

Rules Under Benares Family Domains Act, 1904

UTTAR PRADESH

India

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Rule RULES-UNDER-BENARES-FAMILY-DOMAINS-ACT-1904 of 1904

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1.

In these rules, unless there is anything repugnant in the subject or context, the "Act" means the Benares Family Domains Act, 1904 (U.P. Act III of 1904), and the term "Maharaja" means the Raja of Benares as referred to in that Act.

2.

The assessment of the rate and in case where the rent of land subject to the rate is not entered in the Patwari's record; or the rent so recorded is grain rent or a nominal rent or where an inferior proprietor cultivates his own land the determination of the annual value shall be made by such officer (hereinafter called the assessing officer) as may be appointed by the Collector of Benares with the sanction of the Commissioner.

3.

(1)For each village an assessment list shall be maintained, specifying for each holding-(a)the name of the tenant or cultivating inferior proprietor,(b)the area and annual value of the holding determined in accordance with section 2, clause (1) of the Act, and(c)the amount of the rate assessed.(2)The assessment list shall be revised every ten years.

4.

(1)Whenever-(a)the amount of the rate payable on a holding is altered, or(b)an annual value is determined under section 2, clause (1), sub-head (b) of the Act, an extract from the assessment list showing the amount of rate payable and the method of calculation shall be served on the tenant or cultivating inferior proprietor concerned.(2)Such notice may be served either by tendering, delivering or sending a copy thereof by post, in a cover registered under the Indian Post Office Act, 1899, to the person on whom it is to be served, or by affixing a copy thereof at some place of public resort, on or adjacent to the land to which such notice refers.

5.

Every person on whom a notice has been served under rule 4 may within a month of the service of the notice, file an objection before the assessing officer.

6.

(1)The Patwari shall enter in his Jamabandi the amount of rate payable in accordance with the assessment list.(2)All notifications and alterations shall be communicated to him through the Registrar Qanungo, and such modifications and alterations shall be entered by him in his Jamabandi.(3)The annual value of the lands enumerated in section 2, clause (1), sub-head (a) of the Act shall be recorded in the remarks column.(4)The Patwari shall also report to the assessing officer all cases where the area, rental or cultivation in occupation of a holding has undergone alteration or an annual value requires to be determined.(5)All such reports, before submission, shall be verified and signed by the Supervisor Qanungo of the circle.

7.

A tenant shall be considered to hold at the nominal rate of rent when he is not a tenant at fixed rates and his recorded rent is less than a half that paid by occupancy tenants for land similar quality and advantages in the neighbourhood.

8.

The following classes of tenants shall be considered to hold at fixed rates, namely:- (1)Kabal hal hasil, (2)Salisi, and (3)Shara Muaiyan.

9.

The following classes of tenants shall be considered to be occupancy tenants, namely- (1)occupancy tenants, (2)bad hal hasil tenants and maurusi tenants other than those mentioned in rule 8.

10.

When the annual value has to be fixed in accordance with the rent which would be payable at prevailing rates by occupancy tenants for land of similar quality and similar advantages and the occupancy area in the village in which the land is situated is nil or very small, the occupancy rate paid in neighbouring villages shall be considered to be applicable.

11.

(1) In each year, under the order of the assessing officer, or when the assessment is not under revision, under the orders of the Sub-divisional Officer, there shall be compiled from the patwari's records a statement for each mahal in the following form, namely-

	Mahal		Village
	Class of tenants	Area of holding	Rental or annual value
	1	2	3
1.	Tenants at fixed rated	...	Rs.
2.	Tenants of rent free lands	...	
3.	Inferior proprietors cultivating their lands.	...	

	Total	...	

	Assessment at eight piece per rupee		
4.	Occupancy tenants	...	
5.	Tenants paying rent in kind	...	
6.	Other tenants	...	

	Total	...	

	Assessment at six piece per rupee		

	Grant Total	...	

Amount to be deducted for costs of collection.

Amount payable

Memo

Total demand from tenants ...

Total demand from inferior proprietors.

(2) Copies of these statements shall be supplied to the officer-in-charge of the tahsil of the maharaja situated at Gangapur after the attestation by the Qanungo and also to the Collector of Benares for record in the Benares Tahsil demand register.

12.

The amounts payable by tenants under the Act shall be collected in two equal instalments, which shall be due on the last days of Aghan and Baisakh respectively.

13.

The amount payable under section 7 of the Act by inferior proprietors to the Maharaja shall be due one month after the dates on which the instalments are due from the tenants.

14.

(1) All receipts for payments on account of the rate and all arz-irsals and statement of receipt in which payments on account of the rate are included, shall show clearly the amount paid on account of the rate and the year to which it is to be credited. (2) Every official entrusted with the collection of the rate shall keep a separate account of payment received on account of the rate.

15.

All sums due from the inferior proprietors, after the deduction of 20 per cent. referred to in section 7 of the Act, shall be paid to the Tahsildar of the Maharaja.

16.

(1) All sums so paid, and all sums directly collected by the agents of the Maharaja, shall be paid into the Tahsil treasury referred to in paragraph 11, sub-clause (2). (2) The officer-in-charge of the Tahsil shall maintain a khatauni showing demand and collection on account of the rate in the following form, namely-Khatauni showing the demand of local rates

No. of mahal	Name of mahal	Name of malguzar	Deduction		Balance	Remarks
			Whole demand	for cost of collection		

Detail of the amount Realized

Date of payment	Amount	Date of payment	Amount	Date of payment	Amount	Date of payment	Amount	Date of payment	Amount
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(3)The demand shall be copied from the mahalwar register prescribed in rule 11, and the collection from the arz-irsals.

17.

The officer-in-charge of the tahsil shall show separately in his daily wazkham (Siaha) the amount creditable to the Stale.

18.

The sums assessed according to the procedure laid down in the foregoing clause shall be collected by the Maharaja and be paid by him into the Government treasury at Benares deducting 15 per cent as costs of collection on all sums not collected through inferior proprietors in equal instalment along with the land revenue of Kaswar Raja.

19.

Irrecoverable items may be written off by the Collector of Benares with the concurrence of the Commissioner.