

# **The U.P. Gram Sabha, Gram Panchayat and Bhumi Prabandhak Samiti Manual**

UTTAR PRADESH

India

## **The U.P. Gram Sabha, Gram Panchayat and Bhumi Prabandhak Samiti Manual**

### **Rule**

### **THE-U-P-GRAM-SABHA-GRAM-PANCHAYAT-AND-BHUMI-PRABANDHAK SAMITI MANUAL, 1954**

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The U.P. Gram Sabha, Gram Panchayat and Bhumi Prabandhak Samiti Manual [Directions meant to be issued as according to Section 126, U. P. Zamindari Abolition and Land Reforms Act read with Rule 115 of the U. P. Zamindari Abolition and Land Reforms Rules, 1952 alongwith U. P. Panchayat Raj Act, 1947 and the Rules framed thereunder.] The Uttar Pradesh Gram Sabha, Gram Panchayat and Bhumi Prabandhak Samiti Manual is such type of hand book, in which establishment, functions and powers of the Gram Sabha, Gram Panchayat and Bhumi Prabandhak Samiti have been mentioned and it contains the relevant sections of-(i) the U. P. Zamindari Abolition and Land Reforms Act, 1950 and the relevant Rules; and (ii) the U. P. Panchayat Raj Act, 1947 and the relevant rules thereof and directions and instructions issued from time to time by the State Government, the Board of Revenue and other authorities, which are related to establishment; functions and powers of the Gram Sabha, Gram Panchayat and Bhumi Prabandhak Samiti. In this Manual, unless otherwise expressed, 'Act' means the U. P. Zamindari Abolition and Land Reforms Act and the 'Rules' means the U. P. Zamindari Abolition and Land Reforms Rules. The orders and directions contained in this Manual shall be deemed to have been issued under Section 126 of the U. P. Zamindari Abolition and Land Reforms Act read with Rule 115-A of the U.P. Zamindari Abolition and Land Reforms Rules to the Bhumi Prabandhak Samiti (Land Management Committee) established under Section 28-A of the U. P. Panchayat Raj Act, 1947 with the latest amendments and related case-laws.

### **Chapter I**

### **Constitution and Conduct of Business of Gram Sabha and its**

## **Bhumi Prabandhak Samiti**

### **1. Gram Sabha-[Sections 3 and 16 of U.P. Panchayat Raj Act, 1947].**

- Gram Sabha is a group of one village or many villages. It is known by that name to which the State Government declare it by notification such name and its jurisdiction which is published in the Government Gazette. Such notification may be issued by that authority to whom he has been assigned by the State Government. Notes. - (1) Now the mode of text of Sections 3 and 16 of the U.P. Panchayat Raj Act, 1947 have been substituted by the U.P. Act No. 9 of 1994 and it is to be read as under : "Section 3. Gram Sabha - The State Government shall, by notification in the official Gazette, establish a Gram Sabha for a village or group of villages by such name as may be specified: "Provided that where a Gram Sabha is established for a group of villages, the name of village having the largest population shall be specified as the name of the Gram Sabha." Section 16. Functions that may be assigned to Gram Panchayat. - The State Government may, by notification, and subject to such conditions as may be specified therein, assign to Gram Panchayats any or all of the following functions, namely: (a) management and maintenance of a forest situated in the Panchayat area; (b) management of waste lands, pasture lands or vacant lands belonging to the Government situated within the Panchayat area; (c) collection of any tax or land revenue and maintenance of related records." (2) The Governor has delegated the applicable rights by the State Government to the Director and Joint Director under such conditions and restrictions, which is prescribed from time to time in this behalf, under Section 96-A, U.P. Panchayat Raj Act, 1947, published in the Government Gazette, dated 17th April, 1954 under section 3 by a Notification No. 1535/XXXII-125-54, dated 12th April, 1954.

### **2. Circle [Section 3 (3-A) of U. P. Z. A. and L. R. Act].**

- 'Circle' means any area for which a Gram Sabha has been established under the U. P. Panchayat Raj Act, 1947. [See Section 2(d), U.P. Panchayat Raj Act, 1947].

### **3. Gram Sabha a legal person [Section 4, U.P. Panchayat Raj Act, 1947].**

- Every Gram Sabha shall, by the name notified in the official Gazette under Section 3 of U.P. Panchayat Raj Act, 1947, be a body corporate, having perpetual succession and a common seal and shall, subject to any restriction or condition imposed by the U. P. Panchayat Raj Act, 1947 or by any other Act, have power to acquire, by purchase, gift, or otherwise, to hold, administer, and transfer property, both movable and immovable, and to enter into any contract, and shall, by the said name, sue or be sued. Note - Now it has been omitted by U.P. Act No. 9 of 1994, Section 5.

### **4. Performance and exercise of functions, duties and powers [Section 117-A, U.P.Z.A. & L.R. Act].**

- Where any village or a part of a village situated within the territorial limits of any other local authority, not being Gram Sabha, the State Government may, by general or special order to be

published in the manner prescribed, direct that in relation to the holding area within any such village or part thereof or, such local authority, as may be specified in such order, shall perform, discharge and exercise, subject to such exceptions, conditions and modifications, if any, as may be specified in this behalf, the functions, duties and powers assigned, imposed or conferred by or under the U. P. Zamindari Abolition and Land Reforms Act, 1950 or U. P. Panchayat Raj Act, 1947 on a Gram Sabha or Bhumi Prabandhak Samiti. Note - Section 28-B, U.P. Panchayat Raj Act, 1947 defines the functions of the Bhumi Prabandhak Samiti.

## **5. Members of Gram Sabha [Section 5, U.P. Panchayat Raj Act, 1947].**

- Every person, whose name is for the time being is included in the electoral roll of the Gram Sabha, shall be a member of that Gram Sabha. Note - Now it has been omitted by U.P. Act No. 9 of 1994, Section 5.

## **6. Oath of Office [Section 12-E, U.P. Panchayat Raj Act].**

(1) Every person shall, before entering upon any office referred to in Sections 11-A, 12, 43 and 44 of U.P. Panchayat Raj Act and Rule 86 of U.P. Panchayat Raj Rules make and subscribe before such authority as may be prescribed on oath or affirmation in the form to be prescribed. (2) Any member who declines or otherwise refuses to make and subscribe such oath or affirmation as aforesaid shall be deemed to have vacated the office forthwith. Note - But now above Rule 86 has been omitted by Notification No. 4275/33-1-1994-282-94, dated 9th September and replaced by U.P. Panchayat Raj (Oath of office of Pradhan, Up-Pradhan, Panch, Sarpanch, Sahayak Sarpanch and Member of Gram Panchayat) Rules, 1994.

## **7. Pradhan and Up-Pradhan of Gram Panchayat [Section 11-A, U.P. Panchayat Raj Act].**

(1) There shall be a Pradhan and a Up-Pradhan of the Gram Panchayat, who shall respectively be the Chairperson and Vice-Chairperson thereof. (2) The State Government shall, by order, reserve offices of Pradhans for the Scheduled Castes, the Scheduled Tribes and the backward classes : Provided that the number of offices of Pradhan reserved for the Scheduled Caste, the Scheduled Tribes and the backward classes in the State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the scheduled Castes in the State or of the Scheduled Tribes in the State or of the backward classes in the State bears to the total population of the State : Provided further that the reservation for the backward classes shall not exceed twenty-seven per cent of the total number of offices of Pradhans : Provided also that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the prescribed manner. (3) Not less than one-third of the total number of Pradhans reserved under sub-section (2) (mentioned above) shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes. (4) Not less than one-third of the total number of offices of Pradhans, including the number of offices of Pradhan reserved under sub-section (3) (mentioned above), shall be reserved for women. (5) The offices of the Pradhans reserved under this

section shall be allotted by rotation to different Gram Panchayats in such order as may be prescribed.(6)The reservation of the offices of Pradhans for the Scheduled Castes and the Scheduled Tribes under Section 11-A, U.P. Panchayat Raj Act shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.Explanation. - It is clarified that nothing in this Para shall prevent persons belonging to the Scheduled Castes, the Scheduled Tribes, the backward classes and the women from contesting election to unreserved seats.Note - The above para has been substituted by U.P. Act No. 9 of 1994.

## **8. Gram Panchayat [Section 2 (h), U.P. Panchayat Raj Act].**

- "Gram Panchayat" means the Gram Panchayat constituted under Section 12 of, the above Act.

## **9. Term of office of Pradhan and Up-Pradhan.**

- Term of office of Pradhan and Up-Pradhan shall start from the date of his election and nomination and until it expires according to the provisions of the U.P. Panchayat Raj Act, it will expire with the term of Gram Panchayat.Note - With regard to the election and term of the office of Pradhan and Up-Pradhan, see the following paras :"(1) Election of Pradhan and his term [Section 11-B (1) and (6), U.P. Panchayat Raj Act, 1947] - The Pradhan of the Gram Panchayat shall be elected by the persons registered in the electoral rolls for the territorial constituencies of the Panchayat area from amongst themselves.Except as otherwise provided in the Panchayat Raj Act, 1947, the term of office of Pradhan shall be coterminous with the term of the "Gram Panchayat". [Substituted by U.P. Act No. 9 of 1994]."(2) Election of Up-Pradhan and his term [Section 11-C (1) and (2), U.P. Panchayat Raj Act, 1947] - The Up-Pradhan shall be elected by the members of the Gram Panchayat from amongst themselves in such manner, as may be prescribed :Provided that if a Gram Panchayat fails to so elect an Up-Pradhan within the time fixed by or under the rules in that behalf, the Prescribed Authority may nominate as Up-Pradhan any member of the Gram Panchayat, and the person so nominated shall be deemed to have been duly elected.The term of office of the Up-Pradhan whether elected or nominated before or after the commencement of the Uttar Pradesh Rural Local Self-Government Laws (Amendment) Act, 1972, shall commence from the date of his election or nomination, as the case may be, and unless otherwise determined under the provisions of this Act, shall expire with the term of the Gram Panchayat."

## **10. Bhumi Prabandhak Samiti [Section 28-A (1), U. P. Panchayat Raj Act].**

- The Gram Panchayat shall also be the Bhumi Prabandhak Samiti and as such discharge the duties of upkeep, protection and supervision of all property belonging to or vested in or held by the Gram Panchayat under Section 117 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, or under any other provision of that Act.

## **11. Chairman and Vice-Chairman of the Bhumi Prabandhak Samiti [Section 28-A (2), U.P. Panchayat Raj Act].**

- The Pradhan and Up-Pradhan of the Gram Sabha shall respectively be the Chairman and the Vice-Chairman of the Bhumi Prabandhak Samiti.

## **12. Secretary of the Bhumi Prabandhak Samiti [Section 28-A (2), U.P. Panchayat Raj Act].**

- The lekhpal of the area comprised in the jurisdiction of the Gram Panchayat shall be its Secretary.

## **13. Lekhpal not to be member of Bhumi Prabandhak Samiti.**

- The Lekhpal shall not be a member of the Bhumi Prabandhak Samiti.

