

Delhi Land Reforms Rules, 1954

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CHAPTER I

Preliminary

1. Short title and commencement. –

(a)(i) These rules may be called the Delhi Land Reforms Rules, 1954,

(ii) They shall come into force at once.

(b) In these rules, unless the context otherwise requires-

(i) "Act" means the Delhi Land Reforms Act, 1954.

(ii) "Form" means a form appended to these rules.

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

(iv) "Standard acre", as defined in sub-section (20) of Section 3, shall be the equivalent of one ordinary acre of any class of land in any assessment circle, as determined by dividing by 16 the valuation shown in the following table for such class of land in the said assessment circle.

(Figures represent value in annas per acre)

			Classes of land			
A r e a of Assessment circle	Chahi	Chahi Nahri	Nahri	Abi	Barani	Sailabi
Bangar	16	16	16	-	8	-
Dabar	12	12	8	-	8	-
Kohi	12	-	-	-	8	8
Khandarat	16	20	20	-	8	-
Khadar	12	-	-	16	8	12
Shahdara	12	-	-	16	8	12

(c)(1) On the commencement of the Act, the Chief Commissioner shall, with reference to Clause (c) of sub-section (2) of Section 1, publish for general information in the official Gazette a list of the following areas held in the State as on the said date, viz.;

(i) areas held and occupied for a public purpose,

(ii) areas held and occupied for a work of public utility, and

(iii) areas required under the Land Acquisition Act, 1894, or any enactment other than the Land Reforms Act, 1954 for a public purpose and held as such.

(2) While publishing the above list, the Chief Commissioner shall invite objections, if any, to the lists within a period of 30 days.

(3) If any objections are received, he shall after necessary enquiries pass suitable orders and publish final revised lists in the official Gazette as a declaration under Clause (c) of sub-section (2) of Section 1.

(4) If no objections are received, he shall confirm the original lists as a declaration

under the said section, in the official Gazette.

CHAPTER II

Acquisition of Certain Rights of Proprietors

2. Acquisition of certain rights of proprietors (Section 7). –

(1) On the commencement of the Act, the Deputy Commissioner shall publish a notification in the official Gazette declaring that all rights of an individual proprietor or proprietors pertaining to waste lands, grazing or collection of forest produce from forest or fish from fisheries or pertaining to lands of common utility such as customary common pasture lands, etc. referred to in sub-section (1) of Section 7, in the State, shall terminate with effect from the commencement of the Act and vest in the Gaon Sabha of each Gaon Sabha area or in the person or authority appointed by the Chief Commissioner under Section 161 of the Act, free from all incumbrances.

(2) The notification shall be in the form prescribed for proclamation in L.R. Form 1, or with suitable modifications so that a single notification may cover the whole State.

3. Proclamation. –

Upon the publication of notification under Rule 2, the Revenue Assistant shall issue a proclamation in L.R. Form 1, either in respect of each village of each Gaon Sabha area, and cause the same to be published-

(a) by posting copies of the proclamation at his Court house, at the tehsil building at some conspicuous place in or near the village or villages to which the rights pertain, and

(b) by beat of drum in each village.

4. Compensation to be paid by the State.-

(1) The Revenue Assistant shall forthwith direct each Kanungo have the compensation for proprietors under Section 7 worked out in L.R. Form 2, village-wise. The form shall be filled up by the Patwari and each form shall be completely checked and signed by the Kanungo. Ten percent of the entries shall then be checked and signed by the Naib Tehsildar in Revenue Assistant's Office.

(2) When the compensation forms are ready; the Revenue Assistant shall satisfy himself with regard to the correctness of the entries and obtain orders from the Chief Commissioner [about the number of instalment under the existing Rule 4 and the manner in which the payments are to be made to the ex-proprietors.] The decision of the Chief Commissioner shall depend on the total amount of compensation for the State in the light of the anticipated increase in land revenue. The Chief Commissioner may direct that the compensation below a certain amount may be paid in a single instalment. A register of compensation to be paid by the State shall be maintained in L.R. form 3, village-wise at the office of the Revenue Assistant [and all disbursements noted thereon.]

4A. Deduction of and set off against land revenue. -

(1) Arrears of land revenue, if any, outstanding against a person entitled to receive compensation or against his predecessors-in-interest, shall be deducted by the Revenue assistant from the compensation payable to such person.

(2) Any person entitled to receive compensation in lump sum or in instalments under Rule 4 may also have the amount of compensation or any portion thereof set off against the land revenue payable in respect of holding of any other person in whom he is interested and the land revenue in respect of his own holding accruing in future by making an application to. the Revenue Assistant. Land Revenue in such cases shall be reduced by an amount equal to the amount of compensation payable or a portion thereof and in case of instalments fixed under Rule 4, equal to the instalments.]

5. Private wells and buildings, etc. (Section 8). -

(a) Subject to sub-rule (b) the site of a private well in abadi or a tree in abadi or building along with the area appurtenant thereto or a tank situate within the limits of an estate shall be deemed to be settled with the owner of the said well, tree, building or tank 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 ejection on any ground whatsoever.

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

(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 Gaon Sabha.

(vi) He shall pay to the Gaon Sabha rent for the site equal to the amount of rent or land revenue payable therefor on the date immediately before the commencement of the Act. He shall, however, not be liable to pay any rent for the site if so such rent or land revenue was payable on the said date.

(b) The site of a private well, tank or 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.

(c) Trees planted by a person other than a proprietor on land other than land comprised in his holding shall be deemed to be settled with such person as owner thereof and trees in a holding shall be deemed to be settled with the Bhumidhar of the holding along with the land.

CHAPTER III

A. Declaration of Tenure, Sub-Tenure, Compensation and Land Revenue

6A. Declaration of Bhumidhars and Asamis (Sections 5, 6, 10, 11, 12 and 13).-

(1) Immediately after the commencement of the Act, the Revenue Assistant shall call the Patwaris to the Headquarters and under the supervision of the Kanungos

and Naib Tehsildar get statements in L.R. Form 4 prepared in duplicate, separately for each village. The entries in this Form for each village shall be in 22 parts, numbered and arranged in the following serial order.

Proprietary

(To be declared as Bhumidhars under Section 11)

Part (1) Khud Kasht (not sublet).

Part (2) Sir (not sublet).

Part (3) Land held by occupancy tenant under Section 5 of the Punjab Tenancy Act, 1887 (not sublet).

Part (4) Land held by tenants holding patta dawami or Istamrari with right of transfer by sale (not sublet).

Part (5) Proprietor's grove

Tenures

(To be declared as Bhumidhars under Section 13)

Part (6) Land held by rent-free grantee or grantees at favourable rate of rent (not sublet).

Part (7) Land held by ex-proprietary tenants (not sublet).

Part (8) Land held by occupancy tenants except those under Section 5 of the Punjab Tenancy Act, 1887 (not sublet).

Part (9) Land held by non-occupancy tenants of over 12 years or less including non-occupancy tenants paying rent at revenue rates.(not sublet).

Part (10) Land held by tenants under Patta Dawami or Istamrari without right to sell (not sublet).

Part (11) Land held by Tenant grove holders.

Part (12) Tenants of Sir and Khudkasht excluded from parts 1 and 2.

Part (13) Sub-tenants of Land excluded from parts 3 and 4.

Part (14) Sub tenants of rent-free grantee or grantees at favourable rate of rent or of ex-proprietary tenants (excluded from parts 6 and 7).

Part (15) Sub-tenants of occupancy tenants other than those under Section 5 of the Punjab Tenancy Act (excluded from part 8).

Part (16) Sub-tenants of non-occupancy tenants (excluded from part 9).

Part (17) Sub-tenants of tenants holding under Patta Dawami or Istamrari without right of transfer by sale (excluded from part 10).

Sub-Tenures

(To be declared as Asamis under Section 6)

Part (18) Land held by non-occupancy tenant of proprietors grove (land in part 5).

Part (19) Land held by sub-tenants to grove (Land in part 11).

Part (20) Land held by non-occupancy tenants of pasture land or land covered by water etc.

Part (21) Lessees of Bhumidhars suffering from disability.

Part (22) Lessees of pasture land or land covered by water (i.e. lessees of part 20 admitted by Gaon Sabha or others entitled to sublet).

The Kanungos and Naib-Tehsildars shall be made responsible to have columns 1 to 9 of these forms filled up accurately within a period to be specified by the Revenue Assistant. The Kanungos and Naib-Tehsildars shall then check the entries and submit both copies of each form, separately compiled into registers for each village and bundles for each Kanungo circle, to the Revenue Assistant not later than six weeks from the date the compilation begins at headquarters. The Naib-Tehsildar shall sign and date each form, both the original and the duplicate. The village-wise registers shall be known as the original or the duplicate tenure register, as the case may be.

(2) The Revenue Assistant shall, subject to Rule 204, then proceed to pass orders in the original tenure register and fill up columns 10 to 13 in his own hand and put his signature against each set of entry in column 14. Subject to the provisions of Sections 5, 6, 10, 11, 12, and 13 of the Act, the Revenue Assistant shall declare proprietors, occupancy tenants under Section 5 of Punjab Tenancy Act and Pattadar, enumerated in parts 1 to 5 as Bhumidhars under Section 11. The amount of the land revenue and compensation of tenants of parts 3 and 4 shall be filled up in columns 11 and 13 of the Form in accordance with Rule 6-B, and the principles laid down in Section 11. Similarly he shall declare the tenants of parts 6 to 12 as Bhumidhars under Section 13 and the sub-tenants of parts 13 to 17 as Bhumidhars under Section 13 read with Sections 10 and 12. The amounts of the land revenue in column 11 and compensation in column 13 against the Bhumidhars declared as such under Section 13 shall be entered by the Revenue Assistant in accordance with Rule 6-B and the principles laid down in Section 14. Similarly he shall declare the sub-tenure holders in parts 18 to 22 as Asamis under Section 6, their rents being recorded in column 8 and repeated in column 11. Columns 15 to 17 of the tenure register shall be left blank at this stage.

(3) The orders passed by the Revenue Assistant in his own hand in columns 10 to 13 of the original tenure register shall be copied out by his office in the duplicate tenure register, each entry being compared and attested in column 14 by an officer of the rank of not less than a Naib-Tehsildar, according as each volume of the original tenure register is finished by the Revenue Assistant, who shall also sign each volume of the duplicate tenure register at the end.

(4) In village where there are entries of mortgages with possession in respect of proprietary or tenancy rights some space should be left at the end of each part, as required by Clause (1) of Rule 11.

6B. Calculation of land revenue and compensation of Bhumidhars declared as such under Sections 11, 13 and 14.-

(a) Bhumidhars declared as such under Section 12. - (1) The land revenue payable

by a Bhumidhar who is declared as such under sub-section (1) or under the proviso to sub-section (2) of Section 11 i.e. of persons belonging to Parts 1 to 5 of the tenure register shall be calculated in accordance with sub-section (4) of Section 11. The basis of the calculation shall be the land revenue paid for the plot or plots concerned in the year immediately preceding the commencement of the Act, which will be found in column 9 of the tenure register. Where the plot or plots form a part of a Khata, the proportionate land revenue shall be calculated by working out separately the valuation of the whole Khata as also the valuation of the plots under declaration at the prevailing village rate of rent with due regard to the class of soil. The land revenue of the plots under declaration shall bear the same proportion to the land revenue of the whole Khata as the valuation of the former to that of the latter. The new land revenue so calculated shall be entered in column 11 of the tenure register by the Revenue Assistant.

(2) The compensation payable by the occupancy tenants under Section 5 of the Punjab Tenancy Act, 1887 and by the Pattadars Dawami or Istamrari with right of transfer by sale i.e. by persons belonging to parts 3 and 4 of the tenure register shall be four times the new land revenue calculated under Clause (1) above. This shall be entered in column 13-A of the tenure register.

(b) Bhumidhars declared as such under Section 13. - (1) The land revenue payable by tenants-in-chief or sub-tenants enumerated in sub-section (1) of Section 13 i.e. of persons belonging to parts 6 to 12, tenants, and parts 13 to 17, sub-tenants, of the tenure register shall be calculated in accordance with the principles laid down in Section 14. The general principle is that the new land revenue shall be half of the amount of rent payable or deemed to be payable by the tenant or the sub-tenant in the year immediately before the commencement of the Act for the plots under declaration. Where the plots concerned are part of a holding, the proportionate rent of the part under declaration shall be calculated on the basis of valuations at the prevailing village rate of rent with due regard to the class of soil on the same principle as given in Clause (1) of sub-rule (a). Where the plots under declaration belong to a rent-free grantee or grantees at favourable rate of rent deemed to be payable in the year before the commencement of the Act shall be the rent at the prevailing village rate of rent with due regard to the class of soil. The rent payable in the year immediately before the commencement of the Act, so calculated shall be entered in column 8 of the tenure register. The new land revenue calculated according to the general principle mentioned above shall be 50 percent of the rent so calculated. But this new land revenue shall be subject to a maximum and a minimum. The amount so found shall be compared with the former land revenue of the plots under declaration as entered in column 9 of the tenure register. Where the new land revenue is greater than twice the former land revenue, it shall be reduced to the latter amount i.e. to an amount equal to twice the former land revenue. Where the new land revenue is less than the former land revenue, it shall be raised to an amount equal to the former land revenue. The new land revenue shall be entered in column 11 of the tenure register.

Example 1 - Suppose that the rent of a non-occupancy tenant in the year immediately before the commencement of the Act was Rs. 6 and the land revenue of the plots concerned in that year was Rs. 2 His new land revenue will be half of Rs. 6 i.e. Rs. 3. It will be declared as Rs. 3 as this amount is neither greater than twice the former land revenue nor less than the former land revenue.

Example 2 - Suppose in the above example, the tenant is an occupancy tenant and

the former land revenue was Rs. 4 and not Rs. 2. In that cases half the rent would be Rs. 3 which is less than the former land revenue. Therefore, the new land revenue Rs. 3 will be raised to Rs. 4.

Example 3 - Suppose that the rent of a sub-tenant is Rs. 14 and the former land revenue was Rs. 2. Here half the rent i.e. Rs. 7 is greater than twice the former land revenue. Therefore the new land revenue will be obtained by reducing Rs. 7 to Rs. 4.

(2) Compensation to be paid by occupancy tenants with permanent and heritable rights under Clauses (b), (c) and (h) of sub-section (1) of Section 13, i.e. by persons belonging to parts (7), (8) and (10) of the tenure register, to the proprietor, shall be 8 times the amount of new land revenue declared in column 11 under Clause (1) of sub-rule (b) above and this amount of compensation shall be entered in column 13-A.

Example - As example 2 given under Clause (b) of sub-rule (b) relates to an occupancy tenant, his case will be covered by this sub-rule and in this case the amount of compensation will be 8 times the new land revenue i.e. 8 into 4 or Rs. 32 payable to the proprietor.

(3) Compensation to be paid by tenants of Sir and non-occupancy tenants, under Clauses (a), (d), (e), if) and (g) of sub-section (1) of Section 13 i.e. persons belonging to parts (6), (9), (11) and (12) of the tenure register shall be 16 times the new land revenue declared in column 11 of the tenure register. These shall be entered in column 13-A of the tenure register.

Example - Example 1 given under Clause (1) of sub-rule (b) relates to a non-occupancy tenant. His case will be covered by this sub-rule and the amount as compensation in this case will be 3 x 16, i.e., Rs. 48.

