

Uttar Pradesh Consolidation Of Holdings Rules, 1954

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Uttar Pradesh Consolidation Of Holdings Rules, 1954

CHAPTER 1 CHAPTER I

1. Short title :-

These rules shall be called the Uttar Pradesh Consolidation of Holdings Rules, 1954.

2. Extent and commencement :-

They shall come into force in the areas in which, and from the date on which, the Uttar Pradesh Consolidation of Holdings Act, 1953, other than Section 1, is made applicable.

3. Definitions :-

In these Rules, unless there is anything repugnant in the subject or context,-

(1) "Act" means the Uttar Pradesh Consolidation of Holdings Act, 1953;

¹[(1-A) "basic Khasra" and "basic Khatauni" means respectively the Khasra and Khatauni of any village current at the time of the notification under sub-section (2) of Section 4;

(1-B) "basic year" means the year to which the basic Khasra and basic Khatauni pertains;]

(2) "Section" means the section of the Act;

(3) to (3-B) [***];

(4) "Standard Plots of a unit" mean the plots determined as such under the provisions of Rule 24(b);

(5) "Standard Plots" of a unit mean the plots determined as such, in accordance with the provisions of Rule 20-A;

²[(6) "Exchange ratio" means the paise value per Bigha or acre or hectare of a plot relative to the value of a Bigha; or an acre or a hectare of Standard Plots of the unit;

Explanation.--(a) The paise value of a Standard Plot shall be paise

100;

(b) The exchange ratio of all plots shall be expressed in multiples of 10 paise ranging between 100 paise and 10 paise.]

1. Inserted by Notification No. 437-CH-JE-256-6, dated March 25, 1964, published in the U.P. Gazette, Part 1-A, dated April 11, 1964.

2. Sub-rule (6) of Rule 3 Substituted by Notification No. 65-24/LXXX-357-U.P. A--1953--Rule 1954--AM. (2)-81, dated 28th April, 1981.

3A. See Sections 3 (2), (2-AA) :-

(1) There shall be a Consolidation Committee for each unit having not less than five and not more than eleven members. In cases in which election of members becomes necessary in view of the provisions of sub-rule (4), Settlement Officer, Consolidation, shall fix the number of members, not exceeding seven to be elected after taking into consideration the total number of tenure-holders in the unit and the strength of the Land Management Committee or Committees having jurisdiction therein. These members shall be elected by the members of the Land Management Committee or Committees of the village/villages falling in the unit from amongst such of them who possess qualifications prescribed in sub-rule (3). The Settlement Officer, Consolidation may with a view to making the Committee more representative, nominate not more than four members from amongst the tenure-holders of the unit possessing the necessary qualifications. One of the members nominated may be a representative of the co-operative farm or farms registered under Section 297 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, if there be any in the unit In addition to the elected and the nominated members, the Village Level Worker or Workers posted within the unit shall be ex officio members of the Committee without right to vote.

(2) [***].

(3) The members of the Consolidation Committee shall preferably be literate and must be--

(i) not below twenty one years of age; and

(ii) carrying on cultivation within the unit:

Provided that if sufficient number of members of the Land Management Committee carrying on cultivation in the unit is not available to make up the required number of elected members, the

remaining may be elected out of the members of the Land Management Committee:

Provided further that the conditions mentioned in clauses (i) and (ii) shall not apply to the ex officio members.

(4) Where a unit consists of only one village and the number of members of the Land Management Committee of the village does not exceed five, all the members of the Land Management Committee shall become members of the Consolidation Committee. In cases in which the number of members of Land Management Committee of the village exceeds five or where the unit consists of more than one village, the number of members of Land Management Committees put together exceeds five, the Consolidation Officer shall call upon members of the Land Management Committee or Committees as the case may be, to elect the number of members required to be elected in accordance with the orders of the Settlement Officer, Consolidation passed under sub-rule (1).

(5) In cases in which the Consolidation Committee is elected by one Land Management Committee only, the Chariman of the Land Management Committee, if elected as a member of the Consolidation Committee, shall act as a Chairman of the Consolidation Committee. In other cases after the Settlement Officer, Consolidation, has made nominations, if any, of members as laid down in sub-rule (1) the Committee shall elect a Chairman from amongst its members.

³[(5) (A) In cases in which the Consolidation Committee is elected by one Land Management Committee only, the Chairman of the Land Management Committee if elected as a member of the Consolidation Committee shall act as Chairman of the Consolidation Committee also:

Provided that, if the Chairman of the Land Management Committee on his election as a member of the Consolidation Committee, or at any time thereafter refuses to act as a Chairman of the Consolidation Committee, or resigns from the office, the above provision shall not apply and the members of the Committee shall elect the Chairman from amongst themselves.

(B) In cases not covered by clause (A), the members of the Consolidation Committee shall elect a Chairman from amongst themselves after the Settlement Officer, Consolidation, has made nominations, if any, as laid down in sub-rule (1)].

(6) (a) The elections shall be conducted by the Consolidator and the procedure laid down in Rules 3 to 10 of the U.P. Panchayat Raj

Land Management Committee (Election of Members) Rules, 1963 in respect of election of members of Land Management Committees shall mutatis mutandis be followed.

(b) Any person aggrieved by the conduct of the election under clause (a) may within fifteen days of the date of election, file an objection before the Settlement Officer, Consolidation, whose decision thereon shall be final.

(7) The Consolidation Committee so constituted shall function till the issue of the notification under Section 52 of the Act, unless it is reconstituted or some other authority is appointed in its place under the provisions of sub-rule (10), or unless the term of Land Management Committee or of any of the Land Management Committees, if the Consolidation Committee was elected by more than one Land Management Committee, has expired. In the latter cases, the Consolidation Committee shall continue to function till such time as the new Land Management Committee or Land Management Committees, as the case may be, elect another Consolidation Committee:

Provided that where the newly elected Land Management Committee is likely to be replaced by another Land Management Committee before the issue of notification under Section 52 in respect of the unit, the Director of Consolidation may, for reasons to be recorded, by general or special order, require that the Consolidation Committees already constituted shall continue to function till such time as may be specified by him.

(8) In respect of any area to which sub-section (2) of Section 117-A of the U.P. Zamindari Abolition and Land Reforms Act, 1950, is applicable, the Collector, after consultation with Chairman of the local authority concerned, shall nominate from amongst the residents of the area concerned, such number of qualified members, not being less than five or more than eleven, as may have been determined by the Settlement Officer, Consolidation.

³[(9) (a) Where the persons nominated by the Collector under sub-rule (8) include the Chairman of the local authority, he shall act as a Chairman of the Consolidation Committee also:

Provided that, if the Chairman of the local authority on his nomination as a member of the Consolidation Committee, or at any time thereafter refuses to act as Chairman of the Consolidation Committee, or resigns from the office, the above provision shall not apply and the members of the Committee shall elect the Chairman from amongst themselves.

(b) In cases not covered by clause (a), the members of the

Committee nominated by the Collector shall elect a Chairman from amongst themselves].

⁴[(10) Where at any time the District Deputy Director of Consolidation finds--

(i) that the Land Management Committee does not exist in a unit notified under Section 4 (2) of the Act or that the Land Management Committee or Committees has or have failed to elect the fixed number of members of the Consolidation Committee within a reasonable time, he may, by notification in the official Gazette, nominate such number of persons being not less than two and the Consolidation Committee shall consist of the said persons, and the information of such nominations shall be given in the limit by beat of drum and such informations shall also be pasted on the notice board of the office of the Assistant Consolidation Officer; or

(ii) that the Consolidation Committee has refused or failed without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned by the Act or the Rules, or circumstances have so arisen that the Consolidation Committee has been rendered unable to discharge the duties or to perform the functions aforesaid, he may by notification in the official Gazette constitute a new Consolidation Committee in accordance with the provisions of these rules, or nominate such number of persons being not less than two as he may deem fit to constitute the New Committee].

³[(11) The resignation of a member or a Chairman of a Consolidation Committee may be accepted by the Settlement Officer, Consolidation.

(12) (a) Vacancies among members of a Consolidation Committee shall be filled in--

(i) by election by the Land Management Committee or Committees, as the case may be, in the manner laid down in sub-rule (6) in case the outgoing member was an elected member;

(ii) by nomination by the Settlement Officer, Consolidation or the Collector, as the case may be, in case the outgoing member was a nominated member.

(b) A vacancy in the office of the Chairman of Consolidation Committee shall be filled in the manner laid down in sub-rule (5) or sub-rule (9), as the case may be.]