## **14. Duties of lekhpal [Rules 111 and 115-J (4), U.P.Z.A. and L.R. Rules].**

- It shall be the duty of the lekhpal as secretary of the Bhumi Prabandhak Samiti-(1)to attend the meeting of the Committee and to maintain the various registers and records provided under the rules or enjoined by any directions of the State Government or the Collector under the guidance and supervision of the Chairman;(2)to comply with and see that all the provisions of the Act and rules made thereunder and all directions issued by the State Government or the Collector are complied with by the Bhumi Prabandhak Samiti and shall bring to their notice any irregularity or omission on their part;(3)to give any information asked for by the Samiti in respect of entries in the Land Records and to issue copies of Land Records required by the Samiti free of charge (copies issued are to be clearly marked "for the use of Bhumi Prabandhak Samiti only");(4)to report all cases of damage or encroachment upon the property of Gram Sabha to the Collector and to simultaneously forward a copy of such report to the Chairman of the Bhumi Prabandhak Samiti for information;(5)to get leases executed by the Bhumi Prabandhak Samiti in respect of admission to the land duly registered or attested within the prescribed period ;(6)to attend to all matters pertaining to litigation of Gram Sabhas in respect of their functions under U.P.Z.A. & L.R. Act; and(7)to generally act under the direction of the Chairman in all matters pertaining to work of the Samiti.(8)to ensure that the entries kept under the Tahsil with the entries of Property Register in accordance to B.O. No. 8/2-Collection-2-3-M.R., dated 9th May, 1962 and the entries made in the Tashil Register on the pay date, have all been included in the Property Register of Gram Sabha kept in the Tashil.(9)The records, register and account of Bhumi Prabandhak Samiti shall be maintained by the Chairman of the said Samiti and the Supervisor Kanungo shall check those records, registers and accounts at least once a year and as often as the Tehsildar or the Assistant Collector-in-charge of the subdivision may direct. It shall also be the responsibility of the Supervisor Kanungo to report cases of mismanagement, abuse of power or negligence, misappropriation of funds, embezzlement and other irregularities on the part of the Bhumi Prabandhak Samiti, their Chairman or members to higher authorities concerned for necessary action, as soon as such cases come to his notice either during the course of inspection or otherwise. [Vide Rule 115-J (4) of the U.P.Z.A. & L.R. Rules, 1952].Sittings and Quorum of the Bhumi Prabandhak Samiti and the Conduct of its Proceedings

## **15. Meetings of the Bhumi Prabandhak Samiti [Rule 110 (1), U.P.Z.A. and L. R. Rules].**

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

## **16. Service of notice [Rule 110 (2), U.P.Z.A. & L.R. Rules].**

- The notice shall be served personally on the members of the Bhumi Prabandhak Samiti. If it is not possible to serve the notice on any member personally, service on any adult male member of his family and if that be also not possible, affixation of the notice at a conspicuous place at the residence of the member, shall be sufficient.

## **17. Meetings [Rule 110 (3), U.P.Z.A. & L.R. Rules].**

- The Chairman shall, on a written requisition Signed by not less than one-third of the members of the Bhumi Prabandhak bamiti, convene a meeting thereof within ten days from the receipt of such requisition.

## **18. Presiding of meetings [Rule 110 (4), U.P.Z.A. & L.R. Rules].**

- The Chairman shall preside at all meetings of the Bhumi Prabandhak Samiti, In his absence, the members present shall elect a President for the meeting.

## **19. Quorum of meeting [Rule 110 (5), U.P.Z.A. & L.R. Rules].**

- The quorum for a meeting shall be 50 per cent of the total number of members of the Bhumi Prabandhak Samiti.

## **20. No quorum necessary for an adjourned meeting [Rule 110 (6), U.P.Z.A. & L. R. Rules].**

- If any meeting of Bhumi Prabandhak Samiti has been adjourned for want of quorum, no quorum shall be necessary for an adjourned meeting, but the date, time and venue thereof, shall be notified at the time of adjournment. A fresh notice of the adjourned meeting shall also be given to all the members, in the manner hereinbefore prescribed.

## **21. Reading out the proceedings of the meeting. [Rule 110 (7), U.P.Z.A. & L.R. Rules].**

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

## **22. Record of meetings [Rule 110 (8), U.P.Z.A. & L.R. Rules].**

- The Bhumi Prabandhak Samiti shall keep a brief record of its meetings and proceedings in B.P.S. Form 2 in Devanagiri script.

## **23. Intervals between meetings [Rule 110 (9), U.P.Z.A. & L.R. Rules].**

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

## **24. Co-option [Rule 110 (10), U.P.Z.A. & L.R. Rules].**

- The Chairman of the Bhumi Prabandhak Samiti may, with the concurrence of the members, co-opt, any other person in an advisory capacity.

## **25. Functions and duties of the Bhumi Prabandhak Samiti [Section 122-A (2), U.P.Z.A. & L.R. Act].**

- Without prejudice to the generality of the foregoing provisions [given in Para 10 above], the functions and duties of the Bhumi Prabandhak Samiti shall include-(a)the settling and management of land;(b)the conduct and prosecution of suits and proceedings by or against the Gram Sabha;(c)the development and improvement of agriculture;(d)the preservation, maintenance and development of forests and trees;(e)the maintenance and development of abadi sites and village communications;(f)the management of hats, bazars and melas;(g)the development of co-operative farming;(h)the development of animal husbandry which includes pisciculture and poultry farming;(i)the consolidation of holdings;(j)the development of cottage industries;(k)the maintenance and development of fisheries and tanks;(l)it shall be the duty of Bhumi Prabandhak Samiti to preserve or protect from damage, mis-appropriation on wrongful occupation, all properties vested in it under Section 117, U.P.Z.A. & L.R. Act, including vacant land and land over which it is entitled to take possession under the Act and to manage and maintain all such property and land in its possession; and(m)such other matters, as may be prescribed.

## Chapter II

### Properties of Gram Sabha and its Management

#### 26. Properties of Gram Sabha [Section 122-A, U.P.Z.A. & L.R. Act].

- Gram Sabhas have been charged with management and settlement of the following properties, which have either vested in it or settled with them or have come into their possession-(A) Properties, which have vested in the State as a consequence of Zamindari Abolition under U.P. Zamindari Abolition and Land Reforms Act: (1) All lands situated within the halquas of Gram Sabha except lands for the time being comprised in any holding or grove. (2) All forests falling in the halquas of the Gram Sabha, except forests entrusted to the Forest Department. (3) All trees in jungle and all trees standing on the lands of public utility except the trees entrusted to the Forest Department.- Trees of grove [Section 6 (a), 8, 9 and 228, U.P.Z.A. & L.R. Act]. - (i) The trees of holdings and grove belong to the land holder and not to the Gram Sabha. The trees standing on the boundary of the holdings belong to one of the land holders of either side, (if he is their owner from before), otherwise the trees are equally in their ownership. (ii) The trees standing in abadi belong to those persons, who are holder thereof before the zamindari abolition. The trees standing scattered on the Banjar land belonging to land holders will be still in their ownership. (4) Abadi sites (except building, whether situated in abadi or outside it, and land appurtenant thereto). (5) Hats, bazars and melas held on the holdings, in the groves or land appurtenant to building of bhumidhar belong to the tenure-holder or owner of the building. Bhumidhar has authority to use his building for any purpose, he likes. Therefore, he can hold bazar on it but a sirdar or an asami cannot do so because he can use his land only for agriculture, horticulture or animal husbandry under which foster of fishes and poultry farming is included, can perform only for connected purpose. [See Sections 142 and 146, U.P.Z.A. & L.R. Act]. All other hats, bazars and melas on the land of public utility have been vested in the State. Some of those, from which income of less than Rs. 2,000 is acquired, which includes those, which yields some times income of Rs. 2,000 or more but which are held/some times twice in a year, are vested in Gram Sabha by issuing notification. Remaining hats, bazars and melas, which yields income of more than Rs. 2,000 annually or which are held not more than twice in a year, are managed by Zila Panchayat, will be performed by the Gram Sabha. (6) Tanks, ponds, fisheries and water channels, except those, which have been entrusted to the Irrigation and Animal Husbandry Department. (7) All pathways (in which the Kachcha road is included), which are in length less than five Miles and are vested in Gram Sabha. All the kachchi and pakki roads, which are in length more than five miles, are vested in the State Government. (8) The management of all the the private ferries, which yield income of more than Rs. 2,000 except those, which have been entrusted to Zila Panchayat, will be performed by the Gram Sabha. (B) Taking over land - [Section 194, U.P.Z.A. & L.R. Act] - All such land in which the rights of bhumidhar and sirdar are ceased under the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and Bhumi Prabandhak Samiti have obtained the right to take possession on it under Section 194 of the above Act. (C) Land vested under Section 29-C of the Uttar Pradesh Consolidation of Holdings Act, 1953. - The land contributed for public purpose under the U.P. Consolidation of Holdings Act, 1953, from that date to which the tenure-holder has obtained possession in the allocated ckaks, shall be vested in Gram Sabha. (D) Land declared surplus under the provisions of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 and settled by the



State Government to Gram Sabha under Section 27 (1) of the above Act. - The State Government shall settle out of the surplus land in a village in which no land is available for community purposes or in which the land as available is less than 15 Acres with the Gram Sabha of that village so however that the total land in the village available for community purposes after such settlement does not exceed 15 Acres. The land so settled with the Gram Sabha shall be used for planting trees, growing fodder or for such other community purposes, as may be prescribed. [Vide Section 27 (1) of U.P. Imposition of Ceiling on Land Holdings Act, 1960].

## **27. Vesting of certain lands in Gram Sabha [Section 117 and Rule 115-BB, U.P.Z.A. & L.R. Act and Rules].**

- The State Government may re-assume any land or thing vested in the Gram Sabha by notification. On such action of resumption the Gram Sabha will receive compensation on account of development work only.

## **28. Property Register of the Gram Sabha [Rule 113, U.P.Z.A. & L.R. Rules].**

- Property Register of Gram Sabha shall be kept in B.P.S. Form 1. It shall contain a map of the village prepared by Lekhpal of the area on plain paper, in which land of Gram Sabha marked in different colours shall be shown. Note. - The Bhumi Prabandhak Samiti shall maintain the following records : "(1) Records of all its property in B.P.S. Form 1; (2) Proceedings Book in B.P.S. Form 2; (3) Counterfoil of leases of admission to land in Z.A. Form 59; (4) Counterfoil of leases or licences given by the Bhumi Prabandhak Samiti; (5) Jamabandi of asamis of Gram Sabha in Z.A. Form 62-B; (6) Demand and Collection Register in B.P.S. Form 3; (7) Certificate for recovery of Gram Sabha dues in B.P.S.; Form 3-A; (8) Receipt Books in B.P.S. Form 4; (9) Cash books in B.P.S. Form 5; and (10) Register of Expenditure in B.P.S. Form 6."