(4) Compensation to be paid by all sub-tenants i.e. by persons belonging to parts (13) to (17) of the tenure register, when they are declared as Bhumidhars under Section 13, shall be twenty times their newly declared land revenue in column 11 of the tenure register. But in this case the amount of compensation shall be distributed between the proprietor and the land holder in proportions detailed in Clause (b) of sub-section (3) of Section 14. The proportion of distribution shall depend on the class of tenure to which the immediate land holder of the sub-tenant belongs, so that in each case the proprietor gets the multiple that would be due to him from that class of tenure holder and the balance goes to the land holder. Thus the distribution will be as follows:

Where landholder is a tenant with a right of transfer by sale i.e. belongs to part 3 and 4 of the tenure register.	Where landholder has permanent and heritable rights, i.e. belongs to parts 7, 8 and 10 of the tenure register.	Where landholder is a non-occupancy tenant i.e. belongs to parts 6, 9 and 11 of the of the tenure register.
(i) Compensation to the proprietor 4.	8	16
(ii) Compensation to the landholder 16.	12	4

The amount of compensation thus distributed will be entered in columns 13-A and

13-B of the tenure register by the Revenue Assistant.

Example - If in example 3 under Clause (1) of sub-rule (2) of the sub-tenant holds the land from say an ordinary occupancy tenant belonging to part (8) of the tenure register, his compensation will be 4 x 20 i.e. Rs. 80 and out of this Rs. 32 will go to the proprietor and Rs. 48 to the occupancy tenant.

6C. Calculation of land revenue and compensation under Section 11 and 13, where the rent of the tenure-holder in the year before the commencement of the Act was payable in kind (sub-section 8 of Section 14).-

For the purposes of sub-section (8) of Section 14 all grain rents shall be converted into cash rents in accordance with the principles laid down in Rule 51.

7. Forms of declarations to be completed.-

(1) As soon as the original and duplicate tenure registers are completed and the Revenue Assistant has passed orders/the Patwaris shall fill up the forms of declarations in L.R. Forms 5 and 6 under the direct supervision of the Kanungos at headquarters. The forms shall be supplied to them in booklets of 50 and 25 forms each respectively, and written receipts obtained from them. Form 5 shall be used for the declaration of Bhumidhars under Sections 11 or 13 and Forms 6 for Asamis under Section 6. The entries on the counterfoil, the main form, the declaration and on the back of the declaration shall be strictly in conformity with the entries in columns 1 to 13 of the original tenure register. As far as possible, one form of the booklet shall be used for each Khata of the Khatauni or Khewat, as the case may be, of the year preceding the commencement of the Act. Form No. 5 is designed to cover all cases of declarations of Bhumidhars under Sections 11 and 13 and the portions not needed in each individual case shall be scored out, in the following manner :

(i) For the declarations under Clause (a) of sub-section (1) of Section 11, para 2 of the declaration relating to compensation shall be scored out.

(ii) For declarations under Clause (b) and (c) of the said sub-section the amount of compensation, which will be only 4 times the land revenue paid in the fasli year before the commencement of the Act, shall be entered as payable to the outgoing proprietor in one lump sum within six months of the date of declaration and the portions not applicable to these cases in para 2 of the declaration shall be scored out.

(iii) For declarations under Section 13 in cases where tenants-in-chief including the tenants of Sit, are declared as Bhumidhars, para 2 of the declaration shall show the declared land revenue to be half of the rent payable by him in the year before the commencement of the Act subject to the maximum and minimum prescribed under the proviso to Clause (a) of sub-section (2) of Section 14 and the total compensation as 8 times or 16 times the declared land revenue in accordance with Clause (b) of sub-section (2) of Section 14, also providing for the option to pay the total compensation in one lump sum or in ten annual equal instalments together with simple interest at 2½% per annum.

(iv) For declarations under Section 13 in cases where sub-tenants are declared as

Bhumidhars, para 2 of the declaration shall show the land revenue as determined on the same principle but in these cases the amounts of compensation payable to the proprietor as also to the landholder shall be separately specified and calculated in accordance with Clause (b) of sub-section (3) of Section 14, providing also for the option to pay the compensation in one lump-sum or in ten annual equal instalments together with simple interest at 2½% per annum due to the proprietor and the landholder, as the case may be.

(2) Similarly, for each village, declaration in L.R. Form 6 shall be prepared from the entries of sub-tenants in parts (18) to (22) of the original tenure register L.R. Form 6 shall also be kept in booklets of 25 forms each and as far as possible, one form shall be used for each Khata.

(3) As soon as the entries of a village are complete the booklet of L.R. Form 5 or L.R. Form 6 shall be closed. Each individual entry in the booklet shall be compared by the Kanungo, with the original tenure register and each form signed in token of check 20 percent of the forms shall then be checked by the Naib Tehsildar and signed by him. After these checks the Revenue Assistant shall sign each form and have it stamped with his court seal in his presence. The unused forms of each booklet shall each be crossed and signed by the Naib Tehsildar. The booklets of L.R. Forms 5 and 6 shall then be arranged in village-wise bundles along with the tenure registers of each village.

8. Distribution of declaration forms.

(1) The Revenue Assistant shall then arrange to distribute the declaration forms to the tenure or sub-tenure holder concerned of each village on a systematic basis either by calling them to headquarters or to convenient centres on dates fixed, in the presence of the Patwari and the Kanungo. The signatures of the Bhumidhars and Asamis shall be taken on the counterfoils in token of receipt and before delivering declaration in L.R. Form 5, the Revenue Assistant shall question each Bhumidhars as to whether he elects the payment of compensation in one lump-sum or by instalment. Before obtaining his signatures the Revenue Assistant shall note down and initial the method elected by him and score out the other method both in the declaration form and its counterfoil. The date of issue shall be noted down on each form and its counterfoil.

(2) In the case of payments by instalments, the rate of interest payable shall be simple interest at 2½% per annum.

(3) As soon as the distribution of forms of one village is over, the method of payment of compensation elected shall also be entered in columns 15 and 16 of the original and duplicate tenure registers of the village and the initials of the Revenue Assistant shall be obtained in column 17 against each entry.

(4) Anyone who challenges the correctness of entries in the forms of declaration shall, except where it refers to a clerical omission or error, be directed by the Revenue Assistant to file a regular suit within two months of the date of issue.

(5) Where there are several persons in a Khata Khatauni or where the tenure or sub-tenure holder is a minor or a disabled person within the meaning of sub-section of Section 10 of the Revenue Assistant shall obtain the signature of the head or karta or the guardian of the person suffering from the disability, as the case may be.

(6) After the distribution of declaration forms is over, the original tenure register and the counterfoil books of the declarations Forms 5 and 6 shall be retained as permanent records in the record room at headquarters.

9. Transmission of duplicate tenure register to tehsil.

The duplicate tenure registers shall be transmitted to the Tehsildar, after the distribution of declaration forms is over, for the preparation, of first, the register of realization of compensations in L.R. Forms 7 and 8, secondly the preparation of the Land Revenue Demand Register and thirdly for the preparation of the records of rights. It shall eventually be retained as a permanent record in the Tehsil record room.

10. The register of realization of compensations.

(1) The Tehsildar shall maintain two registers for the realization of compensations one in L.R. Form 7 and the other in L.R. Form 8, which shall be compiled circle-wise with separate entries for each village. The former shall be used to keep an account of the realizations of compensations paid by Bhumidhars in a lump sum and their disbursements in a lump sum to the proprietors or land holders concerned. The latter shall be used for similar realizations and disbursements where the Bhumidhars has elected to pay compensation by yearly instalments. The entries in columns 1 to 8 of these registers shall be copied out from the duplicate tenure register, immediately on its receipts by the Tehsildar from the Revenue Assistant.

(2) Where necessary, the Tehsildar shall issue notices of demand for the deposit of compensation within the time limit prescribed. The procedure in case of default, shall be the same as for the realization of arrears of land revenue. The Tehsildar shall also take necessary steps for the disbursements of the deposits to the proprietors or landholders concerned.

[For this purpose, he shall maintain a register of disbursement of compensation in L.R. Form 8(A) which shall be compiled circle-wise with separate entries for each village. The Revenue Assistant may disburse the amount of compensation to such person in one or more of the modes specified herein.

(a) by payment in cash.

(b) by adjustment against arrears of Land Revenue.

(c) by voucher through Sadar Treasury.

In case of payment by cash, the total amount payable individual cases will not exceed Rs. 50/-. The Revenue Assistant will draw from the treasury the total amount payable in respect of a village under one voucher alongwith a schedule showing the names and addresses of the persons entitled to the compensation and the name of the ex-proprietors from whom this amount was recovered on the basis of entries of L.R. Forms 7 and 8.

The disbursing Officer shall maintain a register in L.R. Form 8-A of all payments made in any of the three modes specified above.]

(3) The Tehsildar shall personally check the compensation registers once every fortnight and forward a monthly report of the progress of collections and

disbursement to the Revenue Assistant.

(4) The compensation registers shall be compared once every six months, with the mutation registers maintained at Tahsil, so that any changes in the names of Bhumidhars consequent upon a transfer or succession be made in the compensation register and initialled by the Tehsildar.

(5) Whenever any proprietor to whom the payment of compensation is being made by instalments, dies or otherwise transfers his right, the Tehsildar shall direct his successor-in-interest to produce a succession certificate or a deed of transfer, as the case may be, before his name is substituted in the compensation register.

(6) When the total amount of compensation is paid up or when all the instalments due have been paid up the Tehsildar shall close the entry by writing the words "account closed" in the remarks column and sign the same. When all the accounts have been closed, the register shall be deposited and retained as a permanent record in the record room at headquarters.

10A. Deduction of and set off against land revenue.

(i) Arrears of land revenue if any, outstanding against a person entitled to receive compensation or against his predecessor-in-interest shall be deducted by the Revenue Assistant from the compensation payable to such person ;

(ii) Any person entitled to receive compensation may also have the whole or any portion of such compensation, set off against the land revenue, payable in respect of the holding of any other person in whom he is as interested and the land revenue in respect of his own holding accruing in future by making an application to the Revenue Assistant.

(iii) Method of adjustment-The Revenue Assistant shall prepare a separate voucher for payment of compensation in each case and enter therein the amount of deductions to be made by transfer credited and send the same to Tahsildar who should make necessary adjustment.]

B. General Consequences of the Termination of Intermediaries Rights

11. Registers of mortgages with possession (Section 15).

(1) While the tenure registers are being prepared under Rule 6 all cases of mortgages with possession, whether they are mortgages of proprietary or tenancy rights, shall be omitted; but in villages where there are such mortgage entries, some space shall be left out at the end of each part concerned for those entries to be made at a subsequent stage.

(2) For such villages, the Revenue Assistant shall order that all cases of mortgages of proprietary or tenancy rights, where mortgages or mortgagee's tenants are in possession, shall be entered, village-wise, in columns 1 to 16 of the register in L.R. Form 9. The register in L.R. Form 9 for each village shall remain at headquarters attached to the original tenure register of the village as a supplement.

12. Order of Revenue Assistant in all cases where mortgagor has applied for redemption within 9 months from the commencement of the Act (Section 15).

At the end of nine months from the commencement of the Act, the Revenue Assistant shall take up, village-wise, each entry in the register in L.R. Form 9. In all cases in which the mortgagor has applied for redemption of the mortgage within a period of nine months from the commencement of the Act, the Revenue Assistant shall pass orders in accordance with sub-section (2) and (4) of Section 15 and fill up the entries in columns 17 to 23 of the register in L.R. Form 9. Such Sir or Khud Kasht of the mortgagor as is under the personal cultivation of the mortgagee mortgage shall be ordered to be included in the Bhumidhari of the mortgagor and the rest as a Bhumidhari of the mortgagee or the mortgagee's tenants in accordance with possession. In these cases the new land revenue and compensation shall be determined in accordance with Section 14 and entered in columns 20 to 23 of the register in L.R. Form 9.

13. Orders of Revenue Assistant in all cases where mortgagor has failed to apply for redemption within 9 months from the commencement of Act (Sections 15 and 16).

(1) The Revenue Assistant shall at the end of nine months from the commencement of the Act, also simultaneously but separately take-up each of the remaining cases of mortgage with possession in which the mortgagor has failed to apply for redemption. He shall start judicial file for each such case and issue notices to all persons concerned, viz. the person or persons recorded as the mortgagor, or as mortgagee as also to the tenants of mortgagee, if any, and call upon them to produce the mortgage deed and all relevant records including the accounts maintained by the mortgage or accounts, if any, maintained by the mortgagor. After making such enquiry as may be necessary, the Revenue Assistant shall pass orders in accordance with the sub-sections (3) and (4) of Section 15. The plots in the self-cultivation of the mortgagee shall be included in the Bhumidhari of the mortgagee and the rest shall be declared as the Bhumidhar of the mortgagee's tenants if any, in accordance with their respective possession.

(2) The Revenue Assistant shall then proceed to calculate the new land revenue and compensation payable by the so declared Bhumidhars in accordance with Section 16. The amount of compensation payable by the mortgagee and each of the tenants, if any, shall, first be determined separately in accordance with sub-section (2) of Section 14, as explained in Clause (3) of sub-rule (b) of Rule 6-B, treating each as a non-occupancy tenant and calculating the rent of the land under mortgagee's personal cultivation under Clause (ii) of sub-section (8) of Section 14.

(3) The amount of compensation determined as payable by each tenant of the mortgagee shall be ordered to be paid direct to the proprietor mortgager in accordance with Clause (b) of sub-section (2) of Section 16. But in the case of compensation payable by the mortgagee, the amount determined in accordance with Section 14 shall have to be adjusted by a set off on account of the amount of mortgage money due to the mortgagee from the proprietor mortgager in accordance with Clause (d) of sub-section (2) of Section 16.

(4) In order to determine the mortgage money due to the mortgagee on the date of commencement of the Act from the proprietor mortgager the Revenue Assistant shall take into consideration and determine the following in L.R. Form 10-

1. The Principal amount of debt.	To be determined from
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2. The date of mortgage.	the original mortgage deed subject as regards interest of 12% to the maximum per annum.
3. The rate of interest.	
4. The mode of payment of the principal and interest.	
5. Receipts by mortgagee from rent up to the commencement of the Act.	Income to be determined from the accounts maintained by the mortgagee.
6. Receipts by mortgagee from profits, if any, of the mortgaged property.	
7. Payments towards land revenue up to the commencement of the Act, out the income.	Expenditure
8. Payments, towards other public charges, such as cesses and local rates.	
9. Cost of repairs, if any.	

The amount of net receipts, will then by the Receipts (columns 5 and 6) minus the Expenditure (Columns 7 to 10). The amount due under the mortgage will then to determined as-

The principal and the amount of interest calculated at the rate of interest stipulated in the mortgage deed subject to the maximum minus net receipts.

(5) Having thus determined the amount due under the mortgage, the Revenue Assistant shall determine the amount of compensation payable by the mortgagee declared as Bhumidhar after allowing a set off in accordance with Clause (d) of sub-section (2) of Section 16. He shall also then fill up columns 24 to 29 of the register in L.R. Form 9 for each case, his final orders in the file of the case being also noted down in column 30 and signed by him.

(6) After the register in L.R. Form 9 has been completed for a village, the orders on the mortgage entries shall be brought into effect in the tenure registers in L.R. Form 4 and forms of declarations issued for those entries, the registers for the recovery of compensation in L.R. Forms 7 and 8 being also filled up and necessary action taken.