3. Inserted by Notification No. 31/1/65-IE. dated April 21, 1969.

4. Substituted by Notification No. 21/1/76-Revenue- 8, dated July 23, 1977, published in U.P. Gazette, Part 1 -Ka, dated 20th

August, 1977.

4. See Section 3 :-

In affecting service of the notice giving information of the date of the publication in the unit of a document, the Serving Officer may, where the member of the Consolidation Committee is not present at his residence at the time of service or where he cannot be found after using all due and reasonable diligence, affect service by affixation of the notice on the outer door or some other conspicuous part of the house in which he ordinarily resides or carries on business or personally works for gain.

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14. See Section 54 :-

(1) The Assistant Consolidation Officer shall in consultation with the Consolidation Committee appoint guardians, for purposes of proceedings under the Act, of such tenure-holders who are minors, idiots or lunatics unless such guardians have been already appointed by order of a competent Court

(2) The guardian appointed for a minor, idiot or lunatic under sub-rule (1) shall be his natural guardian unless the natural guardian possesses an interest adverse to the interest of the minor, the idiot or the lunatic. If the natural guardian is not so appointed, the Assistant Consolidation Officer shall record reasons therefor and shall then appoint the nearest male relative of the minor, the idiot or the lunatic, not possessing an interest adverse to him as his guardian.

(3) A list of all such guardians together with the names of their wards shall be published in the village and any person interested in the ward may file an objection against such appointment before the Consolidation Officer within fifteen days, of such publication, whose orders shall, subject to the modification, if any, made by orders passed under Section 48, be final.

15. xxx xxx xxx :-

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CHAPTER 2 CHAPTER II

16. xxx xxx xxx :-

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16A. See Section 5 :-

(1) In view of the fact that the map, the field book and the annual register of each village under consolidation operations shall be thoroughly revised under the provisions of Sections 7 to 11 of the Act, before a Consolidation Scheme is prepared for a unit, it will not be necessary for the District Deputy Director of Consolidation to get these records prepared annually during the period a village remains under consolidation operations. In order to maintain the existing

record of rights, he shall cause to be brought upto date the records published under Section 10 (1) by getting* all orders relating to changes and transfers affecting any of the rights or interest recorded in the annual register, which are passed under Section 12 of the Act, noted in red ink in the columns of the register meant for the purpose until a fresh record of right is prepared under Section 27 of the Act.

(2) For the collection of agricultural statistics in respect of important Kharif and Rabi crops specified by the Board of Revenue periodical partals shall be carried out by the Consolidation Lekhpal every year during the period the village remains under consolidation operations. The results of these partals shall be recorded by the Lekhpal in a Chittha separately prepared for the purpose, shall be in accordance with the instructions of the Director. No Zaid partial shall be carried out. Kharif and Rabi Jinswars in respect of all the crops specified by the Board shall be prepared by the Consolidation Lekhpal and these shall, after the checking of the Consolidator, be forwarded to the Tahsildar concerned by the dates fixed for the submission by the Supervisor Kanungo of Kharif and Rabi Crop statement in the Land Records Manual. The figures contained in--(a) statements of Holdings, Land Revenue and Rentals, and (b) the Area Statement, for the basic year if complied or for the preceding years shall be repeated, during the years the village remains under consolidation operations.

(a) Statement of Holdings, Land Revenue and rentals, and

(b) The Area Statement for the latest year in respect of which these returns may have been prepared before the start of the consolidation operations will be repeated during the years the village remains under Consolidation operations.

16B. See Section 5(c) :-

The Settlement Officer, Consolidation, shall grant the permission referred to in Section 5 (c) (ii) unless for reasons to be recorded in writing he is satisfied that the proposed transfer is likely to affect adversely the scheme of consolidation.

17. See Section 6 :-

This notification made under Section 4 of the Act, may among other reasons, be cancelled in respect of the whole or any part of the area on one or more of the following grounds, viz., that--

(a) the area is under a development scheme of such a nature as

when completed would render the consolidation operation inequitable to a section of the peasantry;

(b) the holdings of the village are already consolidated for one reason or the other and the tenure-holders are generally satisfied with the present position;

(c) the village map is so torn up by party factions as to render proper consolidation proceedings in the village very difficult; and

(d) that a co-operative society has been formed for carrying out cultivation in the area after ploughing all the land of the area for this purpose.

18. See Sections 7 and 54 (2) (d) :-

(a) The village map of the unit placed under consolidation operation shall be revised either--

(i) by the ordinary method of map correction in which each field as shown in the map is compared with its shape and size on the spot and, where necessary, the shape and size on the map are corrected after necessary measurements, or

(ii) by a complete professional survey (resurvey). The District Deputy Director of Consolidation, shall, therefore, if he has not already got the necessary information with him get enquiries made into the condition of the village maps of all the units placed under consolidation operations in his districts and select villages for bringing the maps up to date by either of the two methods indicated above. He shall then proceed to get the maps revised accordingly.

(b) In carrying out professional survey of villages instructions contained in Chapters VI and IX and in revising the maps by the ordinary method of map correction, instructions contained in Chapters VII and IX of the Manual for the Revision of Maps and Records will, mutatis mutandis apply.

(c) [***]

(d) The work of ordinary map correction shall be carried out by the Consolidation Lekhpal. This will be checked by the Consolidator and the Assistant Consolidation Officer during their field to field partals of the village in accordance with the instructions of the Director for the time being in force.

(e) In rectangulation village the work of professional survey and rectangulation shall be carried out by a Rectangulator whose work shall be checked by the Assistant Rectangulation Officer and the Rectangulation Officer.

19. See Sections 8 and 54 (2) (d) :-

All the entries of the current annual register shall be tested by the Consolidator cent percent by comparing them with the entries of the previous annual register or registers and connected field books as also the existing record of rights prepared during the last settlement or the revision of records. Mistake and disputes detected shall be entered in the appropriate columns in the list of mistakes and disputes in land records in C.H. Form 4.

20. See Sections 8 and 54 (2) (d) :-

After the test of the annual register has been carried out in the manner prescribed in Rule 19, a thorough verification of the entries in the annual register shall be carried out by the Consolidator. This shall be done by reading out the record in the village and explaining every entry in it to the tenure-holders collected in as large a number as possible somewhere in the village itself. He shall also ascertain views of the tenure-holders concerned or the persons interested with regard to their shares in joint holdings. The mistakes and the disputes detected and the shares indicated by the persons concerned shall be noted in the appropriate columns of the list of mistakes and disputes in land records in C.H. Form 4.

20A. See Sections 8 and 54 (2) (d) :-

¹[(a) The Assistant Consolidation Officer shall check the work of test and verification of the annual register carried out by the Consolidator and shall also determine "Standard Plots" for the unit in accordance with the provisions of sub-section (3) of Section 8-A.

(b) The list of "Standard Plots" shall be prepared in C.H. Form 7-B and published alongwith a copy of the village map showing the "Standard Plots" in red ink. All objections received by the Assistant Consolidation Officer within 15 days of the publication of the list shall be entered in Misilband Register of the village. He shall forward the objections alongwith his reports to the Consolidation Officer, who shall decide the objections after affording the persons concerned an opportunity of being heard and after making spot inspection.

(c) Any person aggrieved by the order of the Consolidation Officer under sub-rule (b) may, within 15 days of the date of the order, file an appeal before the Settlement Officer, Consolidation who shall, after affording the persons concerned an opportunity of being

heard and making a spot inspection, if necessary, give his decision thereon. The order of the Settlement Officer, Consolidation, shall be final and not open to question.]

1. Substituted by Notification No. 113/VIII-73-Rev-8 U.P. Act V-54 Rule 54--Amend-1978. dated 27-10-1978.

21. See Sections 8 and 54 (2) (d) :-

After the test and verification of the annual register as prescribed in Rules 19, 20 and 20-A, a field to field partial of all the plots shall be carried out by the Consolidator in association with the Consolidation Committee and as many tenure-holders of the village as he can collect and the results shall be noted by him in khasra chakbandi in C.H. Form 2-A. The mistakes and disputes discovered during the partial shall also simultaneously be noted in the appropriate columns of the list of mistakes and disputes in land records in C.H. Form 4.

22. See Section 8 :-

The list of mistakes and disputes mentioned in Rules 19, 20 and 21 shall be prepared in C.H. Form 4 in two parts. Part I shall contain clerical mistakes, and Part II shall contain other mistakes and disputes discovered during the test and verification of the annual register and in the course of the field to field partial referred to in Rules 19 to 21. Details of shares claimed in the joint holdings shall also be recorded in Part II of C.H. Form 4.