## **29. Banjar land, jungle and scattered trees.**

(1) Subject to the conditions mentioned in sub-para (3) and (4) of Para 26 in respect of banjar land, jungle and scattered trees, Bhumi Prabandhak Samiti has the same rights as ex-Zamindar had. (2) (A) Rights of Income of the Bhumi Prabandhak Samiti. - Bhumi Prabandhak Samiti has available same right on all the source of Sayar income as Zamindars had previously. (B) Recovery of arrears - [Section 225, 225-A and Rule 180-C, U.P.Z.A. & L.R. Act & Rules] - The whole or any part of the arrears of rent, sayar, or other dues in respect of any land or other property vested in a Gram Sabha or any other local authority may be recovered as arrears of land revenue. It is necessary for the Bhumi Prabandhak Samiti that it shall make itself full efforts to recover the dues. Only those dues, which remain in arrears inspite of best efforts to recover them, may be communicated to the Collector for recovery as arrears of land revenue in B.P.S. Form 3-A by the Chairman. The whole or any part of the arrears of rent, sayar or other dues in respect of any land or other property vested in Gram Sabha or any other local authority under the provisions of the U. P. Zamindari Abolition and Land Reforms Act may, by resolution and subject to confirmation by the Collector, be written off by the Bhumi Prabandhak Samiti or the local authority, as the case may be, as irrecoverable, if the

same are outstanding for at least one year.(3)Before abolition of Zamindari customs to be continued. - Generally the existing customs should be permitted to be continued. Facilities, which were available to the public before abolition of Zamindari, should be allowed to be given free of charge. Previous sources of sayar income should be maintained but as far as possible customary rates should not be increased.(4)Grazing of cattle and cutting of grass. - Bhumi Prabandhak Samiti can permit any one to graze his cattle on or to cut grass from the land free of cost but if it was customary in the past to charge fees in cash or kind for grazing or cutting grass, the same should be continued. In place of fees to be taken in kind, amount approved by Sub-Divisional Officer will be taken in cash. If there are fruit bearing trees, Bhumi Prabandhak Samiti can permit any one to pluck many fruits free of charge with the permission of Tahsildar or it can grant licence to some one for plucking fruits by charging fees. If woods are existing, Chairman of Bhumi Prabandhak Samiti shall give woods on the occasion of death or for the marriage of daughter free of charge to such persons, who cannot pay price therefor. He shall get it ratified at the next meeting of the Bhumi Prabandhak Samiti. If permission has been given as wrong and Samiti does not confirm it, Chairman will have to make good the loss.

### **30. Reservation of land for public purpose.**

- The limitation for reservation upto 8% of the area of a village for the public purposes laid down earlier has been ended. It means that provisions for reserving upto 8% of uncultivable area of village apart from the area already being utilised for public purposes on the 1st July, 1952, when the Zamindari Abolition Act was enforced and the land earmarked for public purposes under the U.P. Consolidation of Holdings Act, 1953 has been withdrawn. While selecting the fit area for allotment, in addition to other things sufficiency of land under public purposes must be kept in mind because land can also be allotted for the public purposes. If such land has been already allotted, it should get unaffected as according to rulings. In future special attention should be given before making allotment of land in a village to ensure that land required for public purposes is reserved sufficiently. [Vide G.O. No. 2067-11 (23)/145-one-Revenue-13/75, dated 9th September, 1975 and G.O. No. 1367-11(25)-143-Revenue-13/75, dated 26th March, 1976].

### **31. Register of land fit for being leased out for cultivation.**

(1)Keeping vigilance over the leasing out of land. - In order to enable the Tahsildars and other officers to keep vigilance over the leasing out of land, a register of lands being leased out by the Bhumi Prabandhak Samiti will be maintained by the Registrar Kanungo at Tahsil headquarters. Register will be maintained in L.M.S. Form I-A villagewise. Entries in respect of vacant (Parti) land vested in Gram Sabha but not leased will be made with the help of Gram Sabha property register and mutation register of the Registrar Kanungo. Entries relating to land, which comes in the possession of Bhumi Prabandhak Samiti as a result of extinction of the interests of a bhumidhar will be made in the register as soon as the orders declaring such land to be vacant are received in the Tahsil. In the cases of surrender and abandonment, entries in the register should be made, when Tahsildar passes order for correction of papers under Rule 167 (2) or 169 (2) of the U.P. Zamindari Abolition and Land Reforms Rules. In other cases, entries, will be made, when a declaration is made by the Sub-Divisional Officer in favour of the Bhumi Prabandhak Samiti under Section 194 of the

U.P. Zamindari Abolition and Land Reforms Act read with Rule 172 of the U.P. Zamindari Abolition and Land Reforms Rules-Entries in columns 11 to 14 of the register will be made as soon as mutation order is passed for entering the names of allottees in the village records. The Lekhpal should sign in Column 10 in token of having made the entries regarding accretion of land in the Gram Sabha property register while his signature in Column 15 of the register will be for the confirmation of the fact that entries relating to allotment have been made in the khatauni and Gram Sabha register. (2) Lekhpal to ensure corrections of the register. - It shall be the duty of the Lekhpal to ensure that the entries in the Tahsildar register is similar with the entries in the Gram Sabha property register and that all new entries in the Tahsil register are included in the Gram Sabha property register on the pay date next following the date of entry in the Tahsil register. The Lekhpal should invariably examine the Tahsil register relating to all the villages of his circle on every pay date, when he may bring with him the Gram Sabha property register to Tahsil. (3) Tahsildar to review the register. - In every quarter, Tahsil registerer will be reviewed once by Tahsildar. Whenever he finds that any Bhumi Prabandhak Samiti has not taken steps for allotment of the land within three months of its coming into possession, he will ascertain for not doing so from the Chairman concerned and if Tahsildar, considering the explanation offered by the Chairman, finds that the Chairman was responsible for delay in taking steps for allotment of the land, he will make a report to the Sub-Divisional Officer against the Chairman. At the initiation of the touring season, extracts from the Tahsil register must be supplied to each touring officer from the Naib-Tahsildar to the Sub-Divisional Officer. The touring officer will utilize the extracts during their tour in getting the land let out to eligible persons by the Bhumi Prabandhak Samiti. The touring officer will have to ascertain that all land fit for being allotted has been done by the Bhumi Prabandhak Samiti, return the extracts to the Tahsildar at the end of his tour and record therein and showing therein as to what action has been taken with regard to the land fit for allotment. (4) Submission to periodical return. - In the first week of August of every year, Tahsildar will compile a statement in L.M.C. Form 1-B from the above mentioned Tahsil register and will send it to the Collector of his district. The Collector will send a consolidated statement in respect of all the Tahsils of his district in L.M.S. Form 1-D to the Board of Revenue later than by the 15th September of every year. [Vide B.O. No. 8/2-Collection-211-B-60-(1), dated 19th May, 1962]. Letting Out Land as Rights to Sirdar or Asami

## **32. Admission to land [Section 195, U.P.Z.A. & L.R. Act].**

(1) The Bhumi Prabandhak Samiti with the previous approval of the [Assistant Collector incharge of the Sub-Division] [Substituted by U.P. Act No. 27 of 2004, Section 8, for the word 'Tahsildar'.] shall have the right to admit any person as bhumidhar with non-transferable rights to any land (other than land falling in any of the classes mentioned in Section 132 of the U.P.Z.A. & L.R. Act) where-(a) the land is vacant land, (b) the land is vested in the Gram Sabha under Section 117 of the above Act; or (c) the land has come into possession of Bhumi Prabandhak Samiti under Section 194 or under any other provisions of U. P. Zamindari Abolition and Land Reforms Act. Notes. - (1) The land declared surplus and vested in the State under the provisions of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 will be settled by the Collector and not by the Bhumi Prabandhak Samiti under Sections 26-A and 27 (3) of the above Act thereof in accordance with the manner of preference prescribed therein. (2) Land, which is vested in Gram Sabha and is used as graveyard, cremation ground or for charitable purposes, shall not be let out. The land shall be allowed to be

utilized according to local custom as before the abolition of zamindari. [Vide G.O. No. 181/I-A-2-1 (2), dated May 23, 1968].(3)The person admitted as bhumidhar with non-transferable rights shall be liable to pay land revenue to the State Government.(4)The Bhumi Prabandhak Samiti shall, before admitting a person as bhumidhar with non-transferable right to any land, sell away trees, if any, standing thereon by auction. [Vide G.O. No. 1027-R.S.I.A., dated 11th July, 1959].

### **33. Admission to land in which Bhumidhari rights shall not accrue [Sections 132 and 197, U.P.Z.A. & L.R. Act].**

- The Bhumi Prabandhak Samiti with the previous approval of the [Tehsildar] [Substituted by U.P. Act No. 11 of 2002, Section 6, for the words 'Assistant Collector incharge of the sub-divisions' (w.e.f. 20-7-2002).] shall have the right to admit any person as asami to any land falling in any of the classes mentioned in Section 132 where the land is-(a)pasture land or lands covered by water and used for the purpose of growing Singhara or other produce or land in the bed of river and used for casual or occasional cultivation;(b)such tracts of shifting or unstable cultivation as the State Government may specify by notification in the Gazette; and(c)land declared by the State Government by notification in the official Gazette, to be intended or set apart for Taungya plantation or grove-lands of a Gram Sabha or a local authority or land acquired or held for a public purpose and in particular and without prejudice to the generality of this clause-(i)lands set apart for military encamping grounds,(ii)lands included within railway or canal boundaries,(iii)lands situate within the limits of any cantonment,(iv)lands included in sillage farms or trenching grounds belonging as such to a local authority.(v)lands set apart for public purpose under the U.P. Consolidation of Holdings Act, 1959 (U.P. Act No. 5 of 1955).Note. - Casual survey of land affected by floods of a river should be done after every rainy season and it should be ascertained how much of the land cannot be said to form any one's holding. Leaving apart of the land of holdings, the remaining land should be deemed to have been vested in Gram Sabha concerned and allotted according with priority laid down under Section 198 of U.P. Zamindari Abolition and Land Reforms Act as asami. The Collector may be requested for assistance of the land records staff in making demarcation of the land and making plots fit for allotment. [Vide G.O. No. 5182/10 (37)-75-Revenue-1, dated 29th October, 1975].Procedure for Admission