14. Variations in rent on or after July 1, 1950 (Section 17).

(1) As soon as the Patwaris have been called to headquarters for the preparation of the original and duplicate tenure registers under Rule 6, the Revenue Assistant shall cause to be prepared a statement in L.R. Form 11 of each village showing the holdings whose rent has been reduced or remitted by the landholder or the proprietor after July 1, 1950. Columns 1 to 7 of this form shall be filled up in each such case and columns 8 to 12 shall be filled up only in cases where rent has been reduced or remitted in pursuance of a decree or order of Court. The Revenue

Assistant shall pass orders in column 13 in accordance with Section 17.

(2) L.R. Form 11 pertaining to each village concerned, when completed, shall be attached to the original tenure register of that village, as a supplement. The Revenue Assistant shall correct the entries of rent in column 8 of the original and the duplicate tenure register in accordance with orders passed by him in column 13 of L.R. Form 11. Each such corrected entry shall be signed by the Revenue Assistant. In cases where the rent entry is revised by the Revenue Assistant in the tenure register, the entries of the columns 10 to 18 of the tenure register, shall also be revised and based on the revised rent entry. Each correction shall be initialled by the Revenue Assistant.

15. Contract, agreement or eviction to defeat the provisions of the Act (Section 18).

(1) The application by a tenant or sub-tenant to regain possession under sub-section (2) of Section 18 shall be in the form of a plaint which shall comply with the rules contained in order VI and VII of the Code of Civil Procedure, 1908, and shall also contain the following particulars-

(a) details of land held by the applicant immediately before the 1st of July, 1950, i.e. the Khasra number of plots, their areas village, assessment circle in which they are situate, the nature of tenure and the annual rent;

(b) corresponding entry of the year immediately before the commencement of the Act in respect of each one of the plots mentioned in Clause (a) showing the person or persons in possession, area, nature of tenure and annual rent or in case where the land is follow, the fact of its being so.

The plaint shall be accompanied by certified extracts of the Khasra and the Khatauni for the years in question.

(2) On receipt of the application, the Revenue Assistant shall summon all the persons concerned including the representative of the Gaon Panchayat, if necessary and send for the Patwari with the relevant records, verify the entries and made such enquiry as may be deemed necessary in this connection. If the ejectment of the proprietor or land holder is ordered the Revenue Assistant shall direct that the applicant be put in possession and make necessary corrections in the tenure registers. He shall also take action under Rules 7 and 8, if necessary. For the purposes of calculating the land revenue of the applicant, when he is a declared Bhumidhar, his former rent shall be taken into consideration. Where only a part of his former holding has been restored to him, the rent payable for that part shall bear the same proportion to the rent previously payable for the whole holding as the valuation of the part restored at the prevailing village rate of rent bears to the valuation of the whole at prevailing village rate of rent, with due regard to the class of soil.

(3) If the ejectment is ordered from only a portion of a plot, the Revenue Assistant shall demarcate such portion at the expense of the applicant.

16. Disposal of suits and proceedings stayed under Sections 20 and 21.

(1) Every suit or proceeding whether pending in the court first instance or in appeal or revision stayed under Sections 20 and 21 shall together with the appeal or

revision, if any, be abated by the court or the authority before which it may be pending after notice to the parties and giving them an opportunity to be heard.

(2) The abatement of any suit or proceeding 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.

17. Limitation.

Where any suit or proceeding has been stayed under Sections 20 and 21, 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.

18. Gaon Sabha to be joined as party where necessary.

In every suit or proceeding, not being a suit or proceeding stayed under Sections 20 and 21, pending on the commencement of the Act, in which a proprietor is a party, whether as plaintiff or defendant, the court may, where it considers necessary in order to enable it effectually and completely to adjudicate upon and settle all questions involved in the suits or proceedings, order the Gaon Sabha to be joined as a party.

C. Use of Land Improvements

19. Application for use of holding for industrial purposes (Section 23).

An application to the Deputy Commissioner by a Bhumidhar for the use of his holding or part thereof for industrial purposes shall, besides giving the particulars enumerated in Rule 20, also state the area, if any, that will be left with the applicant, for cultivation. This factor as also the genuineness of the need for the industrial undertaking shall be duly considered by the Deputy Commissioner in making his recommendations to the Chief Commissioner for the grant of permission, which as far as possible, shall not be accorded at the expense of agricultural interests of rural areas.

20. Registration of the declarations granted under Sections 23 and 24.

(1) A copy of the sanction given or declaration made under Section 23 or 24 shall be duly signed by the Deputy Commissioner and bear the seal of his Court and shall contain the following particulars-

- (i) the section under which the sanction or declaration has been granted;
- (ii) the number and area of the plots in respect of which the sanction or declaration has been granted;
- (iii) the land revenue of the said plots ;
- (iv) the name of the village, assessment circle and tehsil in which the said plots are situate, and
- (v) the name, parentage, residence and address of the Bhumidhar in whose favour

the sanction or declaration has been granted.

(2) The copy shall be forwarded to the Sub-Registrar concerned who 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 misalband register in which the sanction of declaration has been registered.

(3) The registered copy shall be made over to the applicant and the original copy shall be retained as a permanent record in the Revenue Assistant's office after a note of the particulars mentioned in sub-rule (2) has been made on the back thereof.

21. Rate of interest.

Under the proviso to sub-section (3) of Section 24, the rate of interest shall be 2½ per cent per annum.

21A. Use of land for non-agricultural purposes (Section 81).

The Patwari, as soon as he learns that the provisions of Section 23 have been violated and any land has been used for non-agricultural purposes, submit report to the Tehsildar mentioning therein-

(i) The name, parentage and address of the Bhumidhar or Asami;

(ii) The number and area of the plots affected;

(iii) The name of the village and circle;

(iv) The use to which the land has been put;

(v) The date of conversion of land for non-agricultural purposes; and

(vi) Approximate amount of expense involved in making and capable of use for agricultural purpose before.

On receipt of the report from the Patwari or on receipt of information otherwise, the Tehsildar shall cause summary enquiry about the nature of the conversion of land and the approximate amount of expense involved in making the land capable of use for agricultural purposes as before, if it is possible. He shall then submit the papers to the Revenue Assistant for orders.

21B. Disposal of reports by Revenue Assistant (Section 81).

The Revenue Assistant, on receipt of the report referred to in Rule 21-A or on receipt of information otherwise regarding user of land for non-agricultural purposes shall issue notice to the parties in L.R. Form 48 and shall call upon them to show cause why action should not be taken against them under Section 81.

To every such suit or proceedings Gaon Sabha shall be made a party.

After hearing the parties and after making such further enquiries as he thinks fit, the Revenue Assistant shall pass suitable orders thereon].

D. Transfers

22. Rate of interest under the proviso to sub-section 37 of Section 24 Registration of lease (Section 37).

(1) All leases of land made under the Act 5, annual rent of which exceeds Rs. 100, shall be executed by a registered instrument.

(2) Leases of land the rental of which is Rs. 100 or less may be attested by any revenue court or revenue officer not inferior in rank to a Girdawar 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 or thumb-	Signature of the
Signature of the executants	impression of the witness	attesting officer of Court

23. Procedure.

(1) Every document to be attested shall be presented in person, by the executant himself or by his duly authorised agent.

(2) 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.

24. Attestation by Kanungo.

If the attestation is made by the Girdawar Kanungo, he shall note in his register of agreements the date of presentation of the document, the nature of the document, and the name and address of the executant, and shall note the fact of the attestation in his diary. The parties shall also sign the register or put their thumb-impressions thereon attested by witnesses. If the Girdawar Kanungo 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.

25. Exchange (Section 40).

(1) A Bhumidhar may exchange land held him as such for land held by any other Bhumidhar or for lands for the home being vested in the Gaon Sabha or local authority or in the Government by application to the Deputy Commissioner.]

26. Procedure.

(1) Where any exchange has been agreed upon, a party in the agreement shall

apply to the [Deputy Commissioner] to record the same in the record of rights.

(2) The application shall contain the following particulars and be accompanied by the following documents-

(i) The Khasra number of the plot-

(a) which the applicant wishes to receive and of the plots which he offers in exchange of;

(b) which the parties have agreed to exchange under an agreement;

(ii) certified copies of the Khatauni relating to the khatahs in which all such plots are included;

(iii) a statement, to the effect that neither of the parties will hold land in the State exceeding thirty standard acres as a result of the exchange; and

(iv) a statement showing the details of any valid deeds, mortgage or other encumbrances with which the land to be exchanged may be burdened, together with names and addresses of lessees, mortgages or holders of other encumbrances.

(3) On receipt of the application, if the [Deputy Commissioner] is satisfied that the exchange is not invalid according to the restrictions laid down in Section 33, 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.

(4) The [Deputy Commissioner] 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.

27. Land revenue on exchange (Section 41).

If in the course of proceedings, the [Deputy Commissioner] finds that the exchange involves a portion of a holding, and land revenue of the holding shall be split on the basis of their respective valuation at the last available prevailing village rate of rent with due regard to the class of soil.

28. Transfers mentioned in Sections 36, 43 or 44.

The patwari shall, as soon as he learns of a transfer mentioned in Section [33], 36, 43 or 44, submit a report to the Tehsildar 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.

29. Procedure.

(1) On receipt of the report from the patwari or information from any interested party, the Tehsildar shall issue notice to the parties and also to the Gaon Sabha, if necessary and call upon them to produce the relevant document or documents.

(2) If after hearing the parties and making such further enquiry as he considers necessary the Tehsildar is satisfied that the transfer is not in contravention of the provisions of [Chapter III-D of the Act] he shall pass suitable orders and direct correction of papers accordingly.

(3) If, however the Tehsildar finds that the transfer is in contravention of the provisions of [Chapter III-D of the Act] and in all disputed cases he shall refer the case to the Revenue Assistant.

(4) [*****]

30. Disposal by the Revenue Assistant.

(1) On receipt of a report from the Tehsildar under Rule 29 or the fact of transfer coming to his knowledge or otherwise, the Revenue Assistant shall issue notice to the parties and also to the Gaon Sabha. If after hearing the parties and making such further enquiry as he considers necessary, the Revenue Assistant is satisfied that the transfer is not in contravention of the provisions of Chapter III-D of the Act, he shall pass suitable orders thereon and direct the correction of records accordingly.

(2) If, however, the Revenue Assistant finds that the transfer is in contravention of the provisions of Chapter III-D of the Act, the Revenue Assistant shall issue notice to the parties in L.R. Form 12 and call upon them to show cause why they should not be ejected from such land and the land declared vacant. After hearing the parties and making such further enquiries as he considers necessary, the Revenue Assistant shall pass suitable orders thereon and direct correction of papers accordingly.]

31. Ejectment on void transfer [Section 42 or Section 45].

A plaint under Section 46 shall contain the following particulars-

(1) the name, address and other particulars of the plaintiff, if any,

(2) the name, parentage and address of the Bhumidhar or Asami;

(3) the name, parentage and address of the person to whom transfer has been made;

(4) the nature and date of the transfer; and

(5) the Khasra numbers and area of each plot comprising the holding together with the name of assessment circle and village.

The applicant shall also submit with the application as many duplicate copies of the notice in L.R. Form 12 as there are Bhumidhars, Asamis or other transferees to be served.

31A. Action on uncultivated land (Section 65-A).

(1) The Patwari shall, before 30th April of each year after Rabi Partal submit a report to the Tehsildar in respect of every Bhumidhar or Asami who has not used any land included in the holding for two consecutive agricultural years immediately preceding for a purpose connected with agriculture, horticulture or animal husbandry (which includes pisciculture and poultry farming) unless the land lies within the belt area referred to in Section 23 or requisite sanction under that section has been obtained in respect thereof. The report shall contain the following particulars-

(i) the name, parentage and address of the Bhumidhar or the Asami;

(ii) the name of the village and circle;

(iii) the Khasra numbers and the area of the uncultivated plots.

The relevant extract from the Khasra Girdawari shall be attached. The Tehsildar after making enquiry about the reason for not using the land shall submit the report to the Deputy Commissioner through the Revenue Assistant.

(2) On receipt of the report of Tehsildar under sub-rule (1) above or on his own motion, the Deputy Commissioner shall issue notice in L.R. Form 49 to the Bhumidhar or the Asami as the case may be.

If after hearing the parties and making such further enquiry as is considered necessary, the Deputy Commissioner is satisfied that the case falls under Clause (a) of Clause (b), of sub-section (3) of Section 65(A), shall discharge the notice forthwith and in a case falling under Clause (c) of the said section, postpone the proceedings to a date one year after the date of the service of the said notice.

(3) On the date fixed under sub-section (3) of Section 65(A) or any other date to which the proceeding may be adjourned, the Deputy Commissioner, if he is satisfied, that the land has been used for any of the aforesaid purposes during the said period of one year and the same has included within the belt area a permission under Section 23 has been obtained in respect thereof, discharge the notice and if he is not so satisfied and unless further time is allowed, he shall-

(a) if the land is that of the Bhumidhar, lease it on behalf of the Bhumidhar for a period of 5 years from 1st July, falling the date of leases, on the following terms and conditions-

(i) The annual rent will be four times the land revenue of the land in question;

(ii) The annual rent Will be paid in advance before 15th June every year;

(iii) The land shall only be used for cultivation purposes and in at lest, half of the land cereals shall be shown and the produce per acre should, on an average, be not less than 8 quintals per acre;

(iv) Improvements if any, shall be made by the leases at his own cost without claiming any compensation therefore;

(v) Breach of any condition will render the lease liable to termination.

(b) If the land is that of the Asami, the Deputy Commissioner shall proceed to take action under Clause (ii) or Clause (iii) of sub-section 4 as the case may be.

(c) In case the Bhumidhar or Asami appears in response to the notice under sub-

section (1) but does not undertake to use the land as provided in Clause (c) of sub-section (3) or in Clause (ii) of sub-section (4) or if the Bhumidhar or the Asami does not appear in response to the notice and the Deputy Commissioner after perusal of the records and further enquiry as he considers necessary, is satisfied that the land has not been used for the aforesaid purpose during the period referred to in sub-section (1), he may take action under Clause (i) or (ii) or (iii) of sub-section (4) as the case may be and lease the land in the manner prescribed.

31B. Conferment of Bhumidhari rights of lessees.

On the expiry of the period of lease referred to in Rule 31(A), if the Deputy Commissioner after making such enquiry as he thinks fit, is satisfied-

(i) that the land has not been properly cultivated by the lessee, shall issue notice to the lessee to show cause why the lease should not be terminated. After hearing the lessee and making such further enquiry as he thinks fit, if he comes to the conclusion that the lessee has not used the land properly, may terminate the lease and may lease the land again to another person in the prescribed manner.

(ii) that the land has been properly cultivated during the period of lease and the lessee has complied with the terms and conditions, he may be the application of the lessee declare the lessee a Bhumidhar of the land revenue. The person so declared Bhumidhar shall either pay compensation in one lump sum within 6 months of the date as declaration or if he elects to make payment in 10 equal half yearly instalments, he shall also pay simple interest at 9 per cent beginning from the date of declaration. The compensation money shall be realisable as arrears of land revenue. Form L.R. 5 shall be issued to the lessee on his being declared a Bhumidhar and the revenue record shall be corrected accordingly.

