registrar may direct the society to call another meeting at which the required quorum shall be reduced to one-fifth and at the same time to inform the members of the fact.

Previous approval of the Registrar shall be obtained before the proposed amendment is circulated amongst the members.

XXIV-Dissolution

68. The society shall be liquidated only as provided for in Sections 39 and 40 of the Act and its funds shall be disposed of as provided for in Rules 88 and 89. The land shall revert to the owners or lease-holders, as the case may be, who contributed it to the pool Boundary strips or demarcation lines shall be set up in accordance with the arrangements existing before pooling the land.

[Appendix III] *[Substituted by Notification No. 2016/I-A-463-1952.]*

(See Rule 338)

Serial No.	Section of the Act	Description of suit, application and other proceeding	Period of limitation	Time from which period begins to run	Proper Cour fees
1	2	3	4	5	6
1.	12	..	Application of thekedar for recovery of possession	One year..	..
2.	13(3)	..	Thekedar's application for	Six months	..

			retention of land or extension in the period of cultivation.		
3.	14(2)(b)	..	Application of mortgagee to deposit money.	One year ..	..
4.	18(3)	..	Application for refund of money deposited.	Three years ..	..
5.	20	..	Suit for recovery of possession by adhivasi other than an adhivasi referred to in Section 20(C) ..	Eighteen months.	..
6.	29	..	Application for interim compensation	None ..	..
7.	33	..	Application for correction of clerical or arithmetical error or mistake in the record of rights.	Before the compensation Assessment Roll become final under Section 52.	From the dat of vesting.
8.	61(2)	..	Application for correction of clerical or arithmetical mistake in the compensation	Before payment of compensation to the intermediary. ..	..

			Assessment Roll.		
9.	71	..	Application by a guzaredar for payment of compensation to him.	Before payment of compensation to the intermediary. ..	..
10.	79	..	Application for determination and payment of rehabilitation grant.	As in Section 79.	As in Sectior 74..
[10-A. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	123-A *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	.. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	Suit for compensation *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	.. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	Six months. *[Added by Notification N 1214/I-A-105 54, dated 09.04.1955.]*
11.	134	..	Application for acquisition of bhumidari rights.	As in Section 134.	As in Sectior 134. ..
11-A.	137-A	..	Application for cancellation of certificate.	Three years.	When the applicant firs knew of the grant of the certificate.
12.	138	..	Suit for partition of holdings.	None	.None.

13.	139	..	[***] *[Deleted by Notification No. 532/I-A-533-63, dated 10.02.1964.]*	..	..
14.	140	..	[Application for refund.] *[Substituted by Notification No. 5468/I-A-1544-53, dated 04.09.1953.]*	One year.	From the dat of vesting.
[14-A.] *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	140-A	..	[Application for compensation.] *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	None.	None.
15.	143	..	Application for declaration.	Three years.	From the dat the land was used for othe purposes.
16.	144.	..	Application for declaration.	None.	None.
17.	157(2)	..	Application for determination of the share of the lessor and partition of holding	Do.	Ditto.

18	161		[Application for permission to make an exchange.] *[Substituted by Notification No. 5468/I-A-1544-53, dated 04.09.1953.]*	None.	None.
19.	163	..	Suits for ejectment of bhumidhar.	[Six years.] *[Substituted by Notification No. 5647/I-A-1073-53, dated 25.08.1953.]*	[From the da of illegal transfer.] *[Substituted b Notification N 5647/I-A-107 53, dated 25.08.1953.]*
20.	167	..	Suits for ejectment of a sirdar or asami.	[Do.] *[Substituted by Notification No. 5647/I-A-1073-53, dated 25.08.1953.]*	[Ditto] *[Substituted b Notification N 5647/I-A-107 53, dated 25.08.1953.]*
21.	176	..	Suits for partition of holding of bhumidhar or sirdar.	None.	None.

22.	183 and 184	..	Application for surrender of holding.	None.	None.
23.	186	..	Application for service of notice in respect of abandoned holding.	None.	None.
[23-A.] *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	187-A	..	Application for admission of asami to the holding of a bhumidhar or sirdar.	None.	None.
24.	198(2)	..	(1) Application raising objections to allotment of land.	Six months.	From the dat of announceme of allotment by the Land managemen Committee.
			(2)Suo motuaction by the collector for setting aside the allotment of land made by the land management Committee.	Three yeas.	From the dat when the Collector firs knew about the irregular allotment of land.
24. [-A.] *[Substituted by Notification No. 365/I-A-2-*	198(4)	..	Suit to establish right claimed in the land allotted under	Six months.	From the dat when the order of ejectment became known to th