### **34.**

(1)Admission to land [Rule 173, U.P.Z.A. & L.R. Rules].- Whenever the Bhumi Prabandhak Samiti intends to admit any person to land under Section 195 or 197 of U.P.Z.A. & L.R. Act, it shall announce by beat of drum in the circle of the Gram Sabha, in which the land is situate at least seven days before the date of meeting for admission of land, the number of plots, their areas and the date on which admission thereto is to be made.(2)To select person for admission to land [Rule 174, U.P.Z.A. & L.R. Rules]. - On the said date, a meeting of the Samiti shall be held to select persons for admission to land as sirdar or asami, as the case may be. A list of all the persons who are present and who express their desire to be admitted to the land shall be prepared in Z. A. Form 57-A. The list shall be drawn up separately in respect of the land to be settled to a sirdar and land to be settled to an asami. The names of the persons shall be arranged in the list in the following order of preference laid down in Section 198 of the U.P.Z.A. & L.R. Act as below :(a)landless widow, sons,

unmarried daughters or parents residing in the circle of a person who has lost his life by enemy action while in active service in the Armed Forces of the Union;(b)a person residing in the circle, who has become wholly disabled by enemy action while in active service in the Armed Forces of the Union;(c)a landless agricultural labourer residing in the circle and belonging to a [Scheduled Caste or Scheduled Tribe, other backward class or a person of general category living below poverty line] [Substituted by U.P. Act No. 27 of 2004, Section 10 (a) (i) for the words 'Scheduled Caste or Scheduled tribe.'];(d)any other landless agricultural labourer residing in the circle;(e)a bhumidhar or asami residing in the circle and holding land less than 1.26 hectares (3.125 acres);(f)a landless person residing in the circle who is retired, released or discharged from service other than service as an officer in the Armed Forces of the Union;(g)a landless freedom fighter residing in the circle who has not been granted political pension;(h)any other landless agricultural labourer belonging to [Scheduled Caste, Scheduled Tribe, other backward class or a person of general category living below poverty line] [Substituted by U.P. Act No. 27 of 2004, Section 10(a) (i), for the words 'a Scheduled Caste or Scheduled tribe'.], not residing in the circle but residing in the Nyaya Panchayat Circle referred to in Section 42 of the U.P. Panchayat Raj Act, 1947.Explanation. - For the purposes of this sub-para-(1)"landless" refers to a person who or whose spouse or minor children hold no land as bhumidhar, or asami, and also hold no land as such within two years immediately preceding the date of allotment;(2)"agricultural labourer" means a person whose main source of livelihood is agricultural labour;(3)"Freedom-Fighter" means an inhabitant of Uttar Pradesh who is certified by the Collector to have participated in the national struggle for freedom during the period between 1930 and 1947 and who, in connection with such participation, is similarly certified to have-(a)undergone a sentence of imprisonment for a period of at least two months ; or(b)been in jail for a period of at least three months by way of preventive detention or as an under trial; or(c)been subjected to at least ten stripes in execution of a sentence of whipping; or(d)been declared an absconding offender; or(e)suffered a bullet injury;and includes a person who was involved in the Peshawar-Kand or who was recognised members of the Indian National Army or former Indian Independence League; but does not include a person who was granted pardon on account of his tendering apology or expressing regret for such participation; and(4)[ "other backward classes" means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 (U.P. Act No. 4 of 1994); [Inserted by U.P. Act No. 27 of 2004, Section, 10(ii).](5)"persons of general category living below poverty line" means such persons as may be determined from time to time by the State Government.]

### **35. Area of land to be allotted [Section 198 (3), U.P.Z.A. & L.R. Act].**

- The land that may be allotted under sub-section (1) of Section 198 of U.P.Z.A.L.R. Act shall not exceed-(i)in the case of a person falling under clause (e) such area as together with the land held by him as bhumidhar or asami immediately before the allotment would aggregate to 1.26 hectares (3.125 acres), and(ii)in any other case, an area of 1.26 hectares (3.125 acres).Note. - Computation of the area fixed in certain districts [Section 337 U.P.Z.A. & L.R. Act]. - For the purposes of computing the area fixed under any of the provisions of this Act 1½ acres shall count as 1 acre in the following areas :(1)Bundelkhand ;(2)trans-Yamuna portions of the Allahabad, Etawah, Agra and Mathura districts;(3)the portion of the Mirzapur District south of Kaimur Range ;(4)Tappa Upaardh and

Tappa Chaurasi (Balai Pahar) of tahsil Sadar in district Mirzapur ;(5)portion of tahsil Robertsganj, [district Mirzapur] [Now Sonbhadra district.], which lies north of Kaimur Range ; and(6)pargana Sakteshgarh and the villages mentioned in lists "A" and "B" of Schedule VI, U.P.Z.A. & L.R. Act , 1950 in hilly pattis of parganas Ahraura and Bhagwat of Tahsil Chunar of district Mirzapur.

### **36. Fixation of land revenue [Rule 204 read with Section 246, U.P.Z.A. & L.R. Rules and the Act].**

- The land revenue to be fixed in the case of allotting land to a sirdar will not be less than the amount calculated at hereditary rates not more than twice such amount. In the case of land to be allotted to an asami the rent in cash will be fixed at an amount which is considered reasonable by the Bhumi Prabandhak Samiti. Note - Rule 204 has been omitted by Notification, No. 110/2-1(4)-76-Rajaswa-1, dated 30th June, 1976, and Para 36 is to be read as under : "36. Procedure for determination of land revenue [Section 246 (1), U.P.Z.A. & L.R. Act, 1950] - For the purposes of determining the land revenue payable by bhumidhar under Section 245 of the Z.A. & L.R. Act, the Assistant Collector shall cause to be prepared a provisional statement for each village."

### **37. Allotment of land and procedure thereof [Rule 175, U.P.Z.A. & L.R. Rules].**

- If the number of applicants does not exceed the number intended to be settled on the land in respect of which announcement has been made under Rule 173, U.P.Z.A. & L.R. Rules, the Samiti shall examine the eligibility of the persons included in the list in Z. A. Form 57-A and take a decision regarding the plots of land to be settled with each such person. The Samiti shall in the same meeting announce the names of the persons selected for settlement of land and also the revenue or rent to be fixed for the land proposed to be settled. If the number of applicants belonging to the categories mentioned in clauses (c), (d) and (e) of sub-section (1) of Section 198, U.P.Z.A. & L.R. Act is more than the number with whom land is intended to be settled, the list of applicants shall be placed before a meeting of the residents of the village called by the Bhumi Prabandhak Samiti and such of the applicants shall be selected for allotment as are considered to be the most suitable on merits on the basis of a consensus arrived at the meeting so convened. If such a consensus cannot be arrived at, the Bhumi Prabandhak Samiti shall draw lots to determine the person or persons with whom the land should be settled.

### **38. Admission to land [Rule 176, U.P.Z.A. & L.R. Rules].**

(1)After selecting the person or persons for admission to the land in accordance with Rule 175 mentioned above, the Samiti shall prepare-(a)a list of persons so selected-in Z.A. Form 57-B ;(b)a certificate of admission to land in Z.A. Form 58 ; and(c)a counterpart in Z.A. Form 58-A.(2)The documents referred to in clauses (a) and (b) of sub-rule (1) above, it shall be duly signed by the Chairman of the Bhumi Prabandhak Samiti but the document referred to in clause (c) shall be signed by the person so selected for admission to the land.(3)The documents referred to in sub-rule (1) shall then be forwarded to the Assistant Collector-in-charge of the sub-division alongwith the following:(a)a copy of the proceedings of the meeting of the Samiti in which the decision to settle

land was taken; and(b)a certificate from the Lekhpal concerned to the effect that the particulars mentioned in the list are correct and that the admission to the land is in accordance with the provisions of the Z.A. Act and the Rules.(4)The Assistant Collector-in-charge of the sub-division shall, on receipt of the documents, referred to in sub-rule (3), scrutinize the decision taken by the Samiti and if he is satisfied that the decision of the Samiti is in accordance with the Act and the Rules made thereunder, he shall record his approval on the list in Z. A. Form 57-B and return the papers of the Bhumi Prabandhak Samiti within a week of its receipt from the Chairman with the direction that the possession may be delivered to the lessees and the report of the mutation be submitted to the Supervisor Kanungo by the Lekhpal immediately after delivery of possession.(5)If the Assistant Collector-in-charge of the sub-division finds that the whole or part of the decision taken by the Samiti is not in accordance with the provisions of the Z.A. Act and the Rules, he shall record his disapproval on the list in Z. A. Form 57-B and return the papers to the Chairman.

### **39. Certificate of admission in Zamindari Abolition Form [Rule 176-A, U.P.Z.A. & L.R. Rules].**

(1)On receipt of the list in Z. A. Form 57-B with the order of the Assistant Collector-in-charge of the sub-division, the Chairman of the Bhumi Prabandhak Samiti shall call the person whose selection for allotment of land has been approved by the Assistant Collector-in-charge of the sub-division and shall furnish to him a certificate in Z. A. Form 58 and shall get a counterpart in Z. A. Form 58-A executed by him. If the land sought to be allotted is a land referred to in Section 132, the person concerned shall be furnished with a Certificate in Z. A. Form 59 and shall be asked to execute a counterpart in Z. A. Form 59-D :Provided that no lease shall be made to an Asami for a period exceeding five years.(2)It shall be lawful for the Assistant Collector-in-charge of the sub-division to determine at any time the lease in favour of an Asami and upon such determination, the Asami shall not be entitled to any compensation.(3)Every order of determination of lease under sub-rule (2) shall be effective from the commencement of the agricultural year following the date of the order.(4)Where the decision of the Bhumi Prabandhak Samiti regarding admission to any land is not approved by the Assistant Collector-in-charge of the sub-division, steps will be taken afresh for settlement of such land in accordance with the procedure laid down in sub-rule (1) read with Rules 173 to 176-A. All contracts relating to a lease, licence or allotment of land shall be executed in duplicate. One copy of the contract shall be given to the lessee, licensee or allottee and the other copy shall be retained by the Bhumi Prabandhak Samiti for record.

### **40. Proceeding after the decision of allotment.**

- The Lekhpal shall, after the approval of the Assistant Collector-in-charge of the sub-division, demarcate the plots on the spot in the presence of the people of the village. He shall, on demarcation, deliver possession to the allottee on the spot and hand over the lease deed to him. The proceedings of delivering possession will be entered on the back of the lease deed and its counterfoil, in which the allottee shall sign. The Lekhpal will, soon after the proceedings, give a report in the prescribed form to the Supervisor Kanungo, who shall after enquiry on the spot order for mutation and ensure that Lekhpal has made change in the Khatauni according to the orders. It should be noted that allottee in no case is called at the Tahsil headquarter. [Vide G. O. No. 2067/XI

(23)/141-one-Rajasva-13/75, dated 9th September, 1975].Notes. - (1) Surplus land under the U. P. Imposition of Ceiling on Land Holdings Act, 1960 is to be allotted under Section 27(3) of this Act. Its allotment must be done by the Collector in consultation with the Bhumi Prabandhak Samiti. In regard to allotment of such land, the Bhumi Prabandhak Samiti will send its resolution duly passed in accordance with the above procedure for orders to Collector/Sub-Divisional Officer. Allotment of such land will be issued in C.L.H. Form No, 36.(2)For the convenience the abovementioned Section 27(3), U.P. Imposition of Ceiling on Land Holdings Act 1960 is reproduced below : "Any remaining surplus land shall be settled by the Collector in accordance with the order of preference and subject to the limits specified respectively in sub-sections (1) and (3) of Section 198 of the U.P.Z.A. & L.R. Act, 1950."

#### **41. Attestation of the certificate of admission [Rule 177, U.P.Z.A. & L.R. Rules].**

(1)A certificate of admission to land under Sections 195 to 197, U.P.Z.A. & L.R. Act may be attested by any Revenue Officer not below the rank of a Supervisor Kanungo.(2)Before attesting the certificate of admission, the Revenue Officer shall satisfy himself that-(a)the provisions of Rules 173 to 176-A, U.P.A.A. & L.R. Rules have been followed ; and(b)the land leased out is not a part of the land which has been reserved for planned use.(3)If the revenue officer finds that the conditions laid down in sub-rule (2) have not been observed, he shall refer the matter to the Assistant Collector-in-charge of the sub-division for necessary action.(4)The attestation of the instrument of lease shall be as nearly as may be, in the following form : "This document was presented before me on the..... day of..... in the year..... by Sri..... son of..... resident of.....I have satisfied myself as to his identity and acquaintance, and I hereby attest the terms of the document.The execution is admitted by..... son of..... Profession..... Resident of..... and son of..... profession..... resident of..... who is personally known to me.OrWho is identified by..... son of..... profession..... resident of..... and..... son of..... profession..... resident of..... who is personally known to me.OrWho is identified by..... son of..... profession..... resident of..... and..... son of..... profession..... resident of..... who is of apparent respectability.