(2) The Tehsildar shall maintain two registers for realisation of compensation money one in L.R. Form 7 and other in L.R. Form 8 circle-wise with separate entries for each circle. The provision of Rule 10 shall apply for the purposes of recovery, payment of compensation and maintenance of accounts.

31C. Cancellation of lease for breach of terms and conditions.

If any lessee contravenes any of the terms and conditions of the lease, the lease shall be liable to termination but the lessee shall be given reasonable opportunity of being heard before taking such action.]

32. Execution of ejectment order in such cases (Section 47).

(1) Every application for ejectment of a tenure holder or a person in possession otherwise than in accordance with 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.

(2) The delivery of possession in execution of a decree or order for ejectment shall be made by the Kanungo, who, on his arrival in the village, shall send notice to the person to be ejected, and, in case there is any person holding from his 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 (V of 1908), in the presence of the person to be ejected if he is in the village, and of two villagers whose names should be maintained in the Kanungo's report. If the person to be ejected is not present in the village or refuses to attend, the Kanungo shall record the fact in his report. If at the time of the delivery of possession there exists on the holding any ungathered crop or any tree of which the value has not been determined by the court, the Kanungo 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 directed to apply, if they so desire, to the court executing the decree, for the settlement of the value of such crops and trees. If the patwari is present in the village, the Kanungo shall ask him to attend, and shall see that the parwari makes a record of the ejectment in his diary. In case any party refuses to sign the report, the Kanungo shall record the fact. The Kanungo shall submit his report with all the particulars mentioned above to the court issuing the order for delivery of possession.

F. Partition

33. Partition under sub-section (2) of Section 36.

A plaint for partition under sub-section (2) of Section 36 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 applicant,
- (4) the share of the other co-tenure holders of the holding,
- (5) the khasra numbers and area of the holding,
- (6) the village, assessment circle in which the holding is situate, and
- (7) the land revenue payable for the holding.

34. Produce for partition under Section 36.

- (1) The plaint shall be accompanied by a certified extract copy of the existing entry in the Khatauni.
- (2) The court shall 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 it.
- (3) If objections are filed, the court shall hear and decide them before making any partition of the holding.
- (4) Before making any partition the court shall value each plot comprised in the holding by multiplying its area by the last available prevailing village rate of rent with due regard to the classes of soil.

35. Principles.

- (1) In making partition under Section 36, of a holding into two or more portions, 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 possible, no party shall be given all the inferior or all the superior land.

(d) As far as possible, the existing fields 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 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, the court shall demarcate the portions at the expense of the parties.

36. Partition under Section 55.

A plaint partition of a holding under Section 55 shall contain the particulars mentioned in Rule 33.

37. Procedure.

Before making a partition under Section 55 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 valuation of the holding in accordance with the last available prevailing village rate of rent applicable to each plot in the holding with due regard to the class of soil; and

(d) determine separately the value of the share of the plaintiff and each of the other co-tenure holders.

38. Cases in which sub-section (1) of Section 57 does not apply.

The provisions contained in Rules 33, 34 and 35 shall apply mutatis mutandis to cases in which sub-section (1) of Section 57 does not apply.

39. Cases in which sub-section (1) of Section 57 does not apply (Sections 57 to 60).

In making a partition to which sub-section (1) of Section 57 applies, the court shall observe the following principles-

(1) The price of the land shall be assessed-

(a) in the case of Bhumidhars who have been declared as such either under Section 11 or or who, as mortgagers of classes mentioned in sub-section (1) of Section 11, have been declared as Bhumidhars under Section 15, forth times the land revenue payable;

(b) in the case of all other Bhumidhars twenty times the land revenue payable.

(2) The encumbrances, if any, on the holding shall be distributed on the portion of the holding according to their valuation.

(3) A holding of which the aggregate area does not exceed 8 standard acres shall be offered for sale to all the co-tenure holders, including the applicant.

(4) (a) A holding of which the aggregate area does exceed 8 standard acres shall ordinarily be so divided into portions that the area of each portion is not less than 8 standard acres.

(b) The portion or portions of the holding shall be offered for sale to all the co-tenure holders including the applicant.

Provided that in cases where one of the co-tenure holders holds land other than the land including in the holding or where the share of any party or parties exceeds the share of another, or others, the offer to sell the larger portion shall be made to such co-tenure holder or party in preference to others. Co-tenure holders who wish to remain joint shall be treated one party.

(c) A party that has already been allotted or has purchased a portion of the holding shall be placed last in the order of preference as regards the sale of the other portion or portions unless the aggregate value of the portion already purchased and the other portion is less than the value of the share of such party.

(5) The price of the land sold shall be distributed in proportion to the share of each co-tenure holder.

Provided that where a party has been allotted land, the value of such land shall be deducted from the value of his share.

Illustrations

1. Area of holding 10 acres.

A and B co-shares with equal shares.

A holds other land 2 acres in area.

Holding to remain in one lot of 10 acres. It may be sold with first preference to A on the highest bid obtained.

2. Area of holding 13 acres.

A with share of 6½ acres.

B with a share 3½ acres.

C with a share of 3 acres.

Holding to remain in one lot of 13 acres. It may be sold with first preference to A on the highest bid obtained, next preference to B.

3. Area of holding - 16 acres

Co-shares-

A with a share of 5½ acres.

B with a share of $5 \frac{1}{3}$ acres.

C with a share of $2 \frac{1}{2}$ acres.

D with a share of $2 \frac{1}{3}$ acres.

The holding may be divided into two portions of 8 acres each. A and B to have preference for one portion. If a purchased on portion, B to have preference for the second portion on the highest bid obtained.

4. Area of holding - 16 acres.

Co-shares-

A with a share of $5 \frac{1}{4}$ acres.

B with a share of $2 \frac{2}{3}$ acres.

C with a share of $2 \frac{2}{3}$ acres.

D with a share of $2 \frac{2}{3}$ acres.

E with a share of $2 \frac{2}{3}$ acres

The holding to be divided into two portions of 8 acres each. A to have first preference for one portion, B, C, D and E for the second portion on the highest bid obtained. If more than one exercise preference then lots should be drawn between them.

5. In the same example, suppose that the area of the holding is 19 acres.

The holding to be divided into two portions of 11 acres and 8 acres respectively. A to have first preference for the larger portion of 11 acres, B, C, D and E for the second portion on the highest bid obtained. If more than one exercises preference lots should be drawn between them.

6. Area of holding - 10 acres

Co-shares-

A with a share of $11/9$ acres.

B with a share of $11/9$ acres.

C with a share of $11/9$ acres.

D with a share $3 \frac{1}{3}$ acres.

E with a share $3 \frac{1}{3}$ acres.

A holds other land two acres in area.

Holding to remain in one lot of 10 acres, and sold with preference to A, D and E. If two exercise preference, lot to be drawn between them.

7. In the same example suppose B also holds other land 1 acre in area and C also holds other land $1 \frac{1}{2}$ acres in area.

The holding to remain in one lot and sold to the highest bidder amongst A, B, C, D and E.

8. In the same example suppose D and E only hold other land of 1 acre each.

The holding to remain in one lot and sold on the highest bid with first preference to D and E. If both exercise preference, lots to be drawn between them.

Provided that the preference shall be exercisable in all cases on the highest bid obtained and in more than one co-tenure holder exercises the preference, the matter shall be decided by drawing of lots between them.

40. Manner of sale (Section 61).

(1) Whenever any holding or portion of holding is ordered to be sold under Section 57 it shall be sold in one lot.

(2) In addition to the particulars required by sub-rule (2) of Rule 66 of Order XXI Civil Procedure Code, 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.

(3) The sale shall be held either in open court or at the place where the land is situated, as the court may direct

(4) The sale shall be conducted according to the procedure relating to the sales of immovable property in execution of a decree prescribed in Order XXI of the First Schedule to the Code of Civil Procedure, 1908.

(5) As soon as the other 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 of part thereof of which 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 the holding or part thereof land revenue specified in the proclamation of sale and the court shall order that the record-of-rights be amended accordingly.

G. Surrender, Abandonment, Extinction and Acquisition

41. Surrender by an Asami (Sections 62 and 63).

An Asami who surrenders his holding under Section 62, shall do so by notice in writing in L.R. Form 13, which-

(i) in the case of an Asami belonging to the classes mentioned in sub-Clause (iii) of Clause (a) and Clause (c) of Section 6 shall be served personally on the Pradhan of the Gaon Panchayat or sent to him by registered post, acknowledgement due;

(ii) in the case of an Asami other than an Asami mentioned in Clause (i) shall be served personally on the land holder or sent to him by registered post, acknowledgement due.

Provided that an Asami shall, in addition to giving the notice in L.R. Form 13 to the Pradhan of the Gaon Panchayat, submit an application to the Tehsildar informing him of his intention to surrender land and mentioning the date on which the notice was served on the Pradhan or sent to him by post. A copy of the notice shall be attached to the application.

42. Procedure.

(1) On receipt of the notice, the Pradhan shall call the Asami to attest the notice and, if necessary, to produce two witnesses to identify him. The signature of the Asami and the witnesses shall be taken on the portion provided therefore.

(2) After receipt of the application for surrender, the Tehsildar shall at the commencement of the next agricultural year send the application to the patwari of the halka who shall get it attested by the applicant and the Pradhan of the Gaon Sabha and report if possession has been given up.

(3) On receipt of the patwari's 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 Tehsildar shall order the correction of papers accordingly.

(4) 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.

(5) If the patwari reports that possession has not been given up the Tehsildar shall reject the application and inform the Asami and the Pradhan or the landholder accordingly.

43. Abandonment (Section 64).

An application under Section 64 for declaration that a holding has been abandoned by an Asami shall contain following particulars-

- (a) the name of the village and assessment circle in which the holding is situate,
- (b) the name, parentage and address of the Asami against whom the declaration is sought, and
- (c) Khasra number, area and rent of the plots.

44. Procedure.

Upon receipt of the application the Tahsildar shall issue notice to the Asami in L.R. Form 14 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 Tehsildar may publish the same in accordance with the manner laid down in Appendix VI at the cost of the applicant.

45. Admission Asami to the holding of a disabled Bhumidhar (Section 65).

(1) In making an enquiry under Section 65, the Gaon Panchayat shall take into consideration the following factors-

- (i) the age of the minor,
- (ii) the relation between the minor, lunatic or idiot and his natural guardian,
- (iii) the natural guardian's capacity to cultivate the fields, and

(iv) whether there are any other person related to the minor, lunatic or idiot who are willing and able to cultivate the land on their behalf.

(2) If the Gaon Panchayat decides that an Asami should be admitted to the land, it shall fix the rent payable for the land which shall be in accordance with the provisions of Section 88.

(3) 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.

(4) The Asami, so admitted shall have the same rights as if he were admitted by the tenure-holder himself.

46. Gaon Sabha to take possession in extinction (Section 72).

(1) An application under Section 72 for declaration of the extinction of tenure-holder rights shall be filed in the court of the Revenue Assistant, who shall issue a proclamation in Form L.R. 15 and where the tenure-holder is alive a copy of the proclamation shall also be served on him in person, asking him to show cause why the declaration sought should not be granted.

(2) The Revenue Assistant shall, on the date fixed in the proclamation and after personal service, if required, has been effected, proceed to make such enquiry as he deems necessary.

(3) If after enquiry, he comes to the conclusion that a declaration in favour of Gaon Sabha should be made, he shall make a declaration to that effect and specify the numbers of plots with respective areas of which the Gaon Sabha is entitled to take possession. The possession shall then be delivered to the Panchayat on behalf of the Gaon Sabha in accordance with the provision of Rule 32.

47. Admission to land.

(i) Whenever the Gaon Sabha intends to admit any person to land under Section 73 or 74, the Gaon Panchayat shall announce by beat of drum in Gaon Sabha area in which the land is situate, the number of plots, the areas and the date on which admission thereto is to be made.

(ii) On the said date a meeting of the Gaon Panchayat shall be held to prepare a list of all such persons who are present and who express their desire to be admitted to the land. The Gaon Panchayat shall in the same meeting announce revenue or the rent to be fixed for the land. The rent shall be in accordance with the provisions of Section 88 of the Delhi Land Reforms Act, 1954 and the revenue shall not be less than half of the rent. The list so prepared containing the names of the persons to be admitted to the land, shall be examined and sorted class-wise in accordance with the provisions of Section 75 of the Act. The order of preference in admitting the persons shall be observed as given in sub-section (1) of Section 75. If more than one person belonging to the same order of preference mentioned in Section 75 appears and express their desire to be admitted to the land at the rent or land revenue fixed by the Panchayat the panchayat shall draw lots to determine the persons to whom the land should be given and the persons so determined shall before being admitted to the land pay the Gaon Sabha an amount equal to 10 times the rent of the land which shall be credited to the Gram Sabha fund.

(iii) In case of Gaon Panchayat decides to admit any person as a Bhumidhar to any land under Section 73, the lease shall be given by auction, the auction money being treated as premium. The bidding shall be done class-wise in the order of preference mentioned in Section 75 of the Act. The bid of the highest bidder shall be accepted subject to his depositing $\frac{1}{4}$ th of the premium money at the fall of the hammer. The remaining $\frac{3}{4}$ th shall be deposited within 15 days of the approval of the bid. In case the $\frac{3}{4}$ th amount is not deposited within the aforesaid period, the advance shall stand forfeited and the bid of the near highest bidder shall be accepted subject to his consent. If the next highest bidder fails to agree or if he defaults in depositing the amount in the aforesaid manner the auction shall stand set aside and a fresh auction shall be held.

(iv) Any person may within six months of the date of the order granting the lease file objection, if any, before the Deputy Commissioner.

(v) Where the order of the Gaon Panchayat passed under Section (1) of Section 75 has been challenged by any person aggrieved or when the Deputy Commissioner intends to take action suo moto he might pass suitable interim orders by way of stay of proceedings or otherwise. Where the Deputy Commissioner makes an enquiry under sub-section (1) of Section 75 the Gaon Panchayat and the allottee shall be made parties and given opportunity of being heard before the final orders are passed the provisions of Rules 169 and 170 shall mutatis mutandis apply to the proceedings for ejectment of the allottee referred to in sub-section (3) of Section 75 or any person claiming through him who retains possession of the land, allotment whereof has been cancelled by the Deputy Commissioner under sub-section (2) of Section 75.

(vi) Any person who is admitted to land shall be entitled to a certificate and a receipt for the amount paid by him and the panchayat shall upon delivering the certificate and receipt be entitled to receive from him the counterpart thereof. Such certificate and counterpart shall be in L.R. Forms 16 of 17 and respectively].

47A. Leases of land for purposes other than agricultural (Sections 13 and 75).

(1) Whenever it is decided to give land on lease for purposes other than agricultural, the same shall be done by public auction. The terms and conditions of lease shall be given wide publicity in the Gaon Sabha area by beat of drum or in any other mode deemed necessary, by giving description, location of land, the area, the purposes for which land is intended to be leased out and the reserve amount fixed by Gaon Panchayat.

(2) The following procedure shall be observed in auction of land-

(a) Auction shall take place on the site on the date and time fixed.

(b) Auction shall be conducted under the supervision of the Gaon Panchayat. It shall also be attended by a representative of the District Panchayat.

(c) Memo records of the bids at the auction shall be prepared and duly signed by each bidder.