1(2)-68, dated 28.01.1969.]			sub-section (1) of Section 198.		plaintiff.
25.	(i) 202(a) read with Section 191.	Suit for ejectment of asami.	Three years.	From the date of etinction of the rights of bhumidhar or sirdar.	As in the Court Fees Act, 1870, or year's rent.
	(ii) 202(b) read with Section 21(1)(a), (b) and (c)	Ditto.	..	[None]	None.
	(iii) 202(b) read with Section 21(1)(e), and (g) and 133(c).	Ditto.	..	None.	None.
	(iv) 202(c) read with Section 21(1)(d)	Ditto.	..	Three years.	From the dat of redemptic of mortgage
	(v) 202(d)	Ditto.	..	Ditto. ..	From the dat of terminatic of right of maintenance
	(vi) 202(e) read with Section 21(1)(f)].	Ditto.	..	None.	None.
	(vii) 202(f) (i)	Ditto.	..	..	None.
	(viii) 202(f) (ii)	Ditto.	..	Three years.	[From the da of vesting or from the dat of determinatic of

					disability, which ever i later.] *[Substituted b Notification N 1214/I-A-105 54, dated 09.04.1955.]*
	(ix) 202(g)	Ditto.	..	Three years.	From the dat of expiry of the period mentioned in clause (a) of sub-section(2) of Section 13.
26.	202(h) and 234(a).	..	Suit for ejectment of an asami or adhivasi on the ground of an unsatisfied decree of arrears of rent.	Three years.	The date of final decree i the case.
27.	204.	..	Application for declaration of sirdari rights	None.	None.
28.	206.	..	Suits for ejectment of sirdari or asami for damages for using lands in contravention of the provisions of the Act.	Six years	From the dat of unlawful use of the land.
29.	208.	..	Suit for injunction or	[Three] *[Substituted by*	From the dat the damage i

			for the repair of the waste or damage caused to the holding.	*Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*years.	done or the waste begins
30.	209.	..	[Suit for ejectment of a person taking or retaining possession of the land unlawfully and for damages] *[Substituted by Notification No. 213/1-12(33)-76-UPA-1-51/Rule 52-AM(8)-77, dated 09.03.1977.]*:-		
		(i) If the person was in possession of the land on the date of vesting and the period of limitation for his ejectment specified in the U.P. tenancy Act, 1939 had not expired.	three years.	From the date of vesting.	As in the Court Fees Act, 1870, or one year's re calculated at hereditary rates.
		(ii) In case of occupation referred to in Section 144.	Three years.	From the date of declaration under Section 144.	Ditto.

		(iii) In case of occupants of land held by a bhumidhar in the Government Estates in which the provisions of the Act, have been extended from time to time (including 85 settled Bhabar villages of Tarai and Bhabar government Estates).	Six years.	From 1sst of July following the date of occupation.	Ditto.
		(iv) In case of occupants of any other land held by a bhumidhar or asami where possession of such land is taken or retained unlawfully.	Twelve years.	Ditto.	Ditto.
		(b) In other cases.	Ditto.	From the 1st July following the date of occupation.	Ditto.

31.	211.	..	Suit for the ejectment of sirdar to whom clause (i) of Section 210 applies.	[Six] *[Substituted by Notification No. 1434-R-/I-A-1051-1957, dated 04.06.1957.]*years.	From the dat of acquiring sirdari rights
31-A.	212.	..	Suit for the ejectment of any person mentioned in Section 212.	[Ten] *[Substituted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*years.	From the dat of vesting. ..
32-A.	212-A(a).	..	Application of ejectment ..	[Ten] *[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]*years.	From the dat of vesting. ..
32-B	212-A(7).	..	Suit to establish right claimed	Six months.	From the dat of the order ejectment.
[32-C. *[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]*	212-B. *[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]*	.. *[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]*	Suit for possession of land or for compensation for wrongful dispossession or for both. *[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]*	Three years. *[Substituted by Notification No. 1427-RS/I-A-667-1957, dated 02.05.1958.]*	When the wrongful dispossessio takes place o when the asami is prevented from obtaining. *[Substituted b Notification N 1427-RS/I-A-667-1957, dat 02.05.1958.]*
33.	213.	..	objection against the fixation of rent by[Gaon Samaj]	Two years.	From the dat of fixation of rent.

			[Substituted by Notification No. 631-RS/I-A-3508-1959, dated 21.08.1959.]		
34.	214.	..	For variation of rent.	None.	None.
35.	215	..	Suit determination of rent and arrears of rent.	As in Section 215.	As in Sectior 215.
36.	218.	..	Suit for communication of rent.	During the period of occupation or within three years after the expiry of such period.	
37.	220	..	Application for recovery of arrears of rent and ejectment.	Three years.	Three month after the date the rent becomes due
38.	222(5)	..	Suit for recovery of arrears of rent.	Three years	Three month after the date the rent becomes due
39.	227.	..	Suit for recovery of canal dues.	Three years.	From the dat of delivery o canal jamabandi.
[39-A. *[Inserted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*	229. *[Inserted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*	.. *[Inserted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*	Suit by[Gaon Samaj] *[Inserted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*for	None. *[Inserted by Notification No. 1214/I-A-1056-1954, dated 09.04.1955.]*	None. *[Inserl by Notificatio No. 1214/I-A 1056-1954, dated 09.04.1955.]*

			declaration of rights.		
[39-B. *[Inserted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*	229-B. *[Inserted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*	.. *[Inserted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*	[Suit by a bhumidari, sirdar or asami for declaration of rights or for share in a joint holding] *[Inserted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*.	None. *[Inserted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*	None. *[Inserted by Notification No. 4943/I-A-1059-1954, dated 16.11.1954.]*
39-C.	229-C	..	Suit for declaration of rights of a person claiming to be an asami.	None.	None.
40.	232	..	Application for restoration of possession by an adhivasi to whom Clause (b) of Section 20 is applicable.	Eighteen months.	From the dat of vesting.
41.	233	..	Application determination or rent od adhvasi.	During the period of occupation or within three years after the period of expiry of the occupation.	