Signature of the executant. Signature or thumb-impression of the witness.

Date of attestation. Signature of the Attesting Officer.

#### **42. (A) Allotment or cancellation of lease [Section 198 (4) to (8), U.P.Z.A. & L.R. Act, 1950].**

- The [Collector] [Substituted by U.P. Act No. 27 of 2004, Section 10(b), for the words 'Assistant Collector incharge of the sub-division'.] may of his own motion and shall on the application of any person aggrieved by an allotment of land enquire in the manner prescribed into such allotment and if he is satisfied that the allotment is irregular, he may cancel the allotment and the lease, if any [See sub-section (4) of Section 198, U.P.Z.A. & L.R. Act].[\* \* \*] [[Sub Section (4-A) of Section 198 omitted by U.P. Act No. 27 of 2004, Section 10(c); before omission sub-section (4-A) was stood as under : '(4-A) The Collector may on his own motion or on the application of any aggrieved person



call for the record of any suit or proceeding under sub-section (4) decided by the Assistant Collector-in-charge of the sub-division for the purpose of satisfying himself as to the legality or propriety of any order passed in such suit or proceedings and if such Assistant Collector-in-charge of the sub-division appears to have-(i)exercised a jurisdiction not vested in it by law; or(ii)failed to exercise a jurisdiction so vested ; or(iii)acted in the exercise of jurisdiction illegally or with material irregularity, the Collector may pass such order in the case as he thinks fit and every order passed by the Collector under this sub-section shall be final.']]No order for cancellation of an allotment or lease shall be made under sub-section (4), unless a notice to show cause is served on the person in whose favour the allotment or lease was made or on his legal representatives :Provided that no such notice shall be necessary in proceedings for the cancellation of any allotment or lease where such proceedings were pending before the Collector in any other court or authority on August 18, 1980. [See sub-section (5) of Section 198, U.P.Z.A. & L.R. Act].Every notice to show cause mentioned in [sub-section (5)] may be issued:-(a)in the case of an allotment of land made before November 10, 1980 (hereinafter referred to as the said date), before the expiry of a period of seven years from the said date; and(b)in the case of an allotment of land made on or after the said date, before the expiry of a period of five years from the date of such allotment or lease, or upto November 10, 1987, whichever be later. [See sub-section (6) of Section 198, U.P.Z.A. & L.R. Act].Where the allotment or lease of any land is cancelled under sub-section (4), the following consequences shall ensue, namely-(i)the right, title and interest of the allottee or lessee or any other person claiming through him in such land shall cease and the land shall revert to the Gram Sabha ;(ii)the [Collector] [Substituted by U.P. Act No. 27 of 2004, Section 10(d), for the words 'Assistant Collector incharge of the sub-division.']] may direct delivery of possession of such land forthwith to the Gram Sabha after ejectment of every person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary. [See sub-section (7) of Section 198, U.P.Z.A. & L.R. Act].[Every order made by the Collector under sub-section (4) above shall, subject to the provisions of Section 333, be final.] [Sub-section (8) of Section 198, U.P.Z.A. & L.R. Act, 1950 substituted by U.P. Act No. 27 of 2004, Section 10(2).] [See Sub-section (8) of Section 198, U.P.Z.A. & L.R. Act].Notes. - (1) The Collector shall not suo motu initiate proceeding for cancellation of an allotment executed in favour of the members of the armed forces of the Union of India or his/her husband or their minor sons. [Vide G.O. No. 453/I-A-8-2-(2)-70, dated 7th August, 1970].(2)Collector shall not cancel suo motu any allotment on technical ground or where the allottee was entitled under the aforementioned paras to be admitted as sirdar or asami. [Vide G.O. No. 1532-A/I-A-8-2(5)-67, dated 21st October, 1969].(B)Settlement of land, etc. [Rule 178-A, U.P.Z.A. & L.R. Rules]. - (1) Where the settlement of land made by the Bhumi Prabandhak Samiti, as approved by the Collector is challenged under sub-section (4) of Section 198, U.P.Z.A. & L.R. Act by any person aggrieved or where the Collector intends to take suo motu action, the Collector may pass suitable interim orders by way of stay of proceedings or otherwise.(2)Where the Collector makes an enquiry under sub-section (4) of Section 198, U.P.Z.A. & L.R. Act the Bhumi Prabandhak Samiti and the allottee of land shall be made parties and be given an opportunity of being heard before the final orders are passed.(3)As soon as any allotment is cancelled and the Bhumi Prabandhak Samiti gets possession over the land under this para the Samiti shall take necessary action for lease of such land under the aforesaid Paras.

#### **43. Records to be kept for the land allotted by the Bhumi Prabandhak Samiti.**

- To watch on the progress made in respect of the allotment of land done to different categories of persons and to find out whether the allotment is being done with the priorities laid down under Section 198 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, the Bhumi Prabandhak Samiti shall maintain the register in B.P.S. Form 1-C and entries in the register shall be made soon after the allotment is done. Separate pages shall be allotted for each category of persons for every year for recording the details of allotment done under Section 198. At the end of years, towards the end of September, total of different columns shall be struck out and consolidated return prepared in the aforesaid form shall be sent to the Tahsildar by the Lekhpal on the date fixed and by the Tahsildar to the Collector of the district. [Vide B.O. No. 85/G-5-135-1953, dated 1st October, 1962].

#### **44. Sale of trees of Gram Sabha.**

- Whenever the Bhumi Prabandhak Samiti intends to sell trees, it will pass resolution to this effect and sell it through auction with prior approval of the Block Development Officer. The Bhumi Prabandhak Samiti would pronounce this by beat of drum adverting the plot numbers and exact position, in which the trees are situated and the date, on which such auction sale will be held. The Samiti must hold auction sale on the date fixed, declare the terms and conditions to all the persons present at the spot and sell the trees to the highest bidder, who shall immediately deposit one-fourth of the amount of the bid. If, in the opinion of the Samiti highest bid is too low, it will order the holding of fresh auction, for which the notice shall be issued afresh. The balance of bid money, i.e., three-fourth of the bid money shall be deposited within a time stipulated by the Samiti. If the payment is not made within the stipulated time, the advance deposit or one-fourth of bid money will be forfeited. However, the bid is not accepted by the Samiti, advance deposit of one-fourth of bid money will be refunded to the bidder.

#### **45. Forests.**

- The lands situated outside the holdings area and vested in the Gram Sabha do not fall within the purview of the U.P. Private Forests Act, 1948, but it is the duty of Bhumi Prabandhak Samiti to protect the scattered trees, groves and forest standing thereon. If the trees are standing in the form of grove or forest, Bhumi Prabandhak Samiti should prepare a plan with the prior approval of the District Officer for their protection and it must be ascertained that the grove or forest remains in good condition. If it is necessary to fell scattered trees standing on vacant land, they may, after resolution passed by the Bhumi Prabandhak Samiti and in the case of trees in forest or trees other than fruit trees of a grove, be auctioned or felled with the prior approval of the Block Development Officer and the Assistant Conservator of Forest respectively. Fruit trees of a grove can be felled with the prior approval of the District Horticulture Officer. Notes. - (1) Timber and fruit trees have been mentioned in the Appendix 'C' of this book at page 143. (2) Now U.P. Government has introduced the following Rules for ensuring more protection of trees : (i) The [U.P. Protection of Trees Act, 1976.] [See U.P. Local Act, Volume 12.] (ii) The [U.P. Village Forests Joint Management Rules, 2002.] [See U.P. Local Act, Volume 12.] Management of Abadi Sites

## **46. Allotment of land for housing site.**

- (1) Existing rights to be continued. - The existing rights of people living in abadi shall not be interfered with, particularly with their rights to land, in which they tie their cattle, drump and fix kolhu. If for any reason, it becomes necessary to change location, other land should be allotted for the purpose.(2)Certain house sites to be settled with existing owners thereof [Section 123, U.P.Z.A. & L.R. Act & Rule 115-T]. - Without prejudice to the provisions of Section 9, where any person referred to in sub-section (3) of Section 122-C of the U.P.Z.A. & L.R. Act [sub-para (3) of Para 47] has built a house on any land referred to in sub-section (2) of this section, not being a land reserved for any public purpose, and such house exists on the [1st May, 2002] [Substituted by U.P. Act No. 11 of 2002, Section 3, for the words and figures '3rd June, 1995' (w.e.f. 21-6-2002).], the site of such house shall be held by the owner of the house on the terms and conditions mentioned under Rule 115-T of U.P.Z.A. & L.R. Rules, as may be prescribed.Explanation - For the purposes of sub-section (2) of Section 123, UP.Z.A. & L.R. Act, a house existing on the [1st May, 2002] [Substituted by U.P. Act No. 11 of 2002, Section 3, for the words and figures '3rd June, 1995' (w.e.f. 21-6-2002).] on any land held by a tenure-holder shall, unless the contrary is proved, be presumed to have been built by the occupant thereof, and where the occupants are members of one family by the head of that family.(3)House vested in Gram Sabha [Rule 115-U, U.P.Z.A. & L.R. Rules]. - (1) Where any person referred to in sub-section (3) of Section 122-C of U.P.Z.A. & L.R. Act has built a house on land held by a tenure-holder (not being a Government lessee) and such house exists on the fifteenth day of March, 1974, the site of the house shall be deemed to be held by the owner of the house on terms and conditions enumerated in sub-rules (2) to (7) below : (2)The owner of the house as well as his heirs shall have a heritable interest in the site and shall also have unrestricted right to use the trees and wells existing on the site subject to existing rights of easements.(3)He shall have a right to use the site for constructions of a residential house, subject to existing rights of easement.(4)The owner of the house shall not be liable to pay to the tenure-holder or the State Government any future rent in respect of the site.(5)The succession over the site shall be governed by personal law to which the house owner was subject to.(6)The owner of the house and his heirs shall not be liable to ejectment on any ground whatsoever.(7)If the building is abandoned or if the owner thereof dies without any heir entitled to succeed, the land or site shall escheat to the State.(8)The tenure-holder shall be allowed remission of the proportionate land revenue for the portion of his holding settled under this rule with house owners. The land shall also be classified as abadi in the annual register maintained under the U.P. Land Revenue Act 1901.Allotment of Land for Housing Site for Members of Scheduled Caste, Agricultural Labours, Etc.A-Abadi Sites for Preferential Categories

## **47. Allotment of land for housing site for members of Scheduled castes, agricultural labourers, etc. [Section 122-C and Rule 115-L, U.P.Z.A. & L.R. Act and the Rules].**

(1)Land earmarked for extension of abadi for harijans. - The Assistant Collector-in-charge of the sub-division may, wherever land earmarked for the extension of abadi for Harijans under the provisions of the U. P. Consolidation of Holdings Act, 1953 and any other land of abadi site vested in Gram Sabha is insufficient to meet the housing requirements of the members of the Scheduled