(d) The auction shall not be closed in favour of the highest bidder if the bid is below the reserved amount.

Where no objections are filed to the auction or where objections are filed and are disallowed, the auction shall be confirmed.

(e) The highest bidder shall have to deposit $\frac{1}{4}$ th of the bid amount to the spot.

(f) The remaining $\frac{3}{4}$ th amount of the bid shall be deposited within 15 days of the approval of the bid and in default the advance deposit of $\frac{1}{4}$ th shall stand forfeited and lease shall be put to reduction.

(g) Any person interested may file objections against auction before the Deputy Commissioner within 30 days of the auction. As soon as the objections are filed, the Deputy Commissioner shall send intimation thereof to the Pradhan Gaon Panchayat who shall thereupon stay confirmation of the auction till the objections are disposed of.

(h) After the confirmation of the auction the licensee or lessee shall have to execute an agreement in writing with the Gaon Panchayat; providing:

(i) that he shall not put the land to use for any purpose other than one for which it has been leased.,

(ii) that he shall not put or raise any permanent structure on the land without the prior sanction of the Deputy Commissioner,

(iii) that on the expiry of the period of lease he shall deliver back vacant possession of the land to the Gaon Sabha/Deputy Commissioner or to the officer appointed for the purpose in the same conditions in which it was leased out;

(iv) that he shall not part with possession of the land to any other person in any manner whatsoever,

(v) that the lease money shall be payable in advance by first of April each year,

(vi) that he shall obtain a certificate and a receipt for the amount paid by him and the Panchayat shall, upon delivering the certificate and receipt, be entitled to receive from him the counterfoil thereof. Such certificate and counterfoil shall be in L.R. Forms 16 and 17 respectively.

(3) The proceeds of auction shall be deposited in Gaon Sabha area fund].

48. Certificate to be registered if rent or revenue exceeds Rs. 100.

A certificate of admission to land of which the annual land revenue or rent exceeds Rs. 100 shall be made by a registered instrument. In other cases the certificate may be attested by any revenue court or revenue office not below the rank of a Girdawar Kanungo in accordance with Rules 22, 23 and 24.

H. Ejectment

49. Compensation on ejectment under Section 87.

The compensation payable on ejectment under Section 87 of the Act shall be equal to cost of improvement, if any, made upon the land and one year's rent computed to the prevailing village rate of rent with due regard to the class of soil.

I. Rent

50. Enhancement or abatement of the rent of an Asami (Section 89).

The rent payable by an Asami may be enhanced or abated on the application of the Gaon Sabha or the land holder as the case may be, or the Asami or the ground of increase or decrease in the area of his holding.

51. Commutation of rent (Section 93).

Where the rent is paid in kind or is based on an estimate or appraisal of the standing crops, the rent shall be deemed to be an amount, which is the average value at current retail prices of the required share of the crops grown in the preceding five years. For each year the yield shall be deemed to be the standard produce prescribed at the last settlement for each class of soil concerned based on the area actually shown in the year, excluding the Tukhrn Sokht areas. Any highly abnormal year during the preceding five years shall be rejected and in its place the year immediately preceding the last five years shall be taken into consideration. For the purposes of communication, the calculations shall be made in L.R. Form 18.

52. Remission of rent of an Asami (Section 101).

Where a court allows remission of rent an Asami under sub-section (1) of Section 101, consequential remission in land revenue will be granted in proportion to the remission in rent.

General

53. Procedure to be observed in cases under Chapter III of the Act.

(1) In hearing and deciding suits, applications and other proceedings under Chapter III of the Act, the revenue courts shall follow mutatis mutandis the procedure laid down in Appendix VI.

(2) The provisions regarding appeals, revisions and review contained in Appendix VI shall apply to the orders passed by Revenue Courts under Chapter III of the Act.

54. Receipt.

For every instalment of rent paid by an Asami to the Gaon Sabha or the land holder, the Asami shall be entitled to get a receipt immediately.

55. Delivery of possession on ejectment.

Delivery of possession in execution of a decree or order for ejectment shall not be made before the fifteenth day of April or after thirtieth day of June in any year.

Provided that the provisions of this rule shall not apply to cases of ejectment under Sections 75 (3), 84(b) and 86(a) of the Act.

CHAPTER IV

Land Revenue

A. Determination of Land Revenue

56. Determination of land revenue (Section 109).

The land revenue payable by Bhumidhar shall be determined as follows-

- (1) Where he is declared as such under Section 11, in accordance with Clause (1) of sub-rule (a) of Rule 6-B.
- (2) Where he is declared as such under Section 13, in accordance with Clause (1) of sub-rule (b) of Rule 6-B.
- (3) Where a person is admitted to land as Bhumidhar or acquires Bhumidhari rights after the commencement of the Act in accordance with sub-section (9) of Section 14.
- (4) Where he is declared as such under Section 15 of the Act, in accordance with Rules 12 and 13.
- (5) Where he is declared as such under sub-section (4) of Section 74, in accordance with that section.

57. Rounding off of the instalments of land revenue or compensation.

Every instalment of land revenue or compensation payable by Bhumidhar shall be rounded off to the nearest anna.

58. Instalments of land revenue (Section 110).

Land revenue shall be payable in instalments and on dates mentioned village wise in Appendix I.

59. Variation in land revenue payable by a Bhumidhar on account of increase or decrease in areas by transfer (Section 111).

Whenever a transfer of a part of a holding is made, the court which passes an order for mutation shall distribute the land revenue payable in respect of each part of the holding so that the land revenue allotted to each part bears to the total land revenue of the holding the same proportion as the valuation at the Fast available village rate of rent with due regard to the class of soil of the portion bears to the valuation at the same rate of the whole holding.

60. Villages affected by alluvion or diluvion.

Appendix II gives a lists of 30 villages lying in khadar circle on the west bank of Jamuna, in which prior to the commencement of the Act, the variation in land revenue was effected annually due to alluvion or diluvion in accordance with the Punjab Tenancy Act, 1887. It shows separately the 9 villages of which the boundary is determined by the deep stream line of the river (Macha sim) and the 21 villages market with asterisk are opposite the districts of Meerut and Bulandshahar of Uttar Pradesh and rest are opposite Shahdara circle in the state.

Appendix III gives a list of 17 villages lying in Shahdara circle of the State on the

east bank of Jamuna in which prior to the commencement of the Act the variation in land revenue was effected quinquennially on account of alluvion or diluvion in accordance with the Agra Tenancy Act, 1901. It shows separately the villages which have fixed boundary and those which are governed by the deep stream rule.

61. Quinquennial assessments to cease.

From the commencement of the Act, in all the 47 villages given in Appendices II and III variations in land revenue shall be effected annually and the quinquennial system of assessment of the villages given in Appendix III shall cease.

62. Villages formerly under the fluctuating system of assessment.

(1) Appendix IV gives a list of 40 villages lying in Dabar circle or the area, which prior to the commencement of the Act, was governed by the Punjab Tenancy Act, 1887, and which was subject to a system of annual fluctuating assessment based on the valuation of crops actually sown, in accordance with the rules laid down by the Settlement Officer at the last settlement in Appendix VI of his final report of the Delhi District (1906-10). The list shows the total area of each village and the area which was declared as Kham by the Settlement Officer on account of the fluvial action of Najafgarh Jhil lying in close proximity and which as such was subject to the system of fluctuating assessment. The remaining area of each village was Pukhta and has since last settlement been treated as such. The area of two villages which are marked with asterisks are totally subject to the fluvial action of the Jhil.

(2) From the commencement of the Act, the system of assessing land revenue on the valuation of crops in the Kham areas shall cease.

63. Declaration of Bhumidhars and Asamis in these areas.

On the commencement of the Act, action for the declaration of Bhumidhari and Asami rights in all the 47 villages given in Appendices II and III and in the Kham areas of the forty villages given in Appendix IV shall be made, and compensation payable by the newly declared Bhumidhars, as also their land revenue shall be determined and declared in accordance with Rules 6-A, 6-B, 6-C, 7 and 8 like all other villages of the State.

64. Variations in land revenue payable by a Bhumidhar on account of increase or decrease in areas by alluvion or diluvion or by fluvial action in these areas (Section 111).

(1) The land revenue payable by each Bhumidhar in the above named areas of Appendices II, III and IV as determined under Rule 63, shall be subject to annual variations according to the actual cultivable areas available in each holding.

(2) In each year as soon as as the river or the Najafgarh Jhil has fallen to its ordinary cold weather level, which will ordinarily be the 1st of December measurements will be made by the Patwari in the case of holdings affected by the fluvial action in order to bring on record the changes caused thereby. The patwari shall, after making the measurements, submit to the girdawar kanungo, a statement in duplicate showing all holdings in his halka, of a Bhumidhar whose cultivable area had decreased or increased by diluvion or alluvion or by the fluvial

action of Najafgarh Jhil, as the case may be. The girdawar 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 Tehsildar. The Tehsildar shall immediately transmit one copy to the Revenue Assistant. The Tehsildar, Naib Tehsildar and the Revenue Assistant shall personally check sufficient number of the entries to satisfy themselves of the accuracy of the statement. When the statement has been finalised, the Revenue Assistant shall determine the land revenue payable during to current agricultural year in respect of the land which is cultivable. The land revenue for the cultivable portion of the holding shall bear the same portion to the total land revenue of the holding as the valuation of the cultivable portion at the last available village rate of rent with due regard to the class of soil, bears to the valuation of the whole holding calculated at the same rate.

(3) A copy of the abstracts of assessment of each village, together with a general abstract of assessment for each assessment circle, shall be forwarded by the Revenue Assessment to the Sadar Kanungo. The Sadar Kanungo after checking the general abstracts with the village abstracts will prepare a final statement for submission to the Chief Commissioner through the Deputy Commissioner, for sanction.

(4) If changes have occurred in a village of which the boundaries are fixed, the total area will not be altered and the only result of annual survey will be an alteration of the areas of some of the holdings affected. If changes have occurred in a village in which the deep stream rule is in force, the total area of the village will be changed as well as the area of one or more holdings affected.

B. Payment, Credit and Refund of Land Revenue

65. General.

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 arrear of land revenue.

66. To whom payment is to be made.

(1) Subject to the provisions of sub-rule (2), payment of revenue will ordinarily be made at the Reserve Bank of India through the office of the Tehsildar.

(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.

(3) Payment shall not be made to peons entrusted with the services of any writ of demand or with the execution of a warrant of arrest.

67. Payments to amins.

(1) Land revenue where it is realized by an amin must be paid directly to him. Land revenue may also be deposited at the Reserve Bank of India through the Tehsil or remitted by money-order to the Tehsildar.

(2) Valuable securities or stamps of any description shall not be accepted in payment of land revenue and currency notes sent through the post shall be

refused.

68. Credit of arrears.

Where arrears are outstanding on account of two or more years and no express intimation is given by a person of the arrears of some particular year, the receipt shall be credited first against the 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.

69. Refund.

(1) Any sum collected in excess of the proper demand may be refunded under the orders of the Deputy Commissioner.

The refund shall be made only in cases where the interest of the person, entitled to refund, in the holding (for which excess collection has been made) has been extinguished. In other cases the excess collection shall be adjusted against the current land revenue demand.

(2) Where the refund is so sought of items credited to different heads or account, a separate application must be made in respect of each item.

(3) In making refunds, the financial rules for the time being in force shall be observed.

C. Demand Register

70. Demand and collection jamabandi.

The patwari of each halka shall, before the 10th September, of each year, prepare in duplicate the Demand and. Collection jamabandi for each village within his halka separately in L.R. Form 19, showing therein the Kharif and rabi and revenue payable by each Bhumidhar. The jamabandi shall be prepared on the basis of the Khatauni of the previous year and all changes ordered to be made by a court or other competent authority. All the entries shall be checked by the girdawar kanungo who will place his signature on both copies of the jamabandi in token of cent per cent check. The Jamabandi shall reach the tehsil by the 7th October. The office Kanungo and the wasilbaqi navis shall fill in entries relating to the arrears from last fasal (including suspended revenue to be collected) and copies of the jamabandi.

After the entries have been checked and discrepancies, if any, removed, the Tehsildar shall, after satisfying himself about the accuracy of the entries, sign both copies of the jamabandi. One copy shall be retained at the tehsil and the other handed over to the amin or the Pradhan of the Gaon Sabha, as the case may be, at the commencement of the kharif season.

71. Abstract demand statement.

From the statement in L.R. form 19, after it has been checked by the girdawar kanungo, the patwari shall prepare consolidated statements, of the demand of the kharif and rabi respectively in L.R. Form 20. The statements shall be prepared by the 1st of October, checked and signed by the girdawar kanungo by the 5th of October and shall reach the tehsil by the 7th of October.

The officer kanungo and the wasil-baqi navis shall then check both the statements and the wasil-baqi navis 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 Tehsildar shall, after satisfying himself of their accuracy, sign them.

72. Corrections in jamabandis and register on alterations in the jamabandi.

(1) Corrections in the statements in L.R. Form 19 or 20 shall be made under the signature of the Tehsildar.

(2) Suspensions or remissions shall be entered immediately on receipt of orders in the tehsil copy of the jamabandi and in the statement in L.R. Form 20. The numbers 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 Tehsildar and particulars of the order entered in the remarks column. If the other copy of the jamabandi has been made over to the amin the necessary entries shall be made on the next visit on the amin to the Tehsil. If the Jamabandi has been given to the Gaon Sabha, an order shall be issued to the Pradhan to come over to the tehsil-forthwith so that the necessary entries may be made.

(3) As soon as an order involving a change in the jamabandi is received, the office kanungo shall communicate it to the wasil-baqi navis.

(4) If the change belongs to any one of the classes mentioned below, namely-

(i) a change in demand e.g., an increase or decrease in the land revenue payable for the holding, or

(ii) a change of the title of the holding, for example, change by succession or transfer, by proof of title by a claimant by the extinction of the rights of the person recorded and admission of another person, or

(iii) a change in the holding, for example, where a part of the holding is transferred, or where a claimant proves his title to a part of holding, the wasil-baqi navis shall immediately make an entry in the remarks column containing full particulars about the change and the order of the court by which the change has been made.

(5) If the change involves the creation of a new holding in respect of land which was not previously assessed to land revenue, the wasil-baqi navis shall prepare in duplicate an addendum to the jamabandi in L.R. Form 19.

(6) The wasil-baqi navis shall then prepare a register of alterations in L.R. Form 21, showing therein all changes of the type mentioned in Clauses (4) and (5) above.

(7) On the next visit of the amin to the tehsil, the wasil-baqi navis shall have an entry made in the remarks column of the amin's copy of the jamabandi corresponding to the entry in the tehsil copy of the jamabandi and shall sign it. In the case of an entry in the addendum to the jamabandi, a copy shall be given to the amin.

(8) Where the land revenue is being collected by the Gaon Sabha, the Pradhan shall be called forthwith and an entry shall be made in the remarks column of his copy of the jamabandi or an addendum handed over to him, as the case may be.

73. Excess collections.

In the statement in L.R. Form 19 or 20, 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 69.

74. No demand to be made before it has fallen due.

No demand shall be made from a tenure holder for any amount before it has fallen due.

D. Collections

75. Direct collection by bailiffs and their appointment (Section 132).

(1) Direct collection shall be made by [***] [bailiffs], each of whom shall be required to collect [Rs. 72,000.00 per annum].