23. See Sections 8 and 54 (2) (d) :-

At the time of field to field partial of the village, the Consolidator shall determine whether a plot is irrigable or not, indicating at the same time in column 19 of the khasra chakbandi, the source and method of irrigation for each irrigable plot; if more than half of the plot is irrigable, the whole of it shall be so treated. The irrigable area of the plot shall be recorded in column 20 of the khasra chakbandi.

Explanation--Plots irrigated from the following sources shall be treated as irrigable:

(i) canals, tube-wells and other wells of durable nature; earthen wells will generally not be considered of durable nature, except where the Consolidation Committee decides otherwise and the

decision is confirmed by the Settlement Officer, Consolidation; and (ii) rivers, Jheels, Nalas, tanks, ponds and other sources which are able to supply water for irrigational purposes during an entire fasal in a normal year.

24. See Sections 8 and 54 (2) (d) :-

(1) The Assistant Consolidation Officer shall check all the mistakes and disputes discovered and the shares recorded in C.H. Form 4 by the Consolidator during his test and verification of the annual register and the field partal and shall in addition, check the work of Consolidator by himself partalling entries in respect of at least 20 percnt of the plots in the village. The work done by the Assistant Consolidation Officer shall be checked by the Consolidation Officer and the Settlement Officer, Consolidation to ensure that all the mistakes, disputes and specification of shares in joint holdings have been brought on the List of Mistakes and Disputes.

(2) The Assistant Consolidation Officer shall be supplied with a copy of the soil classification map prepared in the current Settlement or roster operations for the village concerned well before the start his check of the field to field partal of the village.

(3) The Assistant Consolidation Officer shall get the details of soil classification determined at the time of current Settlement or roster operations incorporated in the copy of the map of the village prepared under Rule 18.

(4) The Assistant Consolidation Officer shall then take up, with the help of the finalised list of Standard plots, the work of determination of exchange ratio of each plot of the unit, except plots or part of plots covered by the Explanation appended to clause (2) of Section 3 of the Act, a list of which shall be prepared in C.H. Form 18. The exchange ratios of plots shall be determined by the Assistant Consolidation Officer in consultation with the Consolidation Committee after making enquiries from as many tenure-holders of the unit as he may be able to collect. The exchange-ratio of each plot so determined shall be recorded in words in his own hand by the Assistant Consolidation Officer in column 28 of C.H. Form 2-A, against the plot concerned. The exchange-ratio of each plot so determined shall also be shown in the copy of the map prepared under sub-rule (3). In determining the exchange-ratio of each plot the following facts shall be taken into consideration:

(i) the existing soil class of the plot as recorded in the current

Settlement or roster operations;

(ii) productivity as adjudged by the soil constituents of the plot, the number and kind of crops generally grown and the quantum of labour required to grow them;

(iii) availability of irrigation facilities;

(iv) location having a bearing on the cost or supervision of cultivation, or the marketing of the produce of a plot.

(5) The ultimate responsibility for the correct determination of the exchange ratio of each plot shall be that of the Assistant Consolidation Officer himself.

(6) The exchange ratio of each plot shall, in accordance with the instructions which may be issued by the Director of Consolidation, be noted in the map of the unit referred to in sub-rule (3).

(7) The Assistant Consolidation Officer, at the time of determination of the exchange ratio of each plot, shall also determine, in consultation with the Consolidation Committee, and after making enquiries from as many tenure-holders of the unit as he may collect, the value of each tree, well and other improvement existing in a plot for the purpose of determination of compensation. The value so determined shall be entered in column 12 of the Khasra Chakbandi in C.H. Form 2-A. In determining the value of the tree, the Assistant Consolidation Officer shall take into consideration its age and kind with a view to finding its market value, and in determining the value of a well and other improvement he shall take into consideration, its nature, age, state of repairs and serviceability. If he so decides the Assistant Consolidation Officer may, before coming to a finding himself, request the Settlement Officer, Consolidation, to have the value of a well or other improvement, estimated by an officer of the Public Works Department. If a tree, well or other improvement is owned by more than one person, the amount of compensation which may be determined shall be apportioned among the several co-owners by the Assistant Consolidation Officer after making necessary enquiries with regard to their shares.

(8) The Consolidation Officer shall check the exchange ratio to the extent of 10 per cent of the plots in each unit along with the calculation of their valuation, the determination of value of trees, wells and other improvements. The Settlement Officer, Consolidation, shall also check the work aforesaid on the spot in at least 10 per cent of the units in the circle of each Assistant Consolidation Officer.

(9) The copy of the map showing exchange ratios of consolidate

plots prepared under sub-rule (4) shall be published in the unit along with other records mentioned in clause (b) in sub-section (1) of Section 9.

24A. See sections 8-A and 54 :-

²[(1) The Statement of Principles shall be prepared in his own hand in C.H. Form 21 by the Assistant Consolidation Officer in consultation with the Consolidation Committee and after making enquiries from as many tenure-holders of the unit as he may be able to collect. The statements shall contain reasons for the principles incorporated and shall be accompanied by a copy of the map of the unit, which shall show--

- (i) "Standard Plots" of the unit as determined under Rule 20-A;
- (ii) The existing permanent features, such as Abadi sites, canals, their distributories alongwith field channels (gools), roads, groves, wells, Nalas, rivers, grave-yards, cremation grounds and other areas, used for public purposes;
- (iii) the additions and alterations proposed in the site, alignment or dimensions of any of the items mentioned in clause (ii); and
- (iv) areas to be earmarked for any other purposes.

(2) Besides reservation of lands for extension of Abadi, including areas for Abadi sites for Harijans and landless persons in the unit for present and future needs land may also be reserved according to the needs of each unit for the following public purposes:

- (i) Manure pits;
- (ii) Roads, village and inter-village rastas;
- (iii) Pasture lands;
- (iv) Threshing-floor;
- (v) Play ground;
- (vi) Primary and other schools;
- (vii) Hospitals;
- (viii) Panchayat Ghars;
- (ix) Plantation of trees;
- (x) Cremation or grave-yards;

³[(xi) Water channels (gools or nalis) and canals for irrigation purposes;]

- (xii) Flaying sites; and
- (xiii) Any other objects of similar nature for which reservation of land may be considered necessary in the interest of the tenure-holders of the unit

(3) During the course of the preparation of the Statement of

Principles every specific problem of the unit having a bearing on equitable allotment of Chaks shall receive the attention of the Assistant Consolidation Officer and the Consolidation Committee. The principles on which such problems are proposed to be resolved should be in consonance with the provisions of the Act and these Rules, and must be incorporated in the statement.

The statement shall also show the details of the "Standard Plots" determined under Rule 20-A.

(4) If there is a difference of opinion between the Assistant Consolidation Officer and the Consolidation Committee on any of the terms of the Statement of Principles, the Assistant Consolidation Officer shall prepare a note covering the points of differences and forward it to the Consolidation Officer.

(5) If the Consolidation Officer is unable to resolve the difference between the Assistant Consolidation Officer and the Consolidation Committee, he shall forward the record to the Settlement Officer, Consolidation, together with his opinion on each point of difference.

(6) The Settlement Officer, Consolidation shall, after hearing the Consolidation Committee, give his decision on the points referred to him under sub-rule (5)].

2. Substituted by Notification No. 55-35-73-Rev--8, dated June 8, 1976.

3. Substituted by Notification No, 31-I-1979-Rev--8. dated 15-11-1979. published in U.P. Gazette (Extra.), dated 16th Nov., 1979.

24B. xxx xx xxx :-

The Statement of Principles shall be published in the unit along with the map prepared under sub-rule (1) of Rule 24-A.

24C. xxx xxx xxx :-

All objections against the Statement of Principles under Section 9 of the Act shall be filed in writing and shall be signed by the person making them. They shall clearly indicate the manner in which the interests of the objectors are likely to be affected.

24D. xxx xxx xxx :-

The Consolidation Officer or the Settlement Officer, Consolidation, as the case may be, shall, when making a local inspection of the unit under Section 9-B, or for the purpose of deciding an appeal

under Section 11, prepare inspection memo and place it on the file containing his order.

25. See Sections 9 (1) and (2) (d) :-

⁴[Cases relating to each of the two categories mentioned in clause (i) of sub-rule (e) shall be entered in chronological order in a Misilband register in C.H. Form 6 to be maintained by each Assistant Consolidation Officer.]

4. Substituted by Notification No.31-1-1970-IE, dated November 15, 1971, published in U.P. Gazette, Part 1-Ka, dated 4th December, 1971.