Castes and [the Scheduled Tribes and the other backward classes and the persons of general category living below poverty line] [Substituted by U.P. Act No. 27 of 2004, Section 3 (a), for the words 'the Scheduled tribes'.] and agricultural labourers and village artisans of his own motion or on the resolution of the Bhumi Prabandhak Samiti, earmark the following classes of land for the provisions of abadi sites : (a) lands referred to in clause (i) of sub-section (1) of Section 117, U.P.Z.A. & L.R. Act and vested in the Gram Sabha under that Section, (b) lands coming into possession of the Bhumi Prabandhak Samiti under Section 194 or under any other provision of U.P.Z.A. & L.R. Act; (c) any other land which is deemed to be or becomes vacant under Section 13, Section 144, Section 163, Section 186 or Section 211 of the above Act, (d) where the land earmarked for the extension of abadi and reserved as abadi site for Harijans under the U. P. Consolidation of Holdings Act, 1953 is considered by him to be insufficient, and land earmarked for the other public purposes under that Act is available, then any part of the land so available. (2) List of extracts before allotting house sites [Rule 115-L (3), U.P.Z.A. & L.R. Rules]. - Before allotting house sites to persons referred to in sub-section (3) of Section 122-C of the Z.A. & L.R. Act the Collector shall, in respect of each village, caused to be prepared the following lists and extracts- (a) a list in Z. A. Form 49-D showing separately particulars of persons of the three categories mentioned in sub-section (3) of Section 122-C of U.P.Z.A. & L.R. Act; (b) a list in Z. A. Form 49-E of lands enumerated in sub-section (2) of Section 122-C mentioned above; and (c) an extract of village map showing the plots given in the above list. A copy of each of the lists and extracts shall be given to the Bhumi Prabandhak Samiti concerned. (3) Order of preference in making allotment [Section 122-C (3), U.P. Z.A. & L.R. Act]. - The following order of preference shall be observed for the allotment of the aforesaid housing sites (the land included in the list in Z. A. Form 49-E)- (i) an agricultural labourer or village artisan residing in the village and belonging to a Scheduled Caste or [Scheduled Tribe or other backward classes or a person of general category living below poverty line] [Substituted by U.P. Act No. 27 of 2004, Section 3 (b) (i), for the words 'Scheduled tribes'.], (ii) any other agricultural labourer or village artisan residing in the village; (iii) any other person residing in the village and belonging to a Scheduled Caste or ^Scheduled Tribe or other backward classes or a person of general category living below poverty line], (iv) [ a person with disability residing in the village] [Clause (d) inserted by U.P. Act No. 27 of 2004, Section 3 (b) (ii).] Explanation I. - The expression "agricultural labourer" means a person whose main source of livelihood is agriculture labourer. [See Explanation (2) to sub-section (1) of Section 198, U.P.Z.A. & L.R. Act which defines the "agricultural labourer"]. Explanation II. - The expression "village artisan" means a person who does not hold any agricultural land and whose main source of livelihood is manufacture or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and includes a carpenter, weaver, potter, blacksmith, silversmith, goldsmith, barber, washerman, cobbler or any other person who normally earns his livelihood by practising a craft either by his own labour or by the labour of any member of his family in any rural area : Provided that no person shall be deemed to be a village artisan whose total income (including income of his or her spouse and minor children) exceeds two thousand four hundred rupees in a year. [Explanation III. - The expression "person with disability" shall mean a person with any disabilities mentioned in clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act No. 1 of 1996).] [The Explanation III inserted by U.P. Act No. 27 of 2004, Section 3(b)(iii).] [Explanation IV. - Preference shall be given to a person who either holds no house or has insufficient housing accommodation considering the requirements of his

family.[Explanation V. - The expression "persons of general category living below poverty line" shall have the same meaning as in Section 198 of U.P.Z.A. & L.R. Act.] [The 'Explanation III' renumbered as 'Explanation IV' by U.P. Act No. 27 of 2004, Section 3(b)(iii).]B-Other Abadi Sites

#### **48. Construction of building for residential purposes etc. [Rule 115-M, U.P.Z.A. & L.R. Rules].**

(1)Abadi sites other than those referred to in rule 115-L and vested in a Gram Sabha may be allotted for construction of buildings for residential or charitable purposes or for purposes of cottage industry in the following order of preference :(a)a landless agricultural labourer or a village artisan residing in the village;(b)a bhumidhar, sirdar and asami residing in the village and holding land less than 1.26 hectares (3.125 acres);(c)any other person residing in the village; and(d)every allottee under this rule shall be required to deposit an amount equal to 40 times of the rent of the land calculated at hereditary rates which shall be credited to the Gram Fund; provided that no premium shall be charged in respect of site allotted for religious purpose.Note. - See Para 47 (1) for the various sources for which the land becomes available for abadi sites for Harijans.C-General

#### **49. Procedure for allotment of land for housing sites [Rule 115-N].**

(1)Whenever the Bhumi Prabandhak Samiti proceeds to allot housing sites under Rule 115-L or 115-M, it shall announce by beat of drum in the village the exact location of the sites to be allotted, the time, the date and venue of allotment.(2)All allotment shall be made by the Bhumi Prabandhak Samiti in a meeting held for the purpose on the date announced under sub-rule (1). Where more than one person belonging to the same order of preference express their desire to be allotted a particular site, the said Samiti shall draw lots to determine the person to whom the site should be allotted :Provided that the prior approval of the Assistant Collector-in-charge of the Sub-division shall be obtained for every allotment under Rule 115-L or Rule 115-M.(3)The allottee of the housing site shall be given a receipt for the premium, if any, paid by him to the Bhumi Prabandhak Samiti and a certificate of allotment. The certificate shall be in Z.A. Form 49-F which shall be prepared in two parts, the main certificate being given to the allottee and its counterpart remaining with the Bhumi Prabandhak Samiti for record.

#### **50. Maximum area of allotment [Rule 115-O, U.P.Z.A. & L.R. Rules].**

- The maximum area of allotment under Rule 115-L or 115-M shall not exceed 250 square metres and the allottee shall not be required to pay ground rent therefor :Provided that the limit of 250 square metres shall not apply to cases of allotment of land for construction of a building for a charitable purpose or for setting up a cottage industry.

#### **51. Allotment of land for housing site for members of Schedule Castes, etc. [Section 122-C (4), U.P.Z.A. & L.R. Act].**

- If the Assistant Collector-in-charge of the sub-division is satisfied that the Bhumi Prabandhak Samiti has failed to discharge its duties or to perform its functions under Para 47 or it is otherwise necessary or expedient to do so, he may himself allot such land in accordance with the provisions of sub-para (3) of Para 47 and Para 49.

## **52. Order of allotment of land and its consequences. [Rule 115-P, U.P.Z.A. & L.R. Rules].**

(1)The Collector may, of his own motion or on the application of any person aggrieved by any order of allotment of land under Para 47 or 48, proceed to make an enquiry in the manner give hereunder.(2)The allottee and Bhumi Prabandhak Samiti shall be necessary parties to all such cases.(3)The Collector on the application of any party or otherwise may pass suitable interim orders at any time before the final disposal of the case.(4)The Collector shall call upon all persons interested in the order of allotment to appear and present their case before him. It shall not be necessary to record evidence but only one record of report of the day to day inquiry shall be kept on record by the Collector. On making inquiries, if he is satisfied that the allotment is irregular, he may cancel the allotment and thereupon the right, title and interest of the allottee and of every other person claiming through him in the land shall cease.(5)The order of the Collector under the preceding sub-para shall be final.

## **53. Powers of Assistant Collector-in-Charge to allot any land or make any effective order under Para 48 or 49 [Section 122-C (8), U.P.Z.A. & L.R. Act].**

- [Omitted by U. P. Act No. 24 of 1986].

## **54. Houses to be built within three years [Rule 115-Q, U.P.Z.A. & L.R. Rules].**

- The person to whom the housing site is allotted shall be required to build a house and begin to reside in it or to use it for the purpose for which it was built within three years from the date of allotment. If he fails to do so or uses it at any time for a purpose other than that for which it was allotted his rights shall be extinguished and the site may be taken over by the Bhumi Prabandhak Samiti:Provided that in the case of a person belonging to Scheduled Caste or Scheduled Tribe the aforesaid time-limit for building of the house shall not apply.

## **55. Heirs shall have no rights to transfer land [Rule 115-R [(1), U.P.Z.A. & L.R. Rules]. [Substituted by Notification No. 66/U.O.-44/one-1/99-3-1 (37)/84-180-Revenue-2-U.P. Act-1/1951-Rule-1952-Amendment (17)/Revenue-1, dated 25th January, 2000, Vide U.P.Z.A. & L.R. (17th Amendment) Rules, 2000 (w.e.f. 25-1-2000).]**

- Where any land or site is allotted in accordance with Para 47 to 54 and house is built thereon or not then subject to the provisions of Para 56 the allottee, and in case of death of the allottee, his

heirs shall have no right to transfer such land, site or house within a period of ten years from the date of allotment.]But the successor or guardian of deceased allottee too may transfer such land, site or building prior to the period lapsed for ten years as mentioned above. [As amended by Notification No. 192/X.II-1(4)-73-Rajasva-1, dated 17th December, 1973].

## **56. Conditions for allotment of land or site [Rule 115-R (2), U.P.Z.A. & L.R. Rules].**

- Subject to the provisions of Rules 115-L to 115-Q of the U.P.Z.A. & L.R. Rules all allotments of land or site shall be subject to the following conditions, namely : (a) the allottee as well as his heirs shall have a heritable interest in the land or site so allotted ; (b) the allottee and his heirs shall not be liable to ejection ; (c) the succession shall be governed by the personal law of which the allottee was subject to ; (d) the allottee may mortgage, without possession, his interest in the land or the site allotted to him under Rule 115-L to 115-Q of U.P.Z.A. & L.R. Rules as security for a loan taken from a co-operative society or from Uttar Pradesh Harijan and Weaker Section Housing Corporation, or from the State Bank of India, or from any Bank, which is a Scheduled Bank, within the meaning of clause (e) of Section 2 of the Reserve Bank of India Act, 1934, for construction of a house on the land or site so allotted; and (e) if the building is abandoned or if the owner thereof dies without any heir entitled to succeed the land or site and the building shall vest in the Gram Sabha.

## **57. Hats, Bazars and Melas [Section 122-A (2) (f), U.P.Z.A. & L.R. Act].**

- Bhumi Prabandhak Samiti may take up the management itself of the hats, bazars and melas, which are entrusted to it, for management and recover the customary dues as tehbazari etc. or give contract to somebody by auction. In the former case when the management is done by the Bhumi Prabandhak Samiti it should also make necessary arrangements for the convenience of the stall keepers and the persons coming to the hat, bazar or mela. The customary dues should, as far as possible, be not increased. In the case of cattle markets, the Bhumi Prabandhak Samiti should arrange for a clerk to note down all sales of cattle on printed receipt forms obtainable from the Collector. In respect of religious fairs the management should be made in such a manner as not to offend the religious susceptibilities of the community concerned. The Bhumi Prabandhak Samiti should form a small up-samiti composed exclusively of persons of the religious concerned to manage such fairs. A religious hat, bazar or mela which has only partly vested in the State should, as far as possible, be managed as one unit by forming a small Up-Samiti as above. If such an arrangement is not possible the part of the hat, etc., which had vested in the State shall be managed by the local body concerned without in any way interfering with the other part held by the religious institution on its own land. If the total income of such hat, bazar or mela is Rs. 2,000 or above and it is not held more than twice a year then the part of the hat, etc., which has vested in the State will be managed by the [Zila Parishad] [Now recognized as 'Zila Panchayat' by U.P. Act No. 9 of 1994.], irrespective of the fact that such part brings much less income. On the other hand if the said annual income is below Rs. 2,000 or if it is Rs. 2,000 or more but the hat, etc. is held more than twice a year, the part which has vested in the State will be managed by the Gram Sabha.