(2) On receipt of the demand register the Tehsildar shall divide the tehsil into [bailiffs] circles. The demand in each circle will be approximately equal to the amount that can be collected by one [bailiffs] in 3 months in accordance with the standard laid down in sub-rule (1). But the Deputy Commissioner may vary the size of a [bailiffs] circle according to local condition.

[(3) Bailiffs shall be appointed in accordance with the Recruitment Rules framed by the Lt. Governor from time to time. The Deputy Commissioner may, however, appoint all or any of the Patwaris as co-officio bailiffs].

(4) [*****]

[(5) The post of bailiff shall be treated as Central Civil Service, class IV post for all purposes].

(6) The Deputy Commissioner may reduce the pay of a bailiff temporarily by way of punishment if he finds that the bailiff has failed to collect the amount allotted to him owing to inefficiency or negligence but if even after a period of one month the bailiff does not improve, the Deputy Commissioner shall discharge him.

(7) [*****]

76. Collection Naib-Tehsildar.

The work of temporary [bailiffs] shall be supervised by Naib-Tehsildar appointed for this purpose. As far as possible there shall be one Naib-Tehsildar to supervise the work of eight bailiffs.

77. Security to be furnished by the Naib-Tehsildar and bailiff. - Each person appointed as Naib-Tehsildar or bailiff under these rules will be required to furnish a security of Rs. 2,000 and Rs. 1,500 respectively in accordance with the financial rules for the time being in force, but where special reasons exist the amount of security to be furnished by [bailiffs] may, at the discretion of the Deputy

Commissioner be raised to Rs. 3,000.

78. Land revenue to be realized from tenure holder.

Unless the Lt. Governor has by notification in the official Gazette declared that the provisions of sub-section (1) of Section 108 shall apply to any area, collection of land revenue on account of a holding shall be made only from the tenure-holder concerned.

79. Receipts.

For every amount collected by the [bailiffs] a receipt shall be given to the payer in L.R. Form 22.

80. Receipt books.

(1) The receipt shall be in books of 100 each and shall be kept in the custody of the Tehsildar who shall be personally responsible for their safe keeping. Every foil of the receipt book shall bear the stamp of the tehsil.

(2) The Tehsildar shall maintain a stock account of all the receipt books received in his tehsil and shall be personally responsible for their safety and distribution to the [bailiff].

(3) The Tehsildar shall obtain the agricultural of the [bailiff] in the stock account book for all the receipt books issued to him. The receipt books issued to the [bailiff] will be serially numbered and before issue the Tehsildar or the Naib-Tehsildar shall count the number of receipts in each book and endorse on the cover "This book contains receipt forms".

(4) No [bailiff] may have in his possession at one time more than two receipt books. He shall use only one book at a time and shall not issue receipts from another book until the one in use is finished. When a receipt book is finished it must be deposited at the next visit to the tehsil. A1 unused or partly used receipt book must be returned to the Tehsildar by the [bailiff] when he vacates his appointment for any cause.

81. The method of filling in receipts.

(1) Before giving a receipt to the payer the [bailiff] shall fill columns 1 to 8 and sign in column 9 both on counterfoil 'A' and on the receipt 'B' of L.R. Form 22. Column 10 i.e. the progressive total of the counterfoil shall also be filled in.

(2) The coupon 'C' shall not be filled in by the [bailiff]. The receipt and coupon shall both be given to the payer and the counterfoil shall be retained by the [bailiff].

82. Register of collections.

The [bailiff] shall maintain a daily collection in L.R. Form 23 in which the entries shall be made as and when the amounts are collected.

83. Daily cross checking by the [bailiff].

At the close of every day the bailiff with the help of counterfoils in L.R. Form 22 and of his register of daily collections fill up entries in columns 11 to 15 of L.R. Form 19. The entries made in column 13 of L.R. Form 19, shall be totalled daily

and shall be compared with the difference between the figures in column 10 of the counterfoil in L.R. Form 22 made on that day and those made at the end of the previous days. The aggregate of all the entries in column 13 of L.R. Form 19 for all the villages in his circle shall be compared daily with the column of entries in column 5 of L.R. Form 23.

84. Defaulters to be brought to the notice of Gaon Panchayat.

The [bailiff] shall, if the demand against tenure-holder is not realized within one month of the date of its falling due make out a list of such defaulters and put it up before the Gaon Panchayat with the request that the Panchayat may assist in the realization of the amount.

85. Finally, defaulters to be reported to Tehsildar.

On receipt of the information mentioned in the foregoing rule the Gaon Panchayat shall call upon the defaulters to pay up the dues against them within 15 days. If after the expiry of this period of the dues are not paid, the [bailiff] shall make out a list of the defaulters giving-

- (a) the names and addresses of the defaulters,
- (b) serial number (column 1 of L.R. Form 19),
- (c) the list for which the amount is due, and
- (d) the amount due.

The list shall be submitted to the Tehsildar for issue of coercive processes against the defaulters.

86. [Bailiff] to make verification of deposits at Tehsil.

On the visit of the [bailiff] to the Tehsil, which shall be at least twice a month, the Tehsildar shall inform him of the amounts collected at the tehsil, since the last visit of the bailiff. The bailiff shall make necessary entries in columns 13 to 15 to the statement in L.R. Form 19 mentioning in the remarks column that the amount has been collected at the Tehsil. He shall leave columns 11 and 12 blank and shall mention in the remark column the number and date of the Challan by which the amount has been deposited.

87. The maximum amount which a [bailiff] can keep in his possession.

The bailiff shall not keep in his possession at one time an amount exceeding Rs. 1,500.

88. Annual totalling by the [bailiff].

On the 31st March and 30th of September, each year, the bailiff shall total the entries in columns 13, 14 and 15 of L.R. Form 19 and shall transmit to the Tehsildar a consolidated statement for his circle in L.R. Form 24.

89. Final checking.

The Tahsildar shall check the statement in L.R. Form 24 with the help of the L.R. forms 19, 20, 21 and 22. If any discrepancy is discovered it shall be corrected under the signature of the Tehsildar and corrections shall be made by the [bailiff] in his own registers and signed by the Teshildar.

90. Duties of the Collection Naib Tehsildar.

The collection Naib-Tehsildar appointed under Rule 76 shall be responsible for the collection work done by [bailiff] and for the maintenance of the prescribed registers and receipt books by the [bailiff] in accordance with the foregoing rules in his circle. He shall, during the collection season, move from village to village checking the [bailiff] work and helping in making the collection. He shall go to the Tehsil at least twice a month, his visits synchronising with the visiting dates of the [bailiff]. At the Tehsil he shall assist the Tehsildar in the checking of statements submitted by the [bailiff]. He shall also submit fortnightly report to the Tehsildar of the work done by him and of the progress of collection in his circle.

E. Collections by Gaon Sabha

91. Collection of land revenue by Gaon Sabha (Section 133).

Where in accordance with the provisions of Section 133, a Gaon Sabha is charged with the duty of collections of land revenue the procedure mentioned in the subsequent rules shall be followed.

92. Basis of demand.

The statement of L.R. Form 19 prepared by the patwari shall form the basis of the demand which the Gaon Sabha shall be called upon to collect.

93. Registers to be maintained by the Gaon Panchayat.

The Gaon Panchayat shall maintain the following registers and records for the collection of land revenue assessed on the village and its remittance to headquarters :

I. Bahikhata or Jamabandi giving the following details-

Village.....Assessment circle.....

- (a) Serial number
- (b) Name of tenure-holder
- (c) Demand of each instalment.
- (d) Collections:
 - (i) date of collection,
 - (ii) cash book number,
 - (ii) amount,
- (e) Arrears at the close of the year.

(f) Remarks.

II. Cash book or Siaha giving the following details-

Village.....Assessment circle

(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

(g) Remarks.

III. Receipt and counterfoil specifying the following particulars-

Village.....Assessment circle.....Book No.....Receipt No.....

(a) Date of Payment

(b) Name of payer

(c) Amount paid

(d) On what account (whether land revenue or other dues) and fasli year and instalment

(e) Whether in full of part payment.

IV. Register of remittance specifying the following particulars-

Village.....Assessment circle.....

(a) Date

(b) Balance in hand

(c) Amount received

(d) Total of (b) and (c)

(e) Amount paid into the bank through tehsil

(f) Date and number of Challan

(g) Balance in hand, if any

(h) Remarks.

V. Monthly statement of progress in collections giving the following informations-

Village.....Assessment circle.....

For the month of.....

Demand Last year's arrears Current year's demand Total

(b) Collections During the previous month

During the current month Total

(c) Remittances to the Bank through During the previous month the Tehsil

During the current month Total

(d) Balance

(e) Remittance to the Bank through the Tehsil

(f) Reasons, if collections are abnormally low.

94. Remuneration to Gaon Panchayat.

The Gaon Panchayat will be allowed a remuneration of 5% on the collections made by it after the amount of land revenue or other dues collected have been credited in the Bank to the prescribed head.

95. [Bailiff] to assist the Gaon Panchayat.

The [bailiff] of the village shall assist the Gaon Panchayat in issuing receipts of the sums collected and in the maintenance of the prescribed registers and records.

96. Receipts to be issued.

The Gaon Panchayat shall use printed counterfoil receipt books and shall give therefrom under the signature of the Pradhan, 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.

97. Counterfoil receipt books.

The counterfoil receipt books used by the Gaon Panchayat shall be in L.R. Form 25. The pages shall be numbered consecutively. A stock book shall be kept up at the Tehsil showing the issue of counterfoil receipt books to Gaon Panchayats.

98. Method of daily credit.

All the collections made in a day shall first be entered in the cash book or the Siaha and then against the name of the tenure holder in the Bahikhata.

99. Daily progressive totals to be struck and checked up.

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 or remittances.

100. Pradhan to be the custodian of collections.

The money collected shall remain in the custody of the Pradhan of the Gaon Panchayat. The Pradhan shall not ordinarily have a larger sum of money in his

hands at one time than Rs. 500.

101. Transmissions of collections.

The following procedure shall be adopted in regard to transmission to the Bank through the office of the Tehsildar of the money collector by the Gaon Panchayat.

(a) Challans shall be printed in triplicate and bound in serially numbered books. The challans shall be filled up by the Pradhan and show clearly in words and figures and amount of the remittance.

(b) Two copies of the challan shall accompany the remittance and the third shall be retained in the book. The receipt copy of the challan, when received back from the Tehsil, shall be pasted to the counterfoil retained in the challan book.

(c) The remittance and the challans shall first be presented to the Tehsil Wasil-baqi navis, who after the usual verification and entry in the Siaha to which one copy of the challan shall be pasted, prepare Dakhla in triplicate. These shall be signed by him and the Tehsildar and set along with the remittance to the Reserve Bank of India. The Bank shall receive the amount and sign the Dakhla. One copy shall be given to the remitter and two copies transmitted to the Treasury. In the Treasury the amount shall be credited to the appropriate head. One copy of the Dakhla shall be retained by the treasury officer and the other shall be transmitted to the Tehsil Wasil-baqi navis, who will complete the office copy of the Dakhla, compare it with the challan received from the Gaon Panchayat and after making necessary entries in the Khatauni, transmit the receipted copy of the challan to the Panchayat concerned.

(d) The Pradhan shall visit the Tehsil at least once in each fasal to check the counterfoils of his challan book with the entries in Tehsil accounts.

(e) The Pradhan and the members of the Gaon Panchayat shall be jointly and severally responsible for the safe custody and transmission of the amount from the village to the Reserve Bank of India through the Tehsil.

(f) If any money is lost in transmission or otherwise, the Gaon Panchayat shall be responsible for the same.

102. Transmission of progress statement of collections.

A copy of the monthly progress statement of collections shall be submitted by the Gaon Panchayat to the Tehsildar on the first working day of the next month through post or special messenger as may be convenient. The Tehsildar shall get them consolidated for the Tehsil and shall submit a copy of the consolidated statement for the information of the Deputy Commissioner through the Revenue Assistant. If the total remittance reported by the Gaon Panchayat do not agree with the total receipts in the Tehsil, the Tehsildar shall get the discrepancy reconciled. If the discrepancy is not reconciled by the 15th of the month, the Tehsildar shall note it on the statement together with the steps taken by him in that respect, and submit the same through the Revenue Assistant for the Deputy Commissioner's orders. The Statement shall not be deposited till the final orders have been passed by the Deputy Commissioner.

103. Checking.

The Revenue Assistant and the Deputy Commissioner, while on tour shall take every opportunity of checking the work of the Gaon Panchayat and satisfying themselves that the above rules are duly carried out.

F. Coercive Processes

(a) General

104. Process from or to places outside the Delhi State.

(1) Process against a defaulter being or having property in a place outside Delhi State, can be issued against him or against such property only upon a certificate issued under Section 3 of the Revenue Recovery Act, 1890, to the District Officer of the place where the realization has to be made.

(2) When the amount so recovered in a place outside Delhi State is received or when on the receipt of a certificate from the District Officer of a place outside Delhi State, an amount of arrear of that place is realized in Delhi State, the amount shall be paid into the Reserve Bank of India through the Tehsil and the Treasury in the usual manner. The former amount shall at once be brought to book by the Wasil-baqi navis and credited to the appropriate head in the khata concerned. At the end of each month, all the sums credited to the Reserve Bank on account of realization made in Delhi State on the receipt of certificates from places outside the Delhi State, shall be withdrawn and remitted to the District officer by whom the certificate is issued. Sums exceeding 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 contingency of the Deputy Commissioner, Delhi.

(3) A register in L.R. Form 26 shall be maintained by the Deputy Commissioner, Delhi for the record of certificates of recovery of land revenue issued to and recovered from places outside the Delhi State.

105. Forms of writs, citations and warrants.

Writs, citations and warrants shall be in L.R. Forms of 27, 28, 29 respectively. They shall bear the date of issue, and shall be signed by the issuing officer and sealed with the official seal.

106. Wasil-baqi navis to be responsible for the correctness of the entries of demand.

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.

107. The statement of account (Section 135).

At the first issue of process for the recovery of an arrear, the statement of account prescribed by Section 135 shall be drawn up by the Wasil-baqi navis and signed by him, and shall be certified by the Tehsildar. But if the first process issued is a writ or citation, the certificate of the Tehsildar shall be recorded on the counterfoil. Where a Gaon Panchayat has been authorised under sub-section (3) of Section 137 to issue writs or citations, the Pradhan shall sign the certificate and the writ or citation.

108. Procedure.

(1) 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.

(2) Subject to the provisions of the Act, process shall ordinarily issue 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

109. Process under Section 137 to be issued by Tehsildar.

Process under Section 137 (writ of demand or citation to appear) shall be issued by the Tehsildar or by order of the Deputy Commissioner or the Revenue Assistant.

110. Order of processes.

Process under Section 137 is not required by law to precede process under Section 139 (attachment of immovable property) but ordinarily a writ in L.R. Form 27 should issue before any other process is resorted to.

111. Fee for the issue of process.

The fee charged for the issue of a writ or a citation to appear shall be 12 annas. This fee shall be added to the arrears of which the writ or citation is issued, and shall be included in the amount specified therein.

112. Process servers.

Writs of demand and citations shall be served by the fixed establishment of process servers attached to the Tehsil or by additional process servers, who may temporarily be entertained by the Deputy Commissioner for the purpose.