25A. See Sections 9-A, 9-B and 9-C :-

(1) The Assistant Consolidation Officer shall, as far as possible, deal with all the objections filed by a tenure-holder with regard to matters referred to in clause (i) of sub-section (1) of section 9-A and sub-section (1) of Section 9-B in the village itself. In deciding disputes on the basis of conciliation in terms of sub-section (1) of section 9-A, he shall record the terms of conciliation in the presence of at least two members of the Consolidation Committee of the village. These terms shall then be read to the parties concerned and their signatures or thumb impressions obtained. The members of the Consolidation Committee present shall also sign the terms of conciliation. The Assistant Consolidation Officer shall then pass the orders deciding the dispute in terms of conciliation specifying the precise entries to be made in the records. Details Of the operative part of the orders passed by the Assistant Consolidation Officer shall be noted in the Misilband register. No ex parte order or orders in default shall be passed by the Assistant Consolidation Officer.

(2) In all cases in which the Assistant Consolidation Officer sends a report under the provisions of sub-section (2) of Section 9-A, or sub-section (1) of Section 9-B to the Consolidation Officer for disposal, he may fix a date and place for the disposal of the cases by the Consolidation Officer and communicate the same to the parties present before him and issue notices in C.H. Form 6-A to the parties not so present The report of the Assistant Consolidation Officer in such cases shall clearly bring out the points in dispute between the parties and the efforts made by him to reconcile them.

26. See Section 9-A :-

(1) The cases received from the Assistant Consolidation Officer shall be entered in the Misilband register in C.H. Form 6 in the Office of the Consolidation Officer.

(2) On the date fixed under sub-rule (2) of Rule 25-A, or on any subsequent date fixed for the purpose, the Consolidation Officer shall, hear the parties, frame issue on the points in dispute, take evidence, both oral and documentary, and decide the objections.

(3) The notice, which it may become necessary for the Consolidation Officer to issue to any person in connexion with the disposal of a dispute by him, shall be in C.H. Form 6-A.

(4) Where all the tenure-holders of a joint holdings oppose partition and the Consolidation Officer is satisfied that the opposition of each co-tenure-holder is genuine, he shall not proceed with the partition unless for reasons to be recorded by him in writing, he considers it necessary so to do in the interest of better consolidation.

(5) For deciding a dispute relating to the determination of exchange ratio of a plot or the valuation of a tree, well or other improvement existing on a plot, the Consolidation Officer shall make a local inspection of the plot concerned, prepare an inspection memo and place it on the connected file.

27. See Sections 9-A and 54 :-

The Consolidation Lekhpal shall note the orders of Assistant Consolidation Officer and the Consolidation Officer passed under Section 9-A with regard to--

- (i) rights in and liabilities in regard to the land,
- (ii) valuation of plot, trees, wells and other improvements, and
- (iii) partition of joint holdings--

[a] in the basic Khatauni,

[b] Khasra Chakbandi in C.H. Form 2-A, and

[c] the relevant columns of the revised Annual Register in C.H. Form 11 (as soon as it has been prepared) respectively.

He shall enter case number, the date of order and its operative portion in the records aforesaid. The correctness of the entries made by the Consolidation Lekhpal shall be attested by the Consolidator. The Assistant Consolidation Officer shall also check at least 20 percent of the entries to ensure that they have been correctly mode.

27A. See Section 12-A :-

(1) The Settlement Officer, Consolidation, shall cause to be prepared by the Consolidation Lekhpal a statement in C.H. Form 7 to show the amount of land revenue payable on new holdings, and apportionment or alteration, if any, in the amount of land revenue on existing holdings, where this may be necessary in view of the orders passed under Section 9-A. O. H. Form 7 will show the Fasli year from which the above changes in land revenue on the affected holdings become due.

(2) After the settlement has been checked by the Consolidator and the Assistant Consolidation Officer, to ensure its correctness it shall be published in the unit and all objections received within seven days of its publication shall be enquired into by the latter.

(3) After making such changes in it as the Assistant Consolidation Officer considers necessary, the statement shall be submitted by him to the Consolidation Officer, with a report on each of the objections received. The Consolidation Officer shall also check the statement with a view to satisfy himself about its correctness. He will prepare report of mistakes that come to his notice and initial the corrections thus made and will also sign the statement on each page. The statement and the report of the Assistant Consolidation Officer accompanying it will then be forwarded by the Consolidation Officer, with his own report, if any, to the Settlement Officer, Consolidation, who shall examine the statement and the objections, and pass orders for the assessment, apportionment or alteration, of the land revenue, as the case may be.

28. See Section 10 (2) and Section 12-A :-

(1) A revised annual register in C.H. Form 11 shall then be prepared by the Consolidation Lekhpal incorporating all the orders relating to right and liabilities in respect of land passed by the Assistant Consolidation Officer under sub-section (1) of Section 9-A and the Consolidation Officer under sub-section (2) of Section 9-A and also the orders passed by the Settlement Officer, Consolidation under Rule 27-A. Details of the operative portions of the orders passed in partition and amalgamation cases shall be recorded in the appropriate column of the register. The record shall be checked by the Consolidator, the Assistant Consolidation Officer and the Consolidation Officer of the circle. The officer checking the entries in the record shall initial them in token of his having checked them. The revised annual register shall be signed by the Consolidation Lekhpal, the Consolidator, the Assistant Consolidation Officer, and

also by the Consolidation Officer. It shall then be published in the unit under sub-section (1) of Section 10.

(1-A) An alphabetical list in Hindi in C.H. Form 10-A showing all the holdings of a tenure-holder at one place, after incorporating partition and amalgamation orders as shown in C.H. Form 11, shall be prepared by the Consolidation Lekhpal and checked by the Consolidator and- the Assistant Consolidation Officer of the circle. The Officer checking the entries in the list shall initial them in token of his having checked them.

(2) All cuttings and overwritings in the annual register shall be initialled and dated by the person responsible for the cuttings or the overwriting and also by the Assistant Consolidation Officer. They shall then be brought on an Errata List in C.H. Form 6-B, to be prepared by the Consolidation Lekhpal in duplicate in carbon. The Errata list shall be signed by the Consolidator, and the Assistant Consolidation Officer also. A copy of the Errata List shall be sent to the Consolidation Officer of the circle for record in his office.

29. See Section 10 :-

Where necessary as a result of orders passed under Sections 11 and 48, supplementary C.H. Form 7 shall be prepared in the manner prescribed under Rule 27-A, sub-rules (1), (2) and (3) to show alterations in land revenue on the holdings since the preparation of the original C.H. Form 7 under Rule 27-A.

30. See Section 12 :-

(a) The form, which the matters mentioned in Section 12 of the Act may be raised before the Assistant Consolidation Officer, shall be in C.H. Form 6-C.

(b) The procedure laid down in Rules 25-A to 27 and 29 shall, mutatis mutandis, be followed in deciding matters raised before the Assistant Consolidation Officer under Section 12.

31. xxx xxx xxx :-

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32. xxx xxx xxx :-

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33. See Section 12-D :-

An application for amalgamation of holdings shall be in C.H. Form 10. All orders authorising amalgamation of holdings shall be recorded in the appropriate columns of the revised annual register in C.H. Form 11.

CHAPTER 3 CHAPTER III

34. xxx xxx xxx :-

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35. xxx xxx xxx :-

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45. xxx xxx xxx :-

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46. See Section 19-A :-

(1) The Assistant Consolidation Officer shall prepare the Provisional Consolidation Scheme in C.H. Form 23 in consultation with the members of the Consolidation Committee after making enquiries from as many tenure-holders as he is able to collect.

(1-A) The provisional consolidation scheme prepared under sub-rule (1) shall be accompanied by a copy of the map of the unit showing the plots allotted to tenure-holders and the location of land set apart for public purpose.

(2) All cuttings and overwritings in the Provisional Consolidation Scheme shall be initialled and dated by the person responsible for them and also by the Assistant Consolidation Officer. An Errata List in C.H. Form 6-B shall be prepared in duplicate in respect of the Provisional Consolidation Scheme. A copy of the Errata List shall be sent to the Consolidation Officer for record in his office.

47. See Section 9-A :-

Provisional Consolidation Scheme shall also state explicitly--

(1) the area to be allotted to the asamis of the tenure-holders and the rent payable therefor;

(2) the encumbrance attached to a holding, the amount, name of the person in whose favour the encumbrance exists and the nature and terms of the encumbrances;

(3) the areas of abadi land or land used for public purpose proposed to be amalgamated with any holding and showing the areas earmarked for public purposes.

47A. xxx xxx xxx :-

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48. See Section 20 :-

(1) Relevant extracts from the Provisional Consolidation Scheme in C.H. Form 23 along with notices in C.H. Form 24 shall be prepared by the Consolidation Lekhpal in duplicate, in respect of each tenure-holder and in respect of land owned by or vested in a Gaon Sabha or a local authority. They shall be attested by the Assistant Consolidation Officer after being checked by the Consolidator. One copy of the extract shall be served on the tenure-holder concerned or the Chairman of the Land Management Committee or the local authority, as the case may be, before the Provisional Consolidation Scheme is published in the unit. The office copy of the extract shall be preserved on the common village file which shall be properly indexed.

48A. xxx xxx xxx :-

xxx xxx xxx

48B. See Section 20 :-

The proposal for the consolidation of holdings contained in the extract shall be explained by the Consolidation Lekhpal and the Consolidator to each tenure-holder by a preliminary demarcation on spot in cases in which this may be necessary. The Assistant Consolidation Officer and the Consolidation Officer will ensure by personal verification from as many tenure-holders as possible that these instructions have been duly carried out.

49. See Section 21 :-

(1) The objections received by the Assistant Consolidation Officer shall be forwarded by him to the Consolidation Officer along with common village file containing the office copies of all the extracts in C.H. Form 23 issued under Rule 48.

(2) Separate files shall be opened for each case in which objections are received under Section 20 of the Act. The file of each case shall deal with one set of parties. All the objections shall be entered in a Misilband Register in C.H. Form 6 in the office of the Consolidation Officer. Extracts in respect of which no objections are received shall remain on the common village file to which a proper index showing the details of the extracts shall be attached.

(3) Where the Consolidation Officer rejects the objection, he shall cause a notice of rejection of objection to be served on the tenure-holder. Where, however, in accepting any objection, the

Consolidation Officer finds it necessary to make any alteration in the Provisional Consolidation Scheme he shall cause a revised extracts in C.H. Form 23 to be served on the tenure-holder concerned free of cost. The objection under sub-section (1) of Section 21 shall not be deemed to be disposed of until the aforesaid notice rejecting the objection or, as the case may be, the revised extract has been served on the tenure-holders concerned.

(4) The notice or the revised extract shall be prepared in duplicate, signed by the Consolidation Officer and shall bear his seal. The Serving Officer shall, after endorsing acknowledgment of service on one copy, deliver the other copy to the tenure-holder after endorsing the date of service on it. The first copy bearing the acknowledgment of the tenure-holder and the date of service on him shall be placed in the record of the case concerned.

(5) Where in deciding an appeal under sub-section (2) of Section 21 the Settlement Officer, Consolidation, makes any alterations in the Provisional Consolidation Scheme, he shall cause to be issued to the tenure-holder concerned a revised extract in C.H. Form 23.

(6) Where in deciding a revision under Section 48 the Director of Consolidation makes any alteration in the Provisional Consolidation Scheme, as confirmed under Section 23, he shall cause a revised extract in C.H. Form 23 to be issued to the tenure-holder concerned.

50. See Section 33 :-

(1) If as a result of the order passed under Section 21 the Provisional Consolidation Scheme is to undergo numerous changes which may not be easily possible to incorporate in the existing statement itself a fair copy thereof along with a copy of the map of the unit showing the plots allotted to the tenure-holders and the location of land set apart for public purposes may be prepared before it is confirmed and published under sub-section (2) of Section 23.

(2) All the cuttings and overwritings in the Provisional Consolidation Scheme as confirmed by the Settlement Officer, Consolidation, and published under sub-section (2) of Section 23 shall be initialled and dated by the person responsible for the cutting or overwriting also by the Assistant Consolidation Officer. They shall be brought on an Errata List in C.H. Form 6-B to be prepared by the Consolidation Lekhpal in duplicate in carbon. The Errata List shall be signed and dated by the Consolidator and the Assistant Consolidation Officer

and a copy thereof shall be sent to the Consolidation Officer of the circle for record in his office.

CHAPTER 4 CHAPTER IV

51. xxx xxx xxx :-

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52. xxx xxx xxx :-

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53. xxx xxx xxx :-

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54. xxx xxx xxx :-

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54A. See Section 24 :-

Before the date from which the Consolidation Scheme shall come into force is fixed under Section 24, the Settlement Officer, Consolidation, shall satisfy himself that the boundary lines of chaks have been properly demarcated in accordance with the final consolidation scheme.

55. See Section 28 :-

(1) The procedure to be followed under Section 28 by the Assistant Consolidation Officer, in putting tenure-holders of Land Management Committees, as the case may be, in actual physical possession over the chaks or lands allotted to them shall be same as prescribed in the Civil Procedure Code for delivery of possession over immovable property in execution of a decree.

(2) In case the right to lend and gather the crops standing on such chaks or lands or parts thereof remains with the person from whom possession is transferred, the Assistant Consolidation Officer shall in consultation with the Consolidation Committee determine in C.H. Form 32 the amount of compensation, which may not exceed three times the rental value of the cropped area, for use of the land to be payable by the person to whom possession over the land is transferred. The date by which the standing crops must be

harvested and removed from the plot, and the date by which compensation determined must be paid, shall also be fixed by the Assistant Consolidation Officer. Extracts in C.H. Form 32 shall be served on the tenure-holders concerned.

Explanation.--No compensation shall be determined and paid where no sowing season intervenes between the date of delivery of possession and the date fixed for harvesting the standing crops.

(3) After appeals preferred under sub-section (1-A) of Section 29 have been decided, the Assistant Consolidation Officer shall issue certificates of award of compensation to its recipients in C.H. Form 35. He shall also issue a notice in C.H. Form 36 to the payer.

56. See Section 29 :-

(1) Where the Assistant Consolidation Officer decides that possession of crop shall also be delivered, he shall, in consultation with Consolidation Committee, assess the value thereof after taking into account--

- (a) the condition of the crop;
- (b) the estimated yield of the crop;
- (c) the estimated price which the produce is likely to fetch at the time of harvesting in the village;
- (d) the amount likely to be spent on the crop from the date of transfer to the time of harvesting.

(2) The appraisalment mentioned in sub-rule (1) shall be made in the presence of tenure-holders concerned unless they fail to attend despite general notice which shall be given by beat of drums in the village.

(3) Result of appraisalment shall be published by the order of the Assistant Consolidation Officer in C.H. Forms 33 and 34.

(4) [***].

(5) After the statements under sub-rule (3) have becomes final, the Assistant Consolidation Officer shall issue certificates of award of compensation to the recipient in C.H. Form 3 notice whereof shall also be given to payers in C.H. Form 36.

(6) [***].

(7) [***].

(8) [***].

(8-A) [***].

(8-B) [***].

56A. See Sections 28, 29 and 29-A :-

(1) Without prejudice to the right to recover compensation through any other mode of recovery open to the person entitled to receive it the certificate of award of compensation issued under sub-rule (4) of Rule 55 or sub-rule (5) of Rule 56, as the case may be, may along with an application addressed to the Collector, be presented to the Tahsildar having jurisdiction with two years from the date recorded on it for recovery of amount as arrears of land revenue.

(2) On the certificate of award being presented before him, the Tahsildar shall make a preliminary enquiry to ascertain if the compensation or any part of it is in balance. He shall then submit the result of his enquiry to the Collector for his orders.

(3) When the Collector is satisfied after making such further enquiry as he considers necessary that the compensation or any part of it has not been paid in terms of the certificate of award, he shall authorise realization of the balance as arrears of land revenue.

56B. See Sections 28, 29 and 29-A :-

The Collector shall not be impleaded as a party to any suit or proceeding for realisation of the compensation.

57. See Section 29 :-

(1) Soon after the delivery of possession, the Assistant Consolidation Officer shall cause to be delivered an outerfoil of the certificate in C.H. Form 26 to the recipient of compensation for trees, wells, buildings, or other improvements. The certificate shall show the name of the payer, the amount of compensation and description of property compensated.

(2) Notice of payment of compensation for trees, wells, buildings or other improvements shall also be furnished on the outerfoil in C.H. Form 26 to each payer of compensation, showing the name of recipient, amount of compensation awarded and the description of the property compensated.

(3) As soon as certificates and notices have been distributed, the innerfoils of C.H. Form 26 shall be made over to the Tahsildar having jurisdiction.

(4) The provisions of Rule 56-A shall apply to the recovery of compensation mentioned in C.H. Form 26 as if it were compensation payable under Rule 55 or 56 and in C.H. Form 26 were the certificate of award of compensation mentioned in those rules.

(5) Amount of compensation payable to tenure-holders for land

contributed for public purposes as determined in C.H. Form 23 shall, soon after the delivery of possession, be paid by adjustment against the costs of consolidation as determined in the Demand and Collection Jamabandi in C.H. Form 27 prepared under Rule 61. In cases in which no cost of consolidation is payable by tenure-holders or compensation exceeds cost of consolidation the excess compensation shall be paid to them in cash by the Assistant Consolidation Officer and a record of payment shall be kept by him in C.H. Form 26-A.

58. See Section 54 :-

(1) Where in respect of any document, or notice a specific provision has not been made for obtaining a receipt from the person to whom the document is issued, or on whom the notice has been served a record of service made or the person concerned by the Serving Officer shall be kept in C.H. Form 31.

(2) In delivering a document or affecting the service of any document, notice or summon on any tenure-holder or other person, the Serving Officer may, where the tenure-holder or the person concerned is guardian or legal representative is not present at his residence at the time of delivery of service or, where he cannot be found after using all due and reasonable diligence or where he refuses to take the document, notice or summon, effect delivery or service by affixation of the document, notice or summon on the outer door or at some other conspicuous part of the house in which he ordinarily resides, but if he has no such residence in the unit, by affixing a copy of the document, notice of summon at some place of public resort on or adjacent to the land to which such document refers. In either case the Serving Officer shall get the affixations attested by two residents of the unit. The service of certificates of compensation shall not, however, be made by affixation.

(3) All Consolidation Lekhpals, peons and Chairman of the Consolidation Department, and any other employee of the department, who may be so appointed for serving a particular process by the authority, issuing it, shall be Serving Officers for purposes of this rule.

59. xxx xxx xxx :-

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60. xxx xxx xxx :-

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61. See Section 33 :-

(1) The Jamabandi for cost of consolidation operations shall be prepared by the Consolidation Lekhpal in C.H. Form 27.

(2) After the Jamabandi of a village has been checked cent percent both by the Consolidator and the Assistant Consolidation Officer, and 20 per cent of its entries have also been checked and initialled by the Consolidation Officer, it shall be sent to Tahsildar for recovery, of amounts shown therein as arrears of land revenue.

(3) The cost assessed on a tenure-holder shall be payable by him in two equal instalments--

(a) the first instalment shall become due for recovery with the first land revenue kist falling due after the provisional Consolidation Scheme has been confirmed by the Settlement Officer, Consolidation, under sub-section (1) of Section 23 of the Act; and

(b) the second instalment shall become due for recovery with the next land revenue kist.

62. See Section 54 (2) (i) and (ii) :-

The Consolidation Lekhpal shall maintain a Proceeding Book in C.H. Form 29 for recording proceedings of the meeting of the Consolidation Committee. He shall also maintain a diary in C.H. Form 30 showing the details of work done by him each day. A diary in this form shall also be maintained by the Consolidator and the Assistant Consolidation Officer.

63. xxx xxx xxx :-

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64. xxx xxx xxx :-

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65. See Section 54 :-

(1) The Settlement Officer, Consolidation, may withdraw any case from the file of any Consolidation Officer or Assistant Consolidation Officer subordinate to him may refer the same for disposal to any other Consolidation Officer or Assistant Consolidation Officer

competent to deal therewith.

¹[(1-A) The officer before whom appeals, revisions or references under the provisions of the Act or these rules are instituted may transfer any case instituted or pending before him to any other officer empowered to hear and decide such case, or recall case pending before any other officer from the file of that officer to his own file. The District Deputy Director of Consolidation of a district where Joint/Deputy/Assistant Director of Consolidation is posted may call for record of any revision or case pending before such officer for disposal and may transfer it to such officer if he is unable to decide it for some reason.]

(2) The Director of Consolidation may withdraw any case from the file of any Settlement Officer, Consolidation, and refer the same to any other Settlement Officer, Consolidation for disposal.

1. Substituted by (Twenty First Amendment) Rules, 1980, dated 20-2-1980, vide Notification No. 65/69/79 (1226)-- Rev. UPA-5/1954-AM (21) - 1980, dated 20th Feb, 1980, published in U.P. Gazette (Extra.), dated 23rd Feb., 1980.

66. xxx xxx xxx :-

xxx xxx xxx

67. See Section 27 :-

The provisions of Chapter IV of the U.P. Land Revenue Act, 1901, and the Rules framed thereunder, to the extent to which they are inconsistent or are not covered by these rules shall not be applicable to the preparation of a new village map, field-books and the record-of-rights under Section 27 of the Act.

68. See Section 27 :-

If any area, belonging to one village is situated within the boundary of another village, the Settlement Officer (Consolidation) shall take steps to integrate the former area with the latter village after obtaining orders of the Government under Section 3 (25) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, if not done already.

69. xxx xxx xxx :-

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69A. xxx xxx xxx :-

(1) Where a portion of a village forms part of an urban area and it has been decided to make a consolidation scheme only in the other portion of the village not included in the urban area, two separate sets of village maps, khasra, and record-of-rights shall be prepared one, for the consolidation area and the other for the urban area of the village.

(2) The record pertaining to the urban area shall not be final or conclusive and shall be based on the entries in the last record-of-rights available for that area.

(3) In preparing the record of such urban area, the following operations alone shall be carried out:

(a) Renumbering shall be done in accordance with sub-rule (2) of Rule 88.

(b) A Fard Mutabiqat shall be prepared in C.H. Form 40.

(c) A Khasra Mutabiqat shall be prepared in C.H. Form 41.

(d) Two copies of the Khasra Khatauni and Errata List shall respectively be prepared in Forms P-3, P-11 and P-12.

(e) Multiplication of the map and the preparation of the new soil classification map shall be undertaken in accordance with Rule 101 and record prepared shall be delivered to the Collector for necessary action.

70. See Section 51 :-

Where during consolidation proceedings, only one set of records has to be prepared for the area belonging to more than one village, the plots belonging to different villages shall be distinguished by suitable Hindi alphabetical prefixes.

71. See Sections 27 and 54 :-

²[(1) The Settlement Officer, Consolidation, shall after the final consolidation scheme, has come into force, but before the notification under sub-section (1) of Section 52, cause to be created boundary pillars to define the limits of chaks allotted to Bhumidhars and Sirdars including sub-chaks allotted to Asamis and also the areas earmarked for public purposes.]

³[(2) The entire cost of the boundary pillars and erection thereof as determined by the Settlement Officer, Consolidation, from time to time for each unit shall be payable by the tenure-holders concerned in proportion to the number of chaks allotted to each of them. The

Collector shall recover the cost so determined from the tenure-holders concerned as arrears of land revenue.

(3) A Jamabandi of cost of pillars and erection thereof shall be prepared in C.H. Form 27-B in duplicate. After checking by the Assistant Consolidation Officer, it shall be handed over through the Settlement Officer, Consolidation to the Tahsildar having jurisdiction for realisation as arrears of land revenue].

2. Rule 71 fully, substituted by Notification No 46/6/70--Revenue--8, dated 7th Nov., 1973, and re-substituted only sub-rule (1) of Rule 71 by Notification No.46/6/70--Revenue 8, dated 6th January, 1975, published in U.P. Gazette. Part I-ka, dated 25th Jan., 1975.

3. Substituted by Notification No.46/6/70-Rev.-8, dated 7-11-1973.

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81. xxx xxx xxx :-

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82. See Section 27 :-

The Consolidation Lekhpal shall ensure that boundaries of (i) chaks, (ii) area allotted to asami within the chak, and (iii) land set apart for public purposes are correctly shown in the map according to the Final Consolidation Scheme. Mistakes detected shall be brought to the notice of the Consolidator for correction.

83. See Section 27 :-

The Consolidation Lekhpal shall also examine the conventional signs shown in the map and make necessary correction in respect of all the signs prescribed in the Appendix attached to these rules.

84. xxx xxx xxx :-

XXX XXX XXX

85. See Section 27 :-

(1) After the map has been brought up-to-date in accordance with the provisions of the foregoing rules, it shall form the basis for renumbering of plots. Each chak shall unless it has been broken into parts by a natural or other physical barrier, in which case each part shall be numbered separately bear a single serial number. Bhumidhari and Sirdari areas falling within a chak bearing a single serial number shall be indicated in the map by a broken line made up of small dashes. The Bhumidhari and the Sirdari portion shall be indicated by the letters (v) and (c) respectively in the map. The holding of an Asami within a chak shall be similarly indicated except that in such case the words (vl) and (cl) shall be written in the map to indicate respectively the Asami rights held in Bhumidhari or Sirdari portions of the holding of the principal tenure-holder.

(2) Remembering of plots shall be done in one continuation for the whole of the revenue village, except as provided in sub-rule (3). It

shall start from the north-west corner and shall end in the south-east corner of the village. Kudans in renumbering must be avoided, but if any Kudans have occurred a note about them shall be made on the margin of the map.

(3) Where the Consolidation area is only a part of the village it shall be renumbered independently of the other part consisting of non-consolidation area. The Secretary, Board of Revenue, shall be informed of the position with regard to the non-consolidation area for such action as he may consider necessary.