**58. Allotment of land for building purposes [Rule 115-S, U.P.Z.A. & L.R. Rules]. [Substituted by Notification No. 256/Rajasva-1-3 (1)/71, dated 16/17th March, 1972.]**

- Subject to the provisions of all allotments of land for building purposes shall be subject to the following terms and conditions-(a)the allottee shall have a heritable and a transferable interest in the site;(b)the allottee shall be liable to ejectment;(c)succession shall be governed by the personal law ;(d)if the building is abandoned or if the site owner dies without any heir entitled to succeed, the site and the building shall vest in the Gram Sabha.]Note. - Para 58, as it stood before amendment vide Notification No. 256/Rajasva-1-3(1)-71, dated 16/17th March 1972, is reproduced hereunder:"(1) No lease or licence in respect of Hat, Bazar or Mela by the Bhumi Prabandhak Samiti shall be made for a period exceeding one year except with the specific permission of the Government in the Revenue Department and then no lease or licence shall be made in favour of a person except by the public auction held in accordance with the procedure give below:(i)The auction shall be well advertised in the circle of the Gaon Sabha by beat of drum giving descriptions of the property to be auctioned and shall be open to the public :Provided that no one who has any dues of Bhumi Prabandhak Samiti outstanding against him shall be allowed to participate in the auction.(ii)The highest bidder shall have to deposit one-fourth of the bid money with the closure of the auction and the balance in three equal instalments each instalment being payable at the expiry of every three months calculated from the date of auction.(iii)The auction shall be closed in favour of the highest bidder and shall become final-(a)where no objections are filed-on the expiry of forty-two days, from the date of auction;(b)where any objections are filed-on the auction being confirmed by the Tahsildar or the Collector after disposal of objection of the appeal, as the case may be.(iv)Any resident of the Gaon Sabha where the property is situate or any other person interested in the same may, within forty-two days from the date of auction, file objection against the auction before the Tahsildar of the tahsil in which the Gaon Sabha exists who shall thereupon stay confirmation of the sale, by intimation in writing to the Bhumi Prabandhak Samiti concerned and disposes of the objection as expeditiously as possible in the manner given in clause (v);(v)The Tahsildar shall fix a date for hearing of objection and issue notice to the Bhumi Prabandhak Samiti concerned and the highest bidder of the auction to show cause and produce evidence, if any, on the aforesaid date as to why the auction should not be set aside. The objector shall also be served with a notice to produce upon on the said date of hearing such evidence, in support of his objection as he may like. After hearing the parties and considering the evidence produced, the Tahsildar shall, for reasons to be recorded in writing, pass order upholding or setting aside the auction. In particular, the Tahsildar will set aside the auction where he is of opinion that the auction was unfair or illegal or the highest bid offered was inadequate as compared to the average Did in the preceding three years. The order passed by the Tahsildar shall be immediately communicated to the Bhumi Prabandhak Samiti concerned, the highest bidder and the objector.(vi)Any party aggrieved by the decision of the Tahsildar under clause (v) may, within fifteen days of the date of the order, file an appeal to the Collector who shall call for the records of the case and pass orders after hearing the parties. The order of the Collector shall be final and conclusive and shall not be questioned in any Court of law.(vii)(a)Notwithstanding anything contained in clause (iii) when an objection has been filed under clause (iv), the Tahsildar may, within six months from the date of the auction, set aside the same on the ground of illegality and thereupon the lease or licence, if any, shall stand cancelled



:Provided that no such order shall be passed without allowing the person concerned an opportunity of being heard.(b)Provisions of clause (vi) shall be applicable to such an order as if it were an order under clause (v).(viii)the proceedings of the auction shall be duly noted in B.P.S. Form 2 kept for this purpose."

## 59. Sale of trees, bamboos, etc. and other produce of land or water.

- The above provisions shall apply mutatis mutandis to sale of trees, grass, sarpat, pula, bamboos, wood, fruit, flowers, leaves, or any other produce of land or water.Tanks, Pond, Fisheries and Water Channels

## 60. Maintenance and development of fisheries and tanks, etc. [Section 122-A (2) (k), U.P.Z.A. & L.R. Act].

(1)Bhumi Prabandhak Samiti shall have the right to regulate the use of tanks, ponds, fisheries and water channels keeping in mind the customary rights. It may charge fees for the benefit derived such as fees for breeding and collecting fish from the ponds or for irrigation.(2)[(A) On the expiration of period of ten years, the lease of fishing and growing singhara in tanks/ponds vested in Gram Sabha can be granted for 10 years in favour of the same lessee. At the end of 10 years' period if the conduct of lease holder is found satisfactory, according to discretion of Collector for next five years with increase in yearly rent of 20 per cent:Provided that tanks/ponds of less than 0.5 acre shall be reserved exclusively for the use of community. If the ponds of more than 0.5 acre, the lease of which may be granted for fishing or growing singhara for ten years, was in continued use of public purposes such as washing of clothes, irrigation, digging out earth, etc. they shall be used like previously and a special mention will be made in the conditions of lease that lessee will not interfere in above continued use, if any.] [Amended by Notification No. 10-3-57 (9)/82-Rajasva-2, dated 24th April, 1990.](B)[ Above lease may be granted under the following preferential order: [Vide Notification No. 3736/1-2/95-Ra-2, dated 17th October, 1995.]

For area upto

two heactares For area larger than two hectares of  
of tanks, ponds and fisheriestanks, and water  
ponds, channel  
fisheries

(a) To community of fishermen, Kewat, Nishad,Mullah, Bind, Dheemar, Kashyap, Vatham, Rayakwar, Manjhee,Godia, Kumhar, Tureha or Turaha, etc.

(b)

To cooperative Societies recognised byFisheries Department for the community of fishermen.

(a) Fisheriescooperative Society means such fish Professional CooperativeSocieties whose members are of fishery community under the U.P.Cooperative Societies Act, 1965.

(b)

	To fisheries community of concerned Nyaya Panchayat which includes fishermen, Kewat, Mullah, Nishad, Bind, Dheever, Dheemar, Kashyap, Watham, Rayakwar, Manjhee, Godia (Kahar), Turena or Turaha, etc.	Fishermen's Cooperative Society of concerned Nyaya Panchayat Constituted under Cooperative Rules.
(c)	To fishermen, Kewat, Mullah, Nishad, Bind, Dheever, Dheemar, Kashyap, Watham, Rayakwar, Manjhee, Godia (Kahar), Tureha or Turaha, etc., of fishermen community of the concerned Development Block.	(c) To fishermen's Cooperative Society of the concerned Development Block, who are constituted and registered under Cooperative Rules.
		To Co-operative Societies of fishermen's community of the district, which is constituted and registered under Co-operative Rules.
		(e) To Fisheries Co-operatives of Provincial fishermen which is constituted and registered under Cooperative Rules.
2(a)	To persons belonging to the Scheduled Castes/Tribes of concerned Gram Sabha	(a) To Co-operative Society of Scheduled Castes/Tribes of concerned Gram Sabha which has been constituted and registered under Cooperative Rules.
(b)	To persons of Scheduled Castes/Tribes of the concerned Nyaya Panchayat	(b) To Co-operative Societies of Scheduled Castes/Tribes of concerned Nyaya Panchayat, which is constituted and registered under Co-operative Rules.
(c)	To persons of Scheduled Castes/Tribes of the concerned Development Block	(c) To Co-operative Society of Scheduled Castes/Tribes of concerned Development Block which is constituted and registered under Cooperative Rules.
3(a)	To Co-operative Society of fishermen's community which is constituted and registered and is recognized by Fisheries Department.	(a) Other Co-operative Societies of concerned Gram Sabha which is constituted and registered under Cooperative Rules.
(b)	To Co-operative Society of fishermen of the area of concerned Nyaya Panchayat which is constituted and registered under Co-operative Rules	(b) To other Co-operative Societies of concerned Nyaya Panchayat which is constituted and registered under Co-operative Rules.

- |   |  |
|---|--|
| <p>(c) To fihsermen's level concerned DevelopmentBlock which is constituted and registered under CooperativeRules</p>   | <p>(c) To other registered Cooperative Societies ofthe concerned Development Block which is constituted andregistered under Cooperative Rules.</p>   |
| <p>4(a) To registered Co-operative Societies ofScheduled Castes/Scheduled Tribes of concerned Gram Sabha whichis constituted and registered under Cooperative Rules</p>   | <p>(a) To other district level registered Co-operativeSocieties of district level which is constituted and registeredunder Cooperative Rules.</p>  |
| <p>(b) To registered Co-operative Societies ofScheduled Castes/Scheduled Tribes of concerned Nyaya Panchayatwhich is constituted and registered under Co-operative Rules.</p>   |  |
| <p>(c) To registered Co-operative Societies ofScheduled Castes/Scheduled Tribes of concerned Development Blockwhich is constituted and registered under Cooperative Rules.</p>  |  |
| <p>5. Provided that-</p>  | <p>5. Provided that-</p>   |
| <p>(i) lease may be given to any desirous person ofconcerned Gram Sabha failing which to desirous person ofconcerned Nyaya Panchayat; thereafter to any person of concernedDevelopment Block and thereafter to any person of districtconcerned;</p> | <p>(i) lease may be given to any desirous registeredCooperative Society of concerned village failing which to NyayaPanchayat of concerned village, thereafter to concernedDevelopment Block and thereafter to Co-operative Society of thedistrict.</p> |
| <p>(ii) If there are more than one person/Societies inpreferential order then by way of application received from themby consideration of Samiti as according to poverty/need to whomlease may be determined;</p>                                   | <p>(ii) If there are more than one Societies inpreferential order then by way of application received from theSocieties as according to poverty/need to whom lease may bedetermined;</p>   |
| <p>(iii) If in any case of auction sale stay order hasbeen granted then under that condition collector may arrange forfish hunting process on daily wages.</p>  | <p>(iii) If in any case of auction sale stay order hasbeen granted then under that condition Collector may arrange forfish hunting process on daily wages.]</p>  |