113. Severe measures to follow if payment not made within 15 days of the service of writ.

Not more than one writ shall be issued in respect of the same arrear to any defaulter, except under the express orders of the Deputy Commissioner. If the arrears are not paid within 15 days from the date of service, more severe measures should promptly be taken.

114. Mode of service of writ citation.

(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 been issued, a copy of the writ or citation may be fixed at a prominent place on or adjacent to the Defaulters residence.

(2) Personal service shall be made by delivery to the defaulter or his agent of the foil of the writ or citation. The other portion shall be brought back to the Tehsil by the process server and attached to the counterfoil. When returning this portion, the process server shall report to the officer whom the Tehsildar may appoint for the purpose, the date of service, the manner in which the writ or citation was served, and if it was served on the defaulter personally the reason why it was not served. The official receiving the report shall not the particulars on the process, if this not been done already.

(3) With the sanction of the Deputy Commissioner, 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

115. By whom to be issued (Section 128).

Process under Section 138 (arrest and detention) may be issued by the Deputy Commissioner, the Revenue Assistant or the Tehsildar.

116. Fees to be levied.

The fee levied for a warrant of arrest in L.R. Form 29 shall be Rs. 1/8 -.

117. Exemptions.

(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 for, 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.

118. Application of Civil Procedure Code.

If it is necessary to enter a dwelling house for the purpose of making an arrest, the first three provisions to sub-section (1) of Section 55 of the Code of Civil Procedure, 1908, shall be observed.

119. Procedure.

(1) Whenever the Tehsildar causes a defaulter to be arrested, he shall without delay report the fact for the information of the Deputy Commissioner and the Revenue Assistant.

(2) After arrest a 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 default 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, fresh warrant in L.R. Form 29 shall invariably be issued, and a separate fee levied. When a warrant has been once executed by the arrest of defaulter, the same warrant cannot be executed a second time.

120. Lock-up and cost of sustenance.

The defaulter shall be detained in the Tehsil lock up and shall be permitted to furnish and cook his own food. If 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 Tehsildar. The costs in either case 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 charges, if they remain unsatisfied on the release of the defaulter, shall be recovered from him by the officer who ordered the detention.

(d) Attachment and Sale of Movable Property

121. By whom to be issued (Section 139).

Process under Section 139 (attachment and sale of movable property) may be issued only by, or under the orders, of the Deputy Commissioner or the Revenue Assistant.

122. Fees to be levied.

Every attachment and sale of movable property in realisation of revenue under Section 139 shall, unless the officer ordering the attachment otherwise directs, be made by a quirk amin. The fee levied for a warrant of attachment (L.R. Form 30) shall be Rs. ¼.

123. Application of Civil Procedure Code.

When it is necessary to enter a dwelling house for the purpose of making an attachment, the provisions of Section 62 of the Code of Civil Procedure, 1908, shall be observed.

124. Warrant for sale.

Every warrant for the sale of movable property (L.R. Form 32) shall specify the 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.

125. Cost of sale of movable property.

The cost of every sale of movable property shall be met by levying a sum of one anna in the rupee (excluding fractions of a rupee), calculated on the amount of the arrear, including the charge on account of the warrant of attachment, which may be realised by the sale. Any sum in excess of such arrear realised by the sale shall be paid to the defaulter, and shall be excluded from the amount on which costs of the sale are calculated.

126. Charges for deputation of a sale officer.

When the sale officer goes for 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	180/-
When such amount exceeds Rs. 50 but does not exceed Rs. 1,000	300/-
When such amount exceeds Rs. 1,000	600/-

127. The fees to be deposited.

The fees leviable under Rule 125 and 126 shall be paid into the Reserve Bank of India with as little delay as possible.

(e) Maintenance and custody of Live-Stock and Other Movable Property Attached

128. Custody of live-stock or movable property attached.

Where live stock or other movable property has been attached the attaching office 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 livestock or other movable property when required, order that it be placed in the custody of such person.

129. Description of the property attached to be given in the order and report.

The attaching officer shall enter a brief description of the property attached :

(a) in the order referred to in Rule 128, and

(b) in the report of attachment made by him to the court.

130. When custody of the property not possible under Rule 128.

Where arrangements for the custody of the property cannot be made under Rule 128 the attaching officer shall :

(a) if it is live-stock, remove it to nearest pound, and

(b) if it is other movable property, appoint one or more caretakers.

131. Procedure when live-stock is placed in a pound.

Where live-stock is removed to a pound, under Rule 130, 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.

132. Pound-keeper to be responsible.

The pound-keeper, shall take charge of all animals committed to his charge; and shall duly feed and water them.

133. Rent for the use of pound and charges for feeding the live-stock.

(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 Reserve Bank of India 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 feeding 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.

134. Release of live-stock.

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 Tehsildar addressed to the bound-keeper. The official shall also direct that the live-stock shall be released only after all charges leviable under Rule 133 are paid to the pound-keeper.

135. Other costs.

The cost of preparing live-stock for sale or of conveying it to the place at which it is to be 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.

136. Remuneration to caretaker appointed under Rule 130.

A caretaker appointed under Clause (b) of Rule 130 shall, if necessary, be paid a daily sum of not less than 3 annas or more than 6 annas but the officer issuing the order of attachment may, by order in writing, allow a higher rate for reasons to be expressly mentioned.

137. Charges paid by the defaulter to be set off

from the amount of sale-proceed.

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.

138. Balance of costs recoverable as arrears of revenue in certain cases.

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, Lease or Transfer of Land

139. Process.

(1) Process for attachment of a holding under Clause (d) of Section 136 or of lease of a holding under Section 146 may be issued only by the Deputy Commissioner.

(2) Process for attachment of a village or any area therein under Section 144 may be issued by the Deputy Commissioner with the previous sanction of the Chief Commissioner. While submitting his proposal for attachment to the Chief Commissioner the Deputy Commissioner 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 136, the Deputy Commissioner shall forthwith make necessary arrangements for the cultivation of land either by grant of a lease under Section 146 or in such other manner as he considers desirable.

140. Proposal.

Before proposing attachment under Section 144 the Deputy Commissioner should satisfy himself by reference to the revenue records and other sources of information available to him that there is a reasonable probability of the arrears being recovered by this process within the period of three years allowed by the Act. If the Deputy Commissioner or the Chief Commissioner is not satisfied, the attachment shall not be made except as a preliminary measure to some more severe process.

141. Cost of collection and management.

(1) In the case of all attachments of a holding or holdings or of a village, there shall be levied an amount to meet the cost of collecting establishment and local management. In the absence of special orders to the contrary by the authority sanctioning the attachment, the total charges levied shall amount to 10 percent of the gross income of the area concerned.

(2) In cases where a separate establishment is maintained the expenditure shall not exceed 10 percent of the gross income and shall be charged direct to the area attached. In other cases, where the area is managed by the ordinary revenue staff, the amount levied shall be credited to Government as a miscellaneous receipt.

(3) If the area attached is released from management within one month from the date of the order of attachment no charge shall be levied.

142. Proclamation.

When any land is attached under Clause (d) of Section 136 or Section 144 or leased under Section 146 the proclamation (L.R. Form 32) shall be affixed in a conspicuous place in the village in which the land is situated, and shall be notified by beat of drum.

143. Lease under Section 146.

Lease under Section 146 shall not be proposed by the Deputy Commissioner until the arrears due are offered to be paid up by the proposed lessee.

144. Period of lease.

Subject to the provisions of Section 146 the period of the lease shall be such as will enable the lessee to recover from the profits of the land leased, the amount paid on account of the arrear with fair interest thereon.

145. Mutation under the lease.

Where a lease is made under Section 146 the Deputy Commissioner shall issue orders for the necessary mutation of names to be made in the registers. No fees shall be levied in respect of any such mutation.

146. sale of holding (Section 140).

(1) Recourse can only be had to the sale of the holding under Section 140 when the processes specified in Clauses (a), (b), (c) or (d) of Section 136 would be insufficient for the recovery of the arrear.

(2) Process for sale of other immovable property of the defaulter under Section 141 can only be issued by the Deputy Commissioner, with the previous sanction of the Chief Commissioner.

147. Proclamation.

The proclamation of sale shall be in L.R. Form 33.

148. Valuation for sale.

In proposing sale under Section 140 or 141 the Deputy Commissioner shall state

amount of the annual demand and the estimated value of the property which shall be determined in accordance with the principles laid down in Rule 39.

149. Cost of sale (Sections 140 and 141).

(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 200 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 8 annas per every 100 rupees or portion of 100 rupees;

(iii) where such amount exceeds 1,000 rupees, 6 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 realised by the sale at the rate of half an anna 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 costs of his deputation according to the following scale-

	Rs.	a.	p.
(i) When the amount for recovery does not exceed Rs. 100	1	8	0
ii) When such amount exceeds Rs.100 but does not exceed Rs. 1,000	3	0	0
(iii) When such amount exceeds Rs. 1000	6	0	0

150. Sale of house or building within the limits of military cantonment or station.

Whenever any house or other building situated within the limits of military cantonment or station is sold, the Deputy Commissioner 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.

151. Mutation of sale under Section 140.

When land is sold under Section 140 the Deputy Commissioner shall issue orders for the necessary mutation of names to be made in the registers. No fees shall be levied in respect of any such mutation.

152. Register of process.

A register shall be maintained in L.R. Form 34 in the Tehsil 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.

G. Inspection Relating to the Collection of Land Revenue

153. Inspection by Naib Tehsildar.

(1) An inspection book shall be maintained for each [bailiff] by the Naib Tehsildar who shall inspect the work of each bailiff under his charge in connection with collection of land revenue at least once in a month and forward his inspection note to the Tehsildar. The Tehsildar after passing orders will forward the inspection note to the Revenue Assistant for his information.

(2) While checking the [bailiff] accounts in village the Naib Tehsildar shall proceed as follows-

(a) He shall examine at least 10 percent 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 receipts have been issued.

(b) He shall collect at least 10 per cent of the coupons attached to receipts issued to persons who have paid the land revenue and fill up the blanks in the coupons from the entries in the receipts.

(c) He shall then compare the coupons with the corresponding counterfoils if the latter are available with the [bailiff] 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 [bailiff] to the Tehsil where after scrutiny by the Naib Tehsildar they shall be passed to their respective counterfoils.

154. Inspections by the Tehsildar.

(1) The Tehsildar shall inspect the work of each Naib Tehsildar during each fasal; he shall also keep a strict watch on the work of theamins and shall be responsible for inspection of the work of every [bailiff] 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 the Tehsildar in each case shall be forwarded to the Deputy Commissioner through the Revenue Assistant.

(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 later and that processes have been promptly executed.

155. Progress-Report.

A fortnightly progress return shall be prepared in the Tehsil on the 1st and the 16th of each month showing for each amin :

- (a) the name of the [bailiff],
- (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 Revenue Assistant by the 7th and the 23rd of each month who, after passing necessary orders, shall submit it to the Deputy Commissioner for information.

156. check at Tehsil by Naib Tehsildar.

(1) The Naib Tehsildar should arrange to meet the [bailiff] twice a month on fixed day at Tehsil Headquarters. He shall check their accounts and shall include in his check at least 50 percent of the entries made since his previous check. He shall initial and date each entry checked.

(2) When the Naib Tehsildar visits the circle of a [bailiff] which is distant from the Tehsil he may take charge of the money collected by the [bailiff].

Where he does so he shall enter the amount in column 4 of the case book in L.R. Form 35 and sign column 6 thereof in token of receipt. The Naib Tehsildar shall deposit the money received by him in the Reserve Bank of India through the Tehsil by the next working day or on his return to Tehsil.

(3) The Dakhila duly signed by the Bank shall be pasted in the register in L.R. Form 35.

157. Inspection of accounts.

The account of Wasil-baqi-navis shall be inspected at least once in Kharif and once in Rabi by the Sadar Wasil-baqi-navis on Deputy Commissioner's staff and the inspection note shall be submitted through the Revenue Assistant to the Deputy Commissioner.

H. Relief in Revenue and Rent

158. Remission or suspension of land revenue (Section 127).

(1) Relief in revenue of a holding under Section 127 shall ordinarily be given in accordance with the following scales :

Loss measured in annas per rupee of normal produce	Relief of land revenue per rupee		
Amounting to annas 8 but not amounting to annas 10	0	6	0
Amounting to annas 10 but not amounting to annas 12	0	10	0
Amounting to and exceeding annas 12	1	0	0

Provided that in precarious areas if justified by circumstances of the cultivators, suspension or remission of land revenue to the extent of 4 annas in the rupee may be given when the loss measured in annas per rupee of the normal produce amounts to 6 annas but does not amount to 8 annas.

(2) When the whole or a part of holding is leased relief in rent shall be given to the Asami in accordance with the scale applied to such holding and shall be separate from independent of the relief given to the Bhumidhar, 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 Asamis under the Gaon Sabha as if the rent paid by the Asamis was land revenue.

(4) The Deputy Commissioner is empowered to suspend revenue and rent for a period of 3 months but suspension for a longer period requires the sanction of the Chief Commissioner.

159. Remission or suspension of land revenue in village affected by Short (Section 127).

The rules laid down in Appendix VIII of the last final settlement report (1906-10) of the Delhi District governing the remission and suspension of land revenue on account of a field or part of field becoming unculturable on account of the spread of reh and reimposition of the remitted land-revenue when the field has been cultivated, shall continue to apply in the State mutatis mutandis until they are revised at the next settlement.

CHAPTER V

Gaon Sabha and Gaon Panchayat

160. Notification (Section 150).

(1) The Chief Commissioner will issue a notification in the Official Gazette dividing the entire area of the State subject to the proviso to sub-section (1) of Section 150, into circles called Gaon Sabha areas, each comprising one or more contiguous revenue villages and establishing a Gaon Sabha in each circle under Section 150 and the date of such establishment will be the date of specified in the notification. As far as possible, a village with a population of 500 persons or more will constitute a separate Gaon Sabha area.

(2) The Gaon Sabha shall bear the name of the village included in the Gaon Sabha area. If more than one village is included it shall bear the name of the village having the largest population.

161. Election of Gaon Panchayat and Pradhan (Section 151).

(1) The Chief Commissioner shall notify in the Official Gazette the number of panches fixed by him to constitute the Gaon Panchayat of each Gaon Sabha area under Section 151.

(2) The election of the members of the Gaon Panchayat and of the Pradhan thereof for each Gaon Sabha area, shall take place in accordance with the provisions contained in Appendix VII.

162. Election of an Up-Pradhan (Section 152).

The Deputy Commissioner shall, with the approval of the Chief Commissioner, fix a date on which the members of Gaon Panchayat, under the chairmanship of the Pradhan shall elect an Up-pradhan from amongst themselves, for each Gaon Panchayat. The Pradhan shall communicate the result to the Deputy Commissioner.

163. Register of members of Gaon Sabha, Gaon Panchayat and its functionaries.

The Deputy Commissioner shall maintain a register of members of each Gaon Sabha and of each Gaon Panchayat and its functions arise in accordance with the provisions contained in Appendix VII.

164. Term of Panchayat and term of members thereof and the mode of filling up vacancies.

The term of a Gaon Panchayat, the term of office of its members, Pradhan, Up-pradhan or Secretary as also the mode of filling up vacancies in the event of the retirement, death, disqualification, resignation or removal of any of them, shall be governed by provisions contained in Appendix VII.

165. Discharge of duties by Gaon Panchayat.

The Gaon Panchayat shall discharge its duties, perform its functions and exercise its powers in the manner provided in [Appendix VII and VIII].