(4) Where any area other than an urban area, to which the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, does not apply, is situate in a village under consolidation, renumbering shall be done in the entire revenue village in one continuation.

86. See Section 27 :-

The Consolidator shall check cent per cent and the Assistant Consolidation Officer 25 per cent of the works done by Consolidation Lekhpal under Rules 82, 83 and 85. The Consolidation Officer shall also check it to satisfy himself that the work has been correctly done.

87. xxx xxx xxx :-

xxx xxx xxx

88. xxx xxx xxx :-

xxx xxx xxx

89. xxx xxx xxx :-

xxx xxx xxx

⁴[***].

2. Rule 71 fully, substituted by Notification No 46/6/70--Revenue--8, dated 7th Nov., 1973, and re-substituted only sub-rule (1) of Rule 71 by Notification No.46/6/70--Revenue 8, dated 6th January, 1975, published in U.P. Gazette. Part I-ka, dated 25th Jan., 1975.

4. Omitted by Notification No. 31/2/69-1E, dated April 30, 1971.

90. xxx xxx xxx :-

(1) The Consolidator shall thereafter cause a final map to be

prepared showing only the new numbers, their boundaries and, where necessary, conventional signs. It shall be checked by the Consolidator, Assistant Consolidation Officer, and the Consolidation Officer before it is signed by the Settlement Officer, Consolidation, whose designation shall be mentioned below his signature. The final map, thus, prepared shall after copies thereof have been traced out as laid down in sub-rule (2), be sent to the press for reproduction where such reproduction is necessary in view of the provisions of Rule 101. On being received back from the press the final map shall be placed in the Consolidation Volume meant for the Collectors Record Room.

(2) Two copies of the final map shall be traced out. In these copies the boundaries of the old plots existing within a new plot shall be indicated by dotted lines without the serial number of old plots being shown therein. The existing soil classes shall also be marked within thick red lines on these maps, the different soil classes being described by suitable abbreviations written boldly in red ink over each kind of soil. The copies thus traced out shall be checked by the Consolidator, the Assistant Consolidation Officer and the Consolidation Officer before these are checked and signed by the Settlement Officer, Consolidation. A copy of this map shall be placed in each of the two Consolidation Volumes mentioned in Rule 100-A.

91. xxx xxx xxx :-

xxx xxx xxx

92. xxx xxx xxx :-

xxx xxx xxx

4[***].

2. Rule 71 fully, substituted by Notification No 46/6/70--Revenue--8, dated 7th Nov., 1973, and re-substituted only sub-rule (1) of Rule 71 by Notification No.46/6/70--Revenue 8, dated 6th January, 1975, published in U.P. Gazette. Part I-ka, dated 25th Jan., 1975.

4. Omitted by Notification No. 31/2/69-1E, dated April 30, 1971.

93. xxx xxx xxx :-

The Consolidation Lekhpal shall prepare in duplicate Khasra Mutabiqat in C.H. Form 41 in the sequence of new number showing

details of soil classification also after renumbering has been done and checked by the Consolidator and the Assistant Consolidation Officer.]

94. xxx xxx xxx :-

xxx xxx xxx

95. xxx xxx xxx :-

xxx xxx xxx

96. xxx xxx xxx :-

xxx xxx xxx

⁴[***].

2. Rule 71 fully, substituted by Notification No 46/6/70--Revenue--8, dated 7th Nov., 1973, and re-substituted only sub-rule (1) of Rule 71 by Notification No.46/6/70--Revenue 8, dated 6th January, 1975, published in U.P. Gazette. Part I-ka, dated 25th Jan., 1975.

4. Omitted by Notification No. 31/2/69-1E, dated April 30, 1971.

97. See Section 27 :-

The Consolidation Lekhpal shall, with the help of the Khasra Mutabiqat and other relevant records mentioned in sub-section (1) of Section 27, prepare the Khatauni in C.H. Form 45 in duplicate.

98. xxx xxx xxx :-

⁵[98.

The Khasra Mutabiqat and the Khatauni in C.H. Form 45 prepared by the Consolidation Lekhpal shall be checked cent per cent by the Consolidator, 25 percent of the entries of these records shall be checked by the Assistant Consolidation Officer and five per cent by the Consolidation Officer. The Khatauni in C.H. Form 45 shall then be published in the village.]

2. Rule 71 fully, substituted by Notification No 46/6/70--Revenue--8, dated 7th Nov., 1973, and re-substituted only sub-rule (1) of Rule 71 by Notification No.46/6/70--Revenue 8, dated 6th January, 1975, published in U.P. Gazette. Part I-ka, dated 25th Jan., 1975.

5. Substituted by Notification No.31/2/69--I-E. dated April 30, 1971

99. See Section 27 :-

After the khatauni has been prepared new khata numbers shall be entered in column 5 of Khasra Mutabiqat.

100. xxx xxx xxx :-

⁵[100.

All cuttings and overwritings in the Khasra Mutabiqat and the Khatauni shall be signed and dated by the person responsible for such cuttings and overwritings and also by the Assistant Consolidation Officer. There shall be no erasures anywhere.

An Errata list in respect of each of the record mentioned above shall be prepared by the Consolidation Lekhpal in C.H. Form 6-B and shall be attested by the Consolidator. It shall also be signed by the Assistant Consolidation Officer. Such a list after being signed by the Settlement Officer, Consolidation shall be attached to each copy of the record when it is bound.]

5. Substituted by Notification No.31/2/69--I-E. dated April 30, 1971

100A. xxx xxx xxx :-

⁵[100-A.

The Khasra Mutabiqat along with the final village map and the Khatauni in C.H. Form 41 shall constitute the Consolidation Volume. Two such volumes shall be prepared, one of it shall be consigned by the Collectors Record Room and other shall be delivered to the Tahsildar for being made over to the Lekhpal. Thereafter the Director of Consolidation shall take steps to notify the village under Section 52.]

5. Substituted by Notification No.31/2/69--I-E. dated April 30, 1971

101. See Section 27 :-

(1) As soon as may be, the Settlement Officer, Consolidation, shall issue a notice asking those members of the public, who want to purchase copies of the village maps which are proposed to be reproduced mechanically to apply for them by a date to be fixed by

the Settlement Officer, Consolidation. The Settlement Officer, Consolidation, shall also indicate in the notice the charges fixed for the supply of each copy.

(2) From the map prepared under Rule 90, the following number of copies will be reproduced mechanically:--

(a) For revenue and land records purposes

Two blue prints, six copies on cloth and four copies on paper.

(b) For sale

Four copies on cloth, or if the Settlement Officer, Consolidation, so decides more, considering the local requirements in addition to the number actually asked for.

(3) The map prepared under Rule 90, together with two blue prints shall be forwarded to the Director of Land Records.

101A. xxx xxx xxx :-

In the copies of the final map prepared under Rule 90, the Settlement Officer, Consolidation, shall cause the existing soil classes to be marked within thick red lines, the different soil classes being described by suitable abbreviations written boldly in red ink over each kind of soil. The map, besides being checked and signed by the Consolidator and the Assistant Consolidation Officer, shall be checked and signed by the Settlement Officer, Consolidation also.

102. xxx xxx xxx :-

xxx xxx xxx

103. xxx xxx xxx :-

xxx xxx xxx

104. See Section 27 :-

(1) Where a joint Consolidation Scheme has been prepared for any area belonging to more than one village, the Assistant Consolidation Officer shall cause to be prepared a statement in C.H. Form 44 showing:

(a) The land revenue and anna valuation in each such village pertaining to a tenure-holder in each class of tenure.

(b) The anna valuation allotted to such a tenure-holder in each class of tenure in each such village.

(c) The future land revenue payable in each class of tenure in each such village by the tenure-holder calculated in accordance with the principle that such land revenue shall bear the same proportion to the total land revenue paid in that class of tenure in all such villages as the anna valuation allotted in that village in that class of tenure bears to the anna valuation allotted to him in that class in all such villages.

(2) The statement shall be checked cent percent by the Consolidator, 20 per cent by the Assistant Consolidation Officer and 5 per cent by the Consolidation Officer. It shall then be published in the village. Objections made by any person concerned with any entry therein if made within ten days of the date of publication shall be heard and finally decided by the Assistant Consolidation Officer, subject however to the confirmation of the statement by the Settlement Officer, Consolidation.

(3) As soon as the statement in C.H. Form 44 has been confirmed by the Settlement Officer, Consolidation, entries shall be made accordingly in the khatauni prepared in Rule 97 for each of such village.

105. See Section 54 :-

The State Government shall determine the manner in which the records of all cases and proceedings dealt with under the Act shall be disposed of.

106. xxx xxx xxx :-

xxx xxx xxx

107. xxx xxx xxx :-

xxx xxx xxx

108. See Section 54 :-

(1) Extracts from the records of the basic year on those published under Section 10 (1) shall be issued by the Consolidation Lekhpal. His remuneration for the issue of such extracts shall be the same as prescribed in the Land Records Manual.

(2) An application for a copy of the Statement of Principles prepared under Section 8-A shall be made to the Assistant Consolidation Officer with a copy-stamp of Rs. 2.50 for each copy.

(3) A copy of an allotment order may be issued by the

Consolidation Lekhpal on payment to him as his remuneration a fee of Re. 0.25 per copy.

(4) Applications for copies of maps and final documents prepared under provisions of the Act not covered by sub-rules (1) to (3) shall be made to the Assistant Consolidation Officer, or in respect of copies of judgment, statement, etc, forming part of judicial proceedings, shall be made to the Presiding Officer of the Court concerned and shall be charged for according to the scale of fee and in the manner laid down in Chapter IX of Manual of Orders of Government of U.P. in the Revenue Department.

109. See Section 27 :-

The Consolidation Scheme in respect of a village prepared voluntarily by the tenure-holders of village shall be submitted for consideration to the Deputy Director, Consolidation, in C.H. Form 23-A (Parts I and II) and shall be accompanied by the copies of the field book and the village annual register on which it is based, as also by copy of map of the village showing the details of the proposals incorporated in Consolidation Scheme.

109A. xxx xxx xxx :-

(1) Order passed in cases covered by sub-section (2) of Section 52 shall be given effect to by the consolidation authorities, authorised in this behalf under subsection (2) of Section 42. In case there be no such authority, the Assistant Collector-incharge of the subdivision, the Tahsildar, the Naib-Tahsildar, the Supervisor Kanungo, and the Lekhpal of the area to which the case relates shall, respectively, perform the functions and discharge the duties as the Settlement Officer, Consolidation, Consolidation Officer, the Assistant Consolidation Officer, the Consolidator, and the Consolidation Lekhpal respectively for the purpose of giving effect to the order, aforesaid.

(2) If for the purpose of giving effect to an order referred to in sub-rule (1) it becomes necessary to reallocate affected chaks, necessary orders may be passed by the Consolidation Officer, or the Tahsildar, as the case may be, after affording proper opportunity of hearing to the parties concerned.

(3) Any person aggrieved by the order of the Consolidation Officer, or the Tahsildar, as the case may be, may, within 15 days of the order passed under sub-rule (2), file appeal before the Settlement Officer, Consolidation or the Assistant Collector incharge of the sub-

division, as the case may be, who shall decide the appeal after affording reasonable opportunity of being heard to the parties concerned, which shall be final.

(4) In case delivery of possession becomes necessary as a result of orders passed under sub-rule (2) or sub-rule (3), as the case may be, for the provisions of Rules 55 and 56 and shall, mutatis mutandis, be followed.

109B. xxx xxx xxx :-

(1) Where more than one case of proceeding involving substantially the same question for determination and based on the same cause of action are pending before two or more consolidation authorities, they shall upon an order passed on an application made by any party to or suo motu by the authority to which the authorities before whom cases or proceedings are pending, are all subordinate, be consolidated before one authority and decided by a single judgment.

(2) A consolidation authority may consolidate suo motu cases or proceedings pending before it, if it is satisfied, for reasons to be recorded, that such a course is necessary for a proper and expeditious disposal of the cases or proceedings and that it would not prejudice the interest of any party to the case or the proceeding.

110. See Section 3 (4) :-

The Director of Consolidation, shall exercise powers of supervision and superintendence over the staff employed in consolidation organisation of the State and may for that purpose issue such directions as may be necessary.

111. See Sections 19 and 54 :-

⁶[An application under Section 48 of the Act shall be presented by the applicant or his duly authorised agent to the Joint/Deputy/Assistant Director of Consolidation, nominated by the Director of Consolidation, Uttar Pradesh for the district or Settlement-Officer (Consolidation) unit concerned or failing posting of any such Joint/Deputy/Assistant Director of Consolidation in the district, to the District Deputy Director (Consolidation) within 30 days of the order against which the application is directed. It shall be accompanied by a copy of the judgment or order in respect of

which the application is preferred. Copies of judgment or order, if any, of other subordinate authorities in respect of dispute shall also be filed alongwith the application.]

6. Substituted by Notification No. 437-CH/I--256-61, dated 25th March, 1969 and again Substituted by U.P. Consolidation (Twenty-first Amendment) Rules, 1980, dated 20-2-1980, published in U.P. Gazette (Extra.), dated 23-2-1980

112. See Section 54 :-

Proceedings which under the provisions of Section 49 of the U.P. Consolidation of Holdings (Amendment) Act, 1958, are to be conducted and concluded in accordance with the provisions of the U.P. Consolidation of Holdings Act, 1953 (U.P. Act V of 1954) as it stood immediately before this amendment by the Amendment Act of 1958 shall be governed by the Rules of 1954 as they stood immediately before amendments made in those rules through Notification No. 160-CH/1-A--280-58, dated April 16, 1959.

(2) Proceedings which under the provisions of sub-section (1) of Section 47 of the U.P. Consolidation of Holdings (Amendment) Act, 1963 (VIII of 1963) are to be conducted and concluded in accordance with the provisions of the U.P. Consolidation of Holdings Act, 1953 (V of 1954) as it stood immediately before its amendment by the Consolidation of Holdings (Amendment) Act (VIII of 1963) shall be governed by the rules as they stood immediately before their amendment through Notification No. 437-CH/I-E--256-61, dated March 25, 1964:

Provided that the provisions of Rules 3, 3-A, 14, 55, 56, 56-A, 57, 58, 61, 65, 85, 86, 90, 100, 101, 101-A and 101-B as they stand after their amendment, through the notification aforesaid shall apply, and the provisions of Rules 87, 88 and 89 Omitted by the said notification shall not apply, to the work in regard to or connected with consolidation operations even to units covered by sub-section (1) of Section 47 of the U.P. Consolidation of Holdings (Amendment) Act, 1963 (Act VIII of 1963).

Explanation.--The forms applicable to any proceedings all accord with the rules applicable to such proceedings under sub-rule (1) or sub-rule (2) of this rule.

113. xxx xxx xxx :-

(i) The Assistant Consolidation Officer shall prepare the draft plan referred to in Section 52-A of the Act on the basis of the entries in the current Khasra, Khatauni and the map.

(ii) Where any entry in the records mentioned in sub-rule (1) is modified in pursuance of an order passed under any law, the Assistant Consolidation Officer shall make a reference to the order and note its operative portion against the said entry. The entries so corrected shall be taken into account in the preparation of the draft plan.]

7. Substituted by Ibid.

114. See Section 52-A :-

Where, in order to provide chak road or chak gul re-arrangement of chaks becomes necessary, the Assistant Consolidation Officer shall determine the exchange ratio of the plots or parts of plots of a holding or of land vested in the Gaon Sabhas, likely to be affected by such re-arrangement by ascertaining the productivity, location and existing soil class of the plot or plots and by spot verification in the company of as many tenure-holders of the unit as he may be able to collect. The exchange ratio so determined shall be mentioned in Column 4 of C.H. Form 23-B, Part I and Column 12 of the C.H. Form 23-B, Part II, as the case may be.

115. See Section 52-A :-

The amount of a compensation payable to tenure-holders wherever necessary, would be calculated in C.H. Form 23-B (Part III).

116. xxx xxx xxx :-

(1) The draft plan referred to in Rule 113 shall be prepared in C.H. Form 23-B (Part I) and C.H. Form 23-B (Part II)].

(2) The draft plan as prepared under sub-rule (1) shall then be published in the village in accordance with Section 3(8). Relevant extracts of the draft plan shall also be issued to the tenure-holders concerned or the Chairman of Land Management Committee, as the case may be.

117. See Section 52-A :-

After confirmation of the plan by the Settlement Officer, Consolidation under sub-section (8) of Section 52-A, it shall be

published in accordance with sub-section (8) of Section 3 and allotment orders shall be issued in C.H. Form 23-C to the tenure-holders concerned or the Chairman of the Land Management Committee, as the case may be.

118. See Section 52-A :-

The plan, as confirmed by the Settlement Officer, Consolidation under sub-section (8) of Section 52-A, shall be given effect to by the Lekhpal in the current map and records in the manner indicated in sub-rule (2) of Section 113. The entries made by the Lekhpal shall be checked, dated and signed by the Consolidator and the Assistant Consolidation Officer.