(B-1) As far as possible, the proceedings for granting lease will be done through camps organised at Tahsil level. Exclusive publicity should be done for the above camps and in these camps, such person should be invited, who are eligible according to above mentioned Para 60 (2) (B). The Chairman of the concerned Bhumi Prabandhak Samiti and Secretary (Lekhpal), Tahsildar and Naib-Tahsildar will be present in the camps and lease will be granted by the Sub-Divisional Officer

in consultation with the Bhumi Prabandhak Samiti. The Block Development Officer and Regional Assistant Director, Fisheries will be invited in these camps. If the Bhumi Prabandhak Samiti is unable to grant lease of any pond, or Sub-Divisional Officer considers necessary that to grant lease will be desirable, he may grant lease on his own motion without the proposal of the Bhumi Prabandhak Samiti. If works of improvement and fishing is not done by lessee within three years after the lease has been sanctioned, Collector will have right that he on his own motion or on being informed from other source after cancelling the lease may grant lease again. In this respect the order of District Magistrate will be final, which may not be challenged in any Court. (C) The yearly rent of the lease should be fixed on the average income of last three years. If such ponds etc. are new, and if rent is unknown, rent should be fixed as determined by Fishery Department and until the rent are determined, the rent should be fixed at twice the amount of rent calculated at hereditary rates. (3) (A) The lease of fisheries right in parts of rivers vested in Gram Sabha shall be granted for one year by auction. (B) If there is dispute between two or more Gram Sabhas as to whether particular area of the river comes within the territorial jurisdiction of one village or other and if all the contestant villages lies within the same Tahsil of the district, the dispute shall be decided by the Sub-Divisional Officer. But, if contestant Gram Sabha are situated in different Tahsil of the same district, the dispute shall be decided by the Sub-Divisional Officer, who shall be nominated by the Collector of the district. If contestant Gram Sabha are situated within the boundaries of different districts, the dispute shall be decided according the procedure to be followed in deciding inter district boundary disputes. Such disputes are closely related with boundary disputes, hence provisions of the U. P. Land Revenue Act and the rules framed thereunder shall apply to them. (C) Contract of fishing in parts of river vested in Gram Sabha shall be executed to registered co-operative societies of fishermen of concerned Gram Sabha on lease fees of average income of last three years. Period of contract will be every year from 1st September to 31st May. Where there are more than one societies, contract should be given holding auction among them. Alongwith it, if there are no registered co-operative societies of fisherment at that place, in this situation fishing lease will be allotted according to priority basis to persons/societies. If contract of fishing is not possible due to any reasons of order of Court, it shall be responsibility of department that he should make fishing on daily rent. (D) [Deleted]. (E) No Gram Sabha will have right to put any blockade in the natural flow of water in a perennial stream or in any way of migration of aquatic animals, if there is no recognised customs, according to which people of the village are entitled to construct dam across the stream for the purpose of irrigation (e.g. per se right of constructing dam on rivers in the districts of Badaun and Shahajahanpur). (F) The existing rights of digging out earth or clay from tanks and ponds shall not be interfered with. Where this right was exercised free of any charge previously, it shall be remain the same. (4) Bhumi Prabandhak Samiti may not interfere with the customary rights of kumhars to dig out the special kind of clay, which is necessary for their industry. Special areas of waste and usar lands or tanks, where the abovementioned clay is found, must be earmarked for digging out clay by kumhars and such land need not be leased out for agriculture. Bhumi Prabandhak Samiti shall generally allow digging out of the clay by kumhars from such areas or tanks either free of cost or on payment of customary charge as prevalent in the village prior to abolition of Zamindari Abolition in the State. Form for Lease of Tanks for Fisheries

## 0.

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ldsxkA(13)izR;sd ,sls uohuhdj.k ds le; mi;qZDr yxku esa o`f) dh tk ldsxh rFkk ,slh o`f) uohuhdj.k ls iwoZ fiNys rhu o"ksZa esa gq, vU; iV~Vksa vFkok mDr vof/k esa iV~Vsnkj dks iV~Vs ls gqbZ vk; ds vkSlr ds vk/kkj ij fu/kkZfjr dh tk,xhA(14)bl foy[k esa LVkEi 'kqYd rFkk vU; fu"iknu O;; iV~Vsnkj dks ogu djuk gksxkA(15)vuko `f"V] ck<+] lw[kk ;k vU; fdlh vkink ds dkj.k ;fn rkyke esa dksbZ {kfr gksrh gS rks iV~Vsnkj dks fdlh izdkj dk eqvotk ;k fj;k;r ugha nh tk,sxhA(16)'kklu }kjk bl lEcU/k esa tks Hkh lkekU; vkns'k tkjh gksaxs og Hkh iV~Vsnkj dks ekU; gksaxsA mls moizo Hkwfe izcU/kd lfefr fu;e laxzg esa tkjh fd, x, vuqns'kksa dk ikyu djuk Hkh vfuok;Z gksxkA(17)iV~Vsnkj dks rkyke dh Hkwfe ij fdlh izdkj ls d`f"k djus dk vf/kdkj u gksxkA(18)iV~Vsnkj dks eRL; mRiknu esa o`f) ds fy, cSad rFkk lgdkjh laLFkvvksa vkfn ls \_\_k ysus gsrq viuk iV~Vk ca/kd j[kus dk vf/kdkj gksxkAmijksDr foy[k ,oa 'krksZa ds lEcU/k esa ge fuEuify[kr O;fDr gLrk{kj djrs gSa%&iz/kku] xzke lHkk@ftykf/kdkjhvFkok mlds euksuhrizfrfuf/kiV~Vsnkjxokgys[kiky-----izfgrLrk{kjh-----ijxaukf/k

## 61. Licence or lease for tanks, ponds, fisheries, etc.

(1)The proceeding for issue of new licence or lease for the tanks, ponds, fisheries and water channels vested in Gram Sabha should be completed three months before the date of cessation of the previous lease or licence so that lease or licence may be issued thereafter and Gram Sabha may suffer no monetary loss. [Vide G.O. No. 7392-74/Rajaswa-12-929-74, dated 31st October, 1974].(2)Lessee of the tanks, ponds, which shall be leased for fishing, shall have right to mortgage the lease to U.P. State Co-operative Land Development Bank or other bank.Pathways

## 62. Management and control of land, etc. by the Bhumi Prabandhak Samiti. [Section 122-A (1), U.P.Z.A. & L.R. Act].

- Bhumi Prabandhak Samiti will keep pathways in good repair and will take action to remove encroachment, if any, thereon.Ferries

## 63. Management of ferries vested in Gram Sabha. [Section 122-A (2) and Rules 115-C of U.P.Z.A. & L.R. Act and Rules].

- It shall be the duty of the Bhumi Prabandhak Samiti to make all the necessary arrangements to see that the boat or temporary bridge is maintained and kept in good repairs so that passengers are not put to any inconvenience. The Bhumi Prabandhak Samiti has the right to take fees from the passengers. Where the claims of different Gram Sabhas or Zila Panchayats having jurisdiction on either side of the ferries are concerned, the income should be divided between the Gram Sabha or Zila Panchayats equally and the administration should be handed over to each Gram Sabhas or Zila Panchayat, as the case may be, for three successive years alternatively. [See Sant Prakash's U.P. Kshettra Panchayat and Zila Panchayat Adhiniyam].Note. - The Bhumi Prabandhak Samiti should, in respect of miscellaneous sources of income mentioned in above paragraphs, maintain the customary rates as far as possible. Except in cases where the Zamindars for some consideration charged unusually low rates, the charges should not be substantially enhanced lest hardship may be caused to the people concerned.Graveyard and Cremation Ground

## 64. Management of graveyard and cremation ground.

- Graveyards and cremation ground vested in Gram Sabha can be roughly divided into two categories, that is recorded and unrecorded. So far as recorded graveyards etc. are concerned, Bhumi Prabandhak Samiti ought not object to the customary and traditional use of this land by the concerned community. No restriction must be imposed by Samiti in burying or burning the corpse on such lands. They are also not entitled to cut and sell the trees standing on such lands to the detriment of the recognised customary user. Trees standing on such land must be allowed to be used to prepare planks or provide fuel for the burial and cremation, as the case may be, of unclaimed corpse or corpse of poor. The produce of the trees shall not be auctioned by the Bhumi Prabandhak Samiti but will be utilised according to customs for graveyard, cremation ground and other charitable purposes. [Vide G.O. No. 1472-A-Z/I-A-1037-A-53, dated 28th October, 1958]. So far as unrecorded graveyards are concerned, there are decrees of certain civil courts in certain cases holding particular lands to be graveyards or cremation grounds but said decrees have not been effected so far in village papers. Such unrecorded graveyards or cremation grounds covered by the decrees of civil courts must be, after necessary formalities of law, recorded in such as land is recorded in the khatauni under sub-clause (iii) of clause (6) of Para A-124 of Land Records Manual [See Nazim Husain's Uttar Pradesh Land Records Manual, Part 1 to 11]. If there is no decree of civil court to this effect, matter shall be disposed of in the following manner : (a) If there is no dispute and the Bhumi Prabandhak Samiti agrees that particular land is graveyard or cremation ground, still that is not recorded such as in revenue papers, after the satisfaction of the Sub-Divisional Officer, that land is actually grave-yard or cremation ground, necessary entries in relevant papers should be made that said land is graveyard or cremation ground. (b) If there is dispute on this point that certain land is graveyard etc. or not and land has not been recorded as waste land, abadi or path, matter, should, after the Sub-Divisional Officer has taken such action under the Code of Criminal Procedure, 1973 as is necessary to preserve breach of peace in the locality, left to the Courts to decide. (c) If there is dispute of the nature as mentioned in item (b) above and land is uncultivated land outside the holding area, and vested in Gram Sabha of the circle, formal action of correction of papers should be started on the applications of the claimants. Sub-Divisional Officer can, after the evidence of applicant and Gram Sabha and spot inspection, if necessary, pass necessary order regarding the correction of papers. [Vide G.O. No. 181/I-A-2-1 (2)-67, dated 23rd May, 1968]. After recording the land as graveyard and cremation ground in village papers, the Bhumi Prabandhak Samiti must start action for ejectment of persons, who have illegally or forcibly occupied the same, under Rules 115-C to 115-H of U. P. Zamindari Abolition and Land Reforms Rules. If any land is customary cremation ground or graveyard, to which Section 212 of U. P. Zamindari Abolition and Land Reforms-Act applies, and included in holding, action under Section 212-A of the said Act should be taken promptly. Plantation of Trees

## 65. Benefits accrued from plantation of trees.

- Plantation of trees and groves is a measure of the greatest importance in the development of rural economy. The plantation of trees would- (1) increase fuel supply in the village so that cowdung can be utilised for manure; (2) increase the supply of fruits so that a more balanced diet would be available; (3) prevent soil from being eroded; (4) prevent floods; (5) tend to increase rainfall and ensure

slow and continuous showers instead of a heavy downpour;(6)increase the capacity of the soil to retain moisture so that the level of water in the wells does not fall down; and(7)give shade.

## **66. Bhumi Prabandhak Samiti to encourage plantation of trees.**

- Bhumi Prabandhak Samiti shall plant trees under its own supervision on the uncultivated land on both sides of pathways or wherever land is available and make proper arrangements for their protection and maintenance by leasing the land of the community, grove or orchard to an asami. It should also encourage the planting of groves whether it be on its own land or on private holding.

## **67. Concessions available to grove holders [Section 242 (1) read with Rule 197 (a) and (b), U.P.Z.A. & L.R. Rules].**

- In order to encourage the plantation of trees, the Government has given following concessions regarding grove-(1)Grove held by grove holder and tenants, which has been exempted from payment of rent, will remain exempted from payment of land revenue, so long as there are trees on the land in which numbers that they preclude the land from being used for cultivation.(2)Where after the day of vesting a grove is planted by a bhumidhar or sirdar, exemption of land revenue may be given by the Collector on application by the bhumidhar or sirdar.Explanation. - Except in the trans-Yamuna portions of Mathura and Agra Districts, "grove" means a grove of timber trees the value of which mainly lies in their timber for building purposes and not their fruit or like produce. Examples of timber trees are Sakhu, Sagon, Hanswa, Haldua, Deodar, Country Mango (not Kalmi), Nim, Shisham, Jamun, Asna, Mahua, Tun, Shahtoot (Mulberry), Kadamb, Bