

The United Provinces Agricultural Tenants (Acquisition of Privileges) Rules, 1949

UTTAR PRADESH

India

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Rule

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Chapter I **Preliminary**

1.

These rules shall be called the United Provinces Agricultural Tenants (Acquisition of Privileges) Rules, 1949.

2.

They shall come into force at once.

3.

In these rules unless there is anything repugnant in the subject or context;(a)"The Act" means the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949; and(b)Words and expressions not defined in the Act or these rules but used in the United Provinces Tenancy Act,

1939 shall have the same meaning as assigned to them in the United Provinces Tenancy Act, 1939.(c) Words and expression not defined in this Act or these rules or in the United Provinces Tenancy Act, 1939, but used in the United Provinces Land Revenue Act, 1901 shall have the same meaning as assigned to them in the United Provinces Land Revenue Act, 1901.

4.

Every Assistant Collector appointed under the United Provinces Land Revenue Act, 1901, shall exercise the powers of Assistant Collector under the Act within the area of his jurisdiction or where so directed by the Collector in such area or areas as may be allotted to his charge.

Chapter II

Preparation and Distribution of Khatauni Extracts

5.

All patwaris in the provinces except in the areas to which the Act does not apply shall deposit, by a date to be fixed by the Board the Khatauni and Khasras for the years 1355 and 1356 Fasli and khatauni errata list for the year 1356 Fasli.

6. The Registrar Kanungo or his assistant shall on the receipt of the Khatauni, check all the entries relating to ex-proprietary tenants, occupancy tenants, hereditary tenants and tenants holding on special terms in Avadh in the khatauni of 1356 Fasli with the errata list of 1355 Fasli and thereafter he shall check the khatauni of 1356 Fasli in respect of the same classes of tenants with the errata list of that year. On the completion of the check mentioned above the khataunis of each of the two years shall be signed by the Registrar Kanungo or his assistant, as the case may be, in accordance, with the provisions of Para 274 of the Land Revenue Manual.

7.

(1) The Supervisor kanungo shall then undertake the rest of all the khataunis of all the mahals in his circle for the year 1356 Fasli with the help of khataunis of 1355 Fasli and the khasra of 1356 Fasli in respect of the classes of tenants enumerated in rule 6 and then make further check of the khatauni with the order-book and the register of agreements relating to his circle. On the completion of the test and check he shall enter at the end of the khatauni of each mahal a certificate in his own handwriting to the following: "Certified that I have tested all the entries in this khatauni relating to the holding of ex-proprietary occupancy and hereditary tenants with the entries in the khatauni of 1356 Fasli and the khasra of 1356 Fasli, and further that I have compared all the entries with the order-book and register of agreements mentioned for any circles." Note.- In Avadh the certificate

shall be in respect of tenants holding on special terms in addition to classes enumerated above.(2)If during the course of testing or checking any errors other than clerical error discovered the supervisor kanungo shall enter them in a list in Form Z. A. F. No. 1 and submit the list to the tahsildar. Separate list shall be made for each mahal.

8. The tahsildar shall after inquiry as in cases under section 39 of the United Provinces Land Revenue Act, 1901, submit the list with a summary of the inquiry made by him together with the recommendation to the Assistant Collector in charge of the sub-division for orders.

9. The Assistant Collector in charge of the sub-division shall, after making such inquiry as he may consider necessary, pass suitable orders and send a copy of the same to the tahsildar for correction of the khatauni. The tahsildar shall then proceed to correct in the manner laid down in the Land Records Manual, the entries in the khatanui of the mahal to which the orders relate.

10.

(1)The Supervisor Kanungo shall prepare a statement in Form Z. A. F. No. 2 of all the holdings in a mahal whose rents have been abated or enhanced on or after July 1,1948, otherwise than by an order or decree of a court.(2)Supervisor Kanungo shall in the course of his list and check also prepare a statement in Form Z. A. F. No. 3 in respect of all holding to which a tenant has been admitted on or after the first day of July, 1948, and shall, after making entries in columns 1 to 7 of the statement proceed to calculate the rent and enter the same in column 8 of the statement on the basis of his rates sanctioned for that local area for hereditary tenants at the latest settlement, revision or roster operations.(3)If no rates have been sanctioned for the area, columns 7 and 8 of the statement shall be left blank till the tahsildar has calculated the rates at which the rent is generally payable by hereditary tenants of the land at the same class in the vicinity. The tahsildar shall thereupon enter the rates so found in his own handwriting in column 7 of the statement and also compute the rent and enter in column 8.

11. The Tahsildar shall thereafter compare the rent entered in column 9 of Form Z. A. F. No. 3 with the amount entered in the column 6, and shall record in his own handwriting in column 10 the higher of the two amounts and the amount so entered in, Column 10 shall be the amount of the rent admissible for the purpose of proceeding under section 3 of the Act.

12. Each of the statements prepared in Form Z. A. F. No. 1,2 and 3 shall, along with such other documents as are tendered by the parties be made into a file and after final orders have been passed consigned to the record room.

13. After the khatauni of a mahal for the year 1366 Fasli has been checked and tested the [patwari] [Now Lekhpal] shall prepare extracts in duplicate in form Z.A.F. No. 4 No. 5. Each copies shall be prepared in one operation with the help of carbon paper. The original, which shall be written on Form 4 in indelible pencil, shall be delivered to the tenant and the other on Form No. 5 shall be retained as office copy:

Provided that Forms 4 and 5 shall not be prepared in respect of the Khatas -(1)the entries of which have been reported under rule 8 for correction until the orders of the Assistant Collector in-charge of the sub-division have been received, or(2)the rent of which has not been agreed upon or otherwise fixed or is payable in kind or is based on an estimate or appraisalment or the standing crop Or on rate varying with the crops sown or partly in one of such ways and partly in others, until the tenant has obtained orders of a competent court determining or commuting the rent to a fixed cash rent.

14.

(1)In case of holdings entered in Form Z. A. F. No. 2 the rent as recorded in the khatauni of 1355 Fasli shall be recorded in the remarks column of Forms Z. A. F. Nos. 4 and 5.(2)The rent determined by the tashilder shall be recorded in the remarks column of Forms Nos. 4 and 5 in respect of the holdings entered in the statement in Form Z, A. F. No. 3. If orders in this respect have been passed the Forms 4 and 5 shall not be completed until such orders have been passed.

15. Of the extracts prepared by the patwari in form Z.A.F. No. 4 the Supervisor Kanungo Registrar and Assistant Registrar Kanungo shall between them check 20 per cent, by comparison with the entries in the khatauni for 1356 Fasli as supplemented by the order passed by the Assistant Collector in-charge of the sub-division on Form Z. A. F. No. 1 and by the Tahsildar on Form Z. A. F. Nos. 2 and 3.

16. The extracts of khatauni shall then be checked in the same manner as mentioned in rule 15 by the moharrir appointed for the purpose, who shall make a cent per cent, check, and shall thereafter sign the extracts in token of having done so. Arrangement shall be made for the superior check of the work done by the moharrir. This check will be made by the Munsam or the Naib Munsarim who shall be appointed for the purpose and who shall between them check 20 per cent, of the extracts.

17. The work of preparation and checking of extracts shall be done at the tahsil headquarters and completed by such date as may be fixed by an officer to be appointed by the State Government hereinafter called the Commissioner, Zamindari Abolition Fund, to direct control and co-ordinate the work in the whole Province.

18. A separate extract shall be prepared for each khata and khatauni.

19. After the extracts shall be prepared and checked as aforesaid the Assistant Collector in-charge of the sub-division shall arrange for their distribution to the tenants through the [patwari] or the Gaon Panchayat as he may consider desirable. In the case of joint holdings the extracts shall be given to the recognized representative of the co-tenants. For each extract the [patwari] or Gaon Panchayat shall take the signature or thumb - impression of the recipient on Terij in Form Z. A. F. No. 6. The distribution shall be completed by a date to be fixed by the Assistant Collector in-charge of a sub-division. The terijies and any undelivered extracts shall be returned to such officials as the Assistant Collector in-charge of the sub-division may designate.

20. The Assistant Collector in-charge of the sub-division shall be in general charge of the preparation, check, test and the distribution of the extracts. He shall make full use of the .service of the tahsilder or the naib-tahsildar, for immediate supervision over the work of the patwaris, the kanungo, the, moharrirs and the munsarim.

Chapter III

Deposit of Money and Grant of Declaration

21. Ordinarily the collection will be made at the sub-treasuries. If, however, the Collector considers that the work can be disposed of more expeditiously by opening additional temporary sub-treasuries at suitable centres or a louring sub-treasury he shall at once submit his proposals for the sanction of the Government through the i Commissioner, Zamindari Abolition Fund.

22. The Assistant Collector exercising jurisdiction in an area allotted to his charge under rule 4 shall also be the Sub-treasury Officer or any additional or touring sub-treasury opened for the area.

23. The Assistant Collector, shall in case it is decided to open touring sub-treasury, draw up a tour programme of area in his charge for the collection of amounts tendered by tenants and grant of declarations under section 8 of the Act. He shall announce his programme as soon as it is drawn up.

24. A tenant who does not appear at the touring sub-treasury may deposit the amount at any time convenient to him at tahsil sub-treasury or any Additional Sub-treasury that have been opened.

25. The Assistant Collector shall be assisted by a munsarim and a reader and as many clerks as may be found necessary from time to time. To each sub-treasury one or more extra-departmental clerks and siahanavis may be appointed to cope with the work. The district treasurer shall provided an adequate number of tahsildars and money testers on each sub-treasury.

26.

(1)The Assistant Collector shall make arrangement for helping the tenants to fill up the application form and the upper half Of the arz-irsal in Form Z. A. F. No. 7.(2)The tenant with his application and arz-irsal form duly filled in shall then go to the tahsildar who shall receive the money, enter the amount in his own bahi and record the bahi item number on and endorse each part of the arz-irsal and the application at the proper place.(3)The arz-irsal together with the application shall then be passed on to the siaha-navis who shall on the authority of the tahsildar's receipt enter the sum as paid in his siaha, give a serial number to the arz-irsal and sign the application and the arz-irsal at appropriate places.(4)The siaha-navis shall pass on the application as well as the arz-irsal after duly stamping them to the departmental clerk, who shall at once fill in columns Nos. 1-5 of the register in Form Z. A. F. No. 8 and after signing the arz-irsal and the endorsement on the application, put it up before the S.T.O. for his signature on the arz-irsal and the endorsement on the application.(5)After the arz-irsal and the endorsement on the application have been signed by the sub-treasury officer, the second part of the arz-irsal shall be handed over to the tenant. The first part shall be sent to the siaha-navis.(6)The departmental clerk shall then compare the extract tendered by the tenant with the office copy to ensure that no unauthorised alterations has been made. He shall, then, submit the application to the Assistant Collector, and direct the applicant or his agent before him. If any alteration, erasure or mutilation is suspected he shall draw the attention of the Assistant Collector to it.

27.

(1)The Assistant Collector shall then scrutinise the application and may examine on oath the applicant or any other person whose evidence he considers necessary.(2)The Assistant Collector shall make a memorandum of the statements recorded by him which shall be signed by him.(3)If the Assistant Collector finds that the amount deposited is less than 10 times the rent to the holding he shall order the deposit of the balance by a date to be fixed by him.(4)where the Assistant Collector is satisfied that the applicant is entitled to a declaration he shall grant the same.

28.

(1)The register in Form Z. A. F. No. 8 shall be maintained in the order in which mauza registeres are arranged. Sufficient pages shall be allotted for each mahal and village, and as deposits are made they shall be entered separately for each mahal.(2)Entries in columns 3 to 5 shall be made so soon as the application is received by the departmental clerk and those in case Nos. 6 to 9 shall be made later in the day. Entries in column No. 10 shall be made immediately after grant of declaration. The munsarim shall see that the entries in the register are completed the same day after the transactions for that day have closed.

29. Declaration under section 6 of the Act shall be on Form Z. A. F. No. 9. The forms of declaration shall be kept in bound volumes in the custody of the officer authorised to issue them and before a declaration is issued entries in counterfoils shall be completed, and initialled by the Assistant Collector.

30. If the Assistant Collector finds that the amount tendered falls short of the amount due and he has passed an order for the remaining amount to be paid within a date to be fixed, this amount shall be deposited through an arz-irsal, separate entries for which shall be made in the register in Form Z. A. F. No. 8. Against each such entry a reference shall be made of the serial number in which the initial deposit was entered and cross reference shall be made of original deposit.

31. As soon as a declaration has been made the Assistant Collector shall direct that an entry to that effect be made in the Remarks column of the Khatauni.

Chapter IV

Cancellation of The Declaration

32. In case a declaration granted under section 6 is cancelled under section 12 of the Act the Assistant Collector cancelling the declaration shall, before making an order for the refund of the amount deposited, inquire from the tahsildar in whose jurisdiction the holding is situate if any amount has since the date of declaration been paid to the land-holder towards the re-imbursement of the rent due to him or adjusted towards the recovery of the land revenue due from the land-holder and on receipt of the information the amount so reported shall be deducted from the total amount deposited by the tenant and a refund voucher shall be prepared for the balance.

33. Entries in columns 1.I and 13 to 15 of Form Z. A. F. No. 1 shall be made as soon as the declaration is cancelled or refund is made.

34. A tenant unless he proves to the satisfaction of the Assistant Collector that he has lost his declaration, shall not be granted a refund voucher till he has returned the declaration in question.

35.

(1) Upon the cancellation of the grant the Assistant Collector shall direct the cancellation of the entry in the Khatauni. (2) A note of cancellation of the declaration shall be made in red ink in the counter-foil of the declaration and the corresponding entry of Z. A. F. No. 8.

Chapter V

Reimbursement of Land Holders

36. The rent payable by a tenant ordinarily becomes due one month before the date on which the revenue falls due. In order to ensure that the declaration of reduction of rent by half is implemented promptly and that the land-holder receives simultaneous re-imbursement of the amount payable to him by Government, the Assistant Collector shall both for Kharif and Rabi cause to be prepared in triplicate in Form Z. A. F. No. 10 a mahal-wise list of land-holders showing the amount to be re-imbursed to each land-holder by Government consequent upon the grant of declaration under section 6 of the Act. Entry in columns 1-7 of this form shall be made under direction of Assistant Collector. The preparation of the list shall start on the day following the date on which the Kharif or Rabi instalment of rent, as the case may be, falls due and shall cover all declarations granted up to the said date.

The list shall be prepared with the help of register in Form Z. A. F. No. 8 and before signing the list the Assistant Collector shall satisfy himself that the entries made therein are correct.

37. Two copies of the list shall be forwarded to the tahsilder concerned who shall enter in column for remarks against the relevant entries on the demands side of khatauni or jamabandi as the case may be maintained by the Wasil Baqi Navis the amount payable by the State Government to land-holders.

38. The amount payable by the State Government may be credited towards the land revenue payable by the land-holder,

39. The tahsildar shall complete the entries of column Nos. 8 to 10 of Z. A. F. No. 10 and return one completed copy to the Assistant Collector who shall make such inquiry as he may consider necessary and shall then prepare repayment vouchers for cash or transfer payment of the amounts due to the land-holders concerned in Form Z, A. F. Nos. 11 and 12, as the case may be: Transfer repayment vouchers shall be drawn in favour of Tahsilder concerned on behalf of the land-holder entitled to receive repayment. These vouchers shall bear the word "payable by transfer credit only". These amounts shall be paid out of the deposits, in the Zamindari Abolition Fund.

40.

(1)Cash repayment vouchers shall be handed over to the land-holder or his authorised agent only in the presence of the Assistant Collector and after proof to the satisfaction of the Assistant Collector of the identity of the land-holder or his authorised agent.(2)Transfer repayment vouchers shall be forwarded to the Tahsilder Concerned with a forwarding list. The Tahsilder after having the adjustment made will note the date of adjustment in the list and return it to the Assistant Collector who shall enter the date of payment on column 14 of Z. A. F. No. 10. In the case of transfer payment arz-irsal in triplicate will be prepared by the Wasil Baqi Navis who will after payment by sub-treasury make necessary entry in his khatauni to deliver one copy of the arz-irsal to the land-holder concerned, whose acknowledgment will be obtained in token of receipt.

41. If in any case orders for grant of re-imbusement to the land-holder have not been passed, the land-holder may submit his claim in application Form Z. A. F. No. 13 to the Assistant Collector who shall on receipt of the application call the relevant records and make such other inquiry as he may consider

necessary and then pass such orders as he deems fit.

42. If the amount granted towards re-imbursement is modified, the Assistant Collector, shall pass orders to correct the list in Form Z. A. F. No. 10. Simultaneously a copy of the order shall be sent to the Tahsilder who shall be asked to make the necessary correction in the remarks column of the Khatauni or the jamabandi, as the case may be, wherein the first entry of the amount due for the re-imbursement was made . The Assistant Collector then shall prepare a fresh re-payment vouchers.

Chapter VI

Miscellaneous

43.

(1)In the hearing and disposal of applications under sections 3 and 12 of the Act, the Assistant Collector shall follow the procedure and possess the powers followed or possessed by an Assistant Collector on the occasion of any proceeding under the United Provinces Land Revenue Act, 1901 in respect of the following matters:(a)the enforcing of the attendance of witnesses, and examining them on oath or affirmation or otherwise;(b)the compelling of the production of document;(c)the punishing of persons guilty of contempt; and(d)service of notice.(2)The procedure to be followed in appeals shall be the same as provided in the Revenue Court Manual for Uttar Pradesh for appeals under the United Provinces Tenancy Act, 1939.

44.

(1)The Commissioner or a Collector may transfer any case under Act from any subordinate revenue court or Revenue Officer to any other such court or Officer competent to deal therewith.(2)The Collector, or an Assistant Collector, in charge of a sub-division may make over any case or calss of cases arising under the provisions of the Act for inquiry or decision from his own file to any Assistant Collector subrodinate to him competent to deal with such cases or class of cases. He may also withdraw any case or class of cases from any Assistant Collector subordinate to him and may deal with such case or class of cases himself or refer the same for disposal to any other such Assistant Collector competent to deal therewith.

45. On the 2nd and 17th of each month each Assistant Collector shall submit a progress report in Form Z. F. A. No. 14 to the Collector who shall compile all the reports for his district and send a consolidated statement not later than the 5th and 20th respectively, to Government in the Revenue Department through the Commissioner, Zamindari Abolition.

46. On the 1st of January and 1st July of each year each Assistant Collector shall submit a statement in form Z. F. A. No. 15 to the Collector showing progress of work with regard to grant of reimbursement and the Collector shall send a consolidated statement for his district by January 15 and July 15 respectively to Government in the Revenue Department through the Commissioner, Zamindari Abolition.

Schedule

(Section 3)(a) Land owned by the Central Government or any local authority; (b) Land held for a public purpose or a work of public utility or acquired under the Land Acquisition Act, 1894, the United Provinces Land Acquisition (Rehabilitation of Refugees) Act, 1948, the United Provinces Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948 or any other enactment relating to acquisition of land for a public purpose; or (c) Land comprised in any area included in or which has been or may hereafter be declared as a municipality or notified area under the provisions of the United Provinces Municipalities Act, 1916, or a cantonment under the provisions of the Cantonment Act, 1924 or a Town Area under the provisions of the United Provinces Town Areas Act, 1914.