166. Conduct of business in the absence of Pradhan or Up-pradhan.

In the absence of the Pradhan of the Gaon Panchayat, the Up-Pradhan, or in the absence of both a member of the Panchayat shall subject to the conditions and in the manner provided in Appendix VII perform the duties of the Pradhan.

167. Functions of Gaon Panchayat (Section 155) and assistance by the Patwari.

(1) The Gaon Panchayat shall perform the following functions-

(a) Letting out of land under Sections 65 and 74.

(b) Management and disposal of-

(i) Uncultivated area except land for the time being comprised in any holding or grove, and

(ii) forest within the village boundaries vested in Gaon Sabha.

(c) Preservation and disposal of scattered trees vested in the Gaon Sabha.

(d) Preservation of tanks and ponds and regulation of the exercise of rights or irrigation therefrom.

(e) Rendering assistance in the collection of land revenue.

(f) Collection of Sayer and rent from the Asamis of the Gaon Sabha.

(g) The institution of defence, for and on behalf of the Gaon Sabha of all suits or proceedings arising from or under the provisions of the Act.

(2) The Patwari of the village concerned shall be bound to assist the Gaon Panchayat generally in the performance of all duties relating to land management and in particular in respect of the duties enumerated in sub-rule (1).

(3) Any order passed by the Gaon Panchayat relating to setting and management of land under sub-rule (1) shall be deemed to be an order passed by the Gaon Sabha.

168. Chief Commissioner to issue directions relating to certain matters.

The Chief Commissioner may issue directions to the Gaon Sabha or the Gaon Panchayat through the Deputy Commissioner on the following matters;

(1) Land management reservation of land for purposes of public utility.

(2) Expenditure of the amount at the disposal of Gaon Panchayat deposited in the Gaon Sabha Area Fund.

169. Duties of Gaon Panchayat relating to properties vested in Gaon Sabha.

It shall be the duty of the Gaon Panchayat to manage, maintain, preserve and protect all property vested in the Gaon Sabha under Section 153 including land over which it is entitled to take possession under Section 72 and vacant land and to protect it from injury or interference.

(2) The Gaon Panchayat shall report all cases of injury to or interference with the property as aforesaid to the Deputy Commissioner requesting him to get the encroachment removed or damage repaired or take such other action as may be necessary.

170. Summary proceedings for ejectment of persons occupying land without title (Section 86(a)).

(1) Where on an application from the Pradhan or any member of the Gaon Panchayat or the facts coming to his knowledge otherwise the Revenue Assistant is satisfied that any person who is liable to ejectment on suit of the Gaon Sabha otherwise than under Section 87 continues to be in possession of the land, otherwise than in accordance with the provisions of this Act or has transferred possession of the land to any other person, the Revenue Assistant may if he thinks that it is necessary so to do, issue notice to such persons and to every other person in possession through him to appear within a fixed time and to show cause why an order to ejectment be not made against them.

(2) The Gaon Sabha and all other persons interested in the land shall be made parties to all such proceedings.

(3) Where any person does not appear in pursuance of the notice under sub-rule

(1) or if he appears but does not contest the notice, the Revenue Assistant may make an order for the ejectment of all such persons and every other person claiming possession through him.

(4) If the persons appear in pursuance of the notices under Rule 1 and file objections, the Revenue Assistance shall proceed to hear the Gaon Sabha and the objectors and to record any evidence which they may adduce.

(5) Where, upon the said hearing, the Revenue Assistant is satisfied that such person is liable to ejectment as aforesaid, he shall pass an order for ejectment of such person and every other person in possession through him.

(6) Where an order of ejectment has been passed, the aggrieved person may institute a suit to establish the right claimed by him but subject to the result of such suit if any, the order passed shall be conclusive.]

171. Action in cases of encroachment where land is brought into cultivation.

If the person encroachment upon land has done cultivation therein, he may be allowed to retain the possession thereof until he has harvested the crop subject to payment by him one year's rent calculated at the last available prevailing village rate of rent for such land which shall be credited to Gaon Sabha Area Fund. If the person concerned does not pay rent as aforesaid within a period of 15 days from the receipt of notice, possession of the land shall be restored to the Gaon Panchayat together with the crop.

172. Action under Rules 170 and 171 not to bar regular suits.

Nothing in Rules 170 and 171 shall debar any person from establishing his right in a court of competent jurisdiction in accordance with the law for the being in force in respect of any matter for which any order has been made by the Deputy Commissioner.

172A. Sale of trees and other movable property.

(1) Whenever it is decided to sell trees standing or fallen or any other movable property, the function shall be held, after due publicity by beating of drum, mentioning the plot number, the exact place where the trees or movable property are situated, the date and time of auction and the reserved price.

(2) The auction shall be held under the supervision of Gaon Panchyat and shall be attended by a representative of the Director of Panchayats "not below the rank of a Panchayat Inspector unless the value of the movable property be less than Rs. 50". It shall ordinarily be sold to the highest bidder, who shall be required to deposit ¼th of the bid on the spot. If the highest bid is below the reserved price fresh auction shall take place of which due notice shall be given.

(3) In case of the acceptance of bid, the balance ¾ of the bid amount shall be deposited within 15 day of the acceptance of the bid. If the amount is not paid within time, the advance deposit of ¼th amount shall stand forfeited. The bidder shall be entitled to remove the property auctioned only from the plot after the sale has been confirmed and full amount has been paid therefor. The bidder shall obtain a receipt on the prescribed form for every payment made. The sale proceeds shall

be deposited in the Gaon Sabha area fund.]

173. Utilisation of Gaon Sabha Area Fund in connection with land management (Sections 158 and 159).

(1) A separate account within the Gaon Sabha Area Fund shall be maintained for the money realized from the Gaon Sabha Area and shall in no case be spent on any circle other than the Gaon Sabha area from which it has been realized.

(2) For payments from the Gaon Sabha Area Fund for purposes relating to the settling and management of land or any other function specified in the Act or the rules, the Gaon Panchayat shall apply to the Pradhan of the Gaon Panchayat who will order payment.

174. Registers to be maintained by the Gaon Panchayat in connection with land management and functions prescribed in the Act and the rules.

For purposes relating to settling and management of land or any other function prescribed under the Act of these rules, the Gaon Panchayat shall maintain the following registers and records :

- (1) General Cash Book in L.R. Form 36,
- (2) Receipt book in L.R. Form 37,
- (3) Register of proceedings in L.R. Form 38,
- (4) Demand and Collection Register in L.R. Form 39, and
- (5) Deposit Register in L.R. Form 40.

175. General.

Any matters for which no specific provision has been made under these rules shall be governed by the rules for the time being in force.

CHAPTER VI

Co-Operative Farms

176. Application (Sections 163, 164 and 173).

An application for the registration of a co-operative farm shall be made in L.R. Form 41 and shall be accompanied with two copies of the draft by-laws for the working of the farm as agreed upon between the applicants.

Note. - Model by-laws are given in Appendix V.

177. Procedure.

(1) The Registrar, shall before registering the farm, satisfy himself that the by-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 by-laws provided that the written consent of all the applicants is obtained to such alterations.

(2) If the Registrar refuses to register the farm, he shall communicate the fact with reasons to the applicants and shall send a copy of his order to the Deputy Commissioner for information.

178. Registration (Sections 165 and 170).

If the Registrar grants a certificate of registration, he shall send a copy thereof to the Deputy Commissioner for necessary entries in the village records and in the register of co-operative farms in L.R. Form 42. The Registrar shall also send a copy of the certificate and the approved by-laws to the registered address of the farm.

179. Application under Section 167.

An application under Section 167 shall be in L.R. Form 43.

180. Notice of issue.

If after such inquiry as he deems necessary the Deputy Commissioner is satisfied that the conditions mentioned in Section 167 have been fulfilled, he shall issue a notice in L.R. Form 44.

181. Procedure.

In hearing and deciding objections made under Section 168, the Deputy Commissioner shall follow, so far as may be, the procedure laid down in Appendix VI.

182. Notice of order passed under Section 168.

Notice of an order passed under Section 168 directing a co-operative farm to be established shall be proclaimed in the Gaon Sabha area by beat of drum and by affixation in some place of public resort in that area. A copy of the notice shall also be sent to the Pradhan of the Gaon Panchayat concerned.

183. Appeal under Section 169.

An appeal under Section 169 shall be preferred in the form of a memorandum and presented to the Chief Commissioner, or such officer as he may appoint in this behalf. The memorandum shall be accompanied by a copy of the order of the Deputy Commissioner passed under Section 168.

184. Court fee.

The amount of Court fee to be paid on a memorandum of appeal shall be one rupee and nine annas.

185. Grounds on which Co-operative farm may grant permission to a Bhumidhar member to dispose of his land otherwise than by a will [Section 175 (2)].

(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 was discharged 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-thirds 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 the 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 members of the farm. In the event of dispute the price shall be settled in accordance with the principle laid down in Rule 39 by the Deputy Commissioner whose decision shall be final.

186. Rights and liabilities of members (Section 176).

Every member shall be entitled to such rights and privileges and be subject to such obligations and liabilities and be found to discharge such duties as may be conferred or imposed upon him by the bye-laws of the farm.

187. Admission, resignation or expulsion of members (Section 178).

The admission, resignation or expulsion of members shall be governed by the bye-laws of the farm.

188. Resignation or expulsion of members.

(1) 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. He shall also be entitled to receive compensation for land contributed by him and for trees, if any.

(2) The compensation in the case of Bhumidhar members shall be based on the principle laid down in Rule 39. The compensation for improvement and trees shall be the amount as may be agreed upon by the member and the members of the farm and in the event of disagreement as fixed by the Deputy Commissioner.

189. Consolidation of land under Section 179(2).

(1) The application for the consolidation of land under sub-section (2) of Section 179 shall be made by the co-operative farm in L.R. Form 45.

(2) On receiving the application the Deputy Commissioner 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 Deputy Commissioner 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 Gaon Panchayat of the village or the consolidation officer of the State, if there is one, to put up proposals for the consolidation of the land within 3 months of the date of the order.

190. Valuation Khasra.

The Gaon Panchayat or the Consolidation Officer shall, with the help of the patwari, prepare first a valuation Khasra in L.R. Form 46 for all the fields which are likely to be exchanged. The rate of valuation and valuation in columns 6 and 7 shall be calculated in accordance with the principles laid down in the East Punjab Consolidation of Holdings Act, 1948 as extended to the State of Delhi.

191. Consolidation proposals.

With the help of the valuation Khasra the Gaon Panchayat or the Consolidation Officer shall prepare the consolidation proposals in L.R. Form 47 in such a way that land of approximately equal value shall be given in exchange for the land taken.

192. Proposals to be submitted to Deputy Commissioner.

The Gaon Panchayat or the Consolidation Officer shall submit the consolidation proposals in triplicate to the Deputy Commissioner, 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.

193. Objections to be invited.

On receipt of the consolidation proposals, the Deputy Commissioner 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.

194. Decision of objections.

On the expiry of the period fixed in the proclamation the Deputy Commissioner shall hear and decide objections, if any, and pass final orders for the consolidation of the land, in accordance with the principles laid down in the East Punjab Consolidation of Holdings Act, 1948 as extended to the State of Delhi.

195. Difference between the values and land exchanged.

In cases where there is a difference between the values of the land exchanged, the Deputy Commissioner shall order compensation to be paid to the person receiving land of a lesser value.

196. Order when to take effect.

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 the order of the Deputy Commissioner shall not take effect unless the compensation has been paid up.

197. Encumbrances attached to the land exchanged.

In cases where any encumbrance is attached to the land to be exchanged, the Deputy Commissioner shall direct that the encumbrance shall attach to the land received in exchange by the tenure-holder responsible for creating the encumbrance.

198. Matters to be regulated by the by-laws of the farm.

The following matters may be governed by the bye-laws of the farm-

- (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; and
- (vi) the liquidation of personal debts of members and the regulation of their credit.

199. Direction for planned agricultural development.

The Chief Commissioner may from time to time give such directions for agricultural development and for controlled or planned agricultural development as may seem necessary. If the farming fails to carry out such directions the Chief Commissioner may refuse to give it any facilities under Section 179.

200. Conduct of legal proceedings.

The managing committee of the farm shall, through any member, officer or employee of the farm or any other person specially authorized, institute, conduct, defend, compromise, refer to arbitration or abandon legal proceedings by or on behalf of the farm.

201. Contracts for documents executed by the farm.

All contracts and other documents concerning the farm shall be executed by the President on behalf of the managing committee of the farm.

202. Succession.

Succession to members other than Bhumidhars shall also be governed by the principles contained in Sections 50 to 54.

CHAPTER VI

Miscellaneous

203. Inspections and copies of documents (Section 184).

All documents, statements and registers maintained under the Act of these rules be open to inspection during such hours and subject to the conditions and on payment of fees prescribed in Chapter 16-C of the Rules and Orders of the High Court of Judicature Allahabad Volume IV and any person shall be entitled to be furnished with a copy of or any portion of any such document, statement or register subject to the conditions and on payment of the fees prescribed in Chapter 13 of District Office Manual, Punjab.

204. Evacuee land (Section 192).

(1) On the commencement of the Act, the Revenue Assistant shall obtain from the custodian of Evacuee Property Delhi State, separately, a complete list of:

(i) all lands in the State declared as evacuee land under the Administration of Evacuee Property Act, 1950, as amended by the Administration of Evacuee Property (Amendment) Act, 1953;

(ii) all evacuee land held by tenants under lease of agreement entered into before the 15th day of August, 1947; and

(iii) evacuee's share in lands of common utility (which would vest in the Gaon Sabha).

(2) If necessary, the Revenue Assistant shall depute Patwaris or his own staff to copy out the above lists. When the lists are received he shall get each individual entry checked by the Kanungo concerned, who will sign each entry in token of check. 25 percent of the entries shall then be checked by the Naib Tehsildar.

(3) Revenue Assistant shall then satisfy himself that the lists are accurate and he shall see that no entry in list (ii) (iii) above is included in list (1) Any overlappings should be removed.

(4) The list prepared under Clause (i) sub-rule (i), shall then be the list of evacuee lands to which the provisions of the Act shall not apply. The Revenue Assistant on being satisfied that this list is correct, shall proceed to mark out in the original land duplicate tenure registers compiled under Rule 6-A, all the lands included in this list by noting down the letter "E" in red ink against the serial number of such lands.

(5) No orders shall be passed in to original or duplicate tenure registers, by the Revenue Assistant under sub-rules (2) and (3) of Rule 6-A, against the entries marked "E", except for the fact that he will record the new land revenue in column 1 of the registers of the land so marked as the land revenue payable immediately before the commencement of the Act. The columns relating to compensation i.e. columns 13-A and 13-B shall be left blank. The Revenue Assistant shall put down the words "Evacuee land" and his signature in column 14 against each one of these

entries.

(6) In cases where evacuee land is recorded in the names of more than one person and only one or more but not all are evacuees and their respective shares have not been divided by meets and bounds by the competent officer of the custodian department. The Revenue Officer shall make entries and pass orders separately in columns 10 to 14 of the tenure registers in respect of shares only and make a note in the remarks column to the effect that the shares shall be specified plotwise as soon as the competent officer has effected the partition. He shall also arrange to obtain the result of partition from the competent officer as soon as it has been made.