[41-A *[Substituted by Notification No. 5468/I-A-1544-1953.]*	233-A *[Substituted by Notification No. 5468/I-A-1544-1953.]*	.. *[Substituted by Notification No. 5468/I-A-1544-1953.]*	Application for communication of rent. *[Substituted by Notification No. 5468/I-A-1544-1953.]*	None. *[Substituted by Notification No. 5468/I-A-1544-1953.]*	None. *[Substituted b Notification N 5468/I-A-154 1953.]*
42.	234(b) and (c)	Suit for thee ejectment of an adhivasi.	Three years.	From the date of illegal transfer from the date of unauthorised use of land.	As in the Court Fees Act, 1870, or one year's rent.
43.	[Deleted]				
44.	[Deleted]				
45.	244	..	Application by a bhumidhar or sirdar for reimbursement of land revenue.	Three years.	From the dat of payment.
46.	[Deleted] *[Deleted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]*				
46-A.	[Deleted] *[Deleted by Notification No. 110/11-1(4)-76-Rajaswa-1, dated 30.06.1976.]*				
47.	250	Application for reduction or variation	None.	None.	Ditto.

		of land revenue.			
[47-A. *[Substituted by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	267-A *[Substituted by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	.. *[Substituted by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	Application for determination of land revenue on portion of a holding. *[Substituted by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	None. *[Substituted by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	None. *[Substituted b Notification N 1214/I-A-105 54, dated 09.04.1955.]*
48.	287	..	Application for recovery of arrears of land revenue.	As in Section 287.	As in Sectior 287.
49.	299	..	Application by tenure-holders of un-economics holding for formation of a Co-operative Farm.	None.	None.
[49-A. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	325(1) *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	.. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	Application for compensation. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	one year. *[Added by Notification No. 1214/I-A-1056-54, dated 09.04.1955.]*	From the dat of the grant the certificat of registration. *[Added by Notification N 1214/I-A-105 54, dated 09.04.1955.]*
50.	314	Application for consolidation of land held	None.	None.	Nil.

		by a Co-operative Farm.			
51.	..	..	For the execution of a money decree or a decree under Section 209 in as far as it related to the payment of damages, not being a decree for a sum exceeding Rs. 500 inclusive of the cost of executing such decree but exclusive of any interest which may have accrued after decree upon the sum decreed.	Three years.	The date of the final decree in the case.
52.	..	For the execution of any money decree or a decree under Section 209 in as far as it related to the payment of damages for a sum of money	The period allowed for the execution of a decree of the civil Court.	As in the case of a decree of the Civil court.	Ditto.

		exceeding Rs. 500 inclusive of the cost of executing such decree, but exclusive of any interest which may have accrued after decree upon the sum decreed.			
53.	..	..	For the execution of any decree other than a money decree.	One year.	the date of final decree i the case.

Note. - For the purposes of this Schedule, where the sum involved in the suits or proceedings does not exceed Rs 500, the Court Fees will be reduced by 1/4th amount prescribed in the Court Fees Act, 1870. notwithstanding the second restriction imposed by Section 6 of the said Act.

[Appendix-IV] *[Added by Notification No. 1130/I-A-1699-1953, dated 11.03.1954.]*

(See Rule 64)

Serial No.	Denomination of Z.A.C. Bond	Value of annual equated instalment for the first 39 years.	Value of the residuary instalment for the 40thyear
1	2	3	4
	[Rs. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	Rs. *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*	Rs.] *[Substituted by Notification No. 558-RS/I-A-342-D-1957, dated 16.02.1959.]*
1	50	2.00	1.46

2	100	4.00	2.86
3	200	8.00	5.80
4	500	19.94	18.46
5	1,000	39.87	37.61
6	5,000	199.19	198.60
7	10,000	398.37	397.87
[8] *[Added by Notification No. U.O. 1315/I-A-Rev.(D)-51-17-66, dated 26.12.1966.]*	25,000	995.91	995.80
[9] *[Added by Notification No. U.O. 1315/I-A-Rev.(D)-51-17-66, dated 26.12.1966.]*	50,000	1,991.81	1,991.89
[10] *[Added by Notification No. U.O. 1315/I-A-Rev.(D)-51-17-66, dated 26.12.1966.]*	1,00,000	3,988.62	3,983.67

Appendix-V

(See Rule 209)

[* * *] *[Omitted by Notification No. U.O. 605/Rajaswa-1-2(8)/75, dated 01.11.1975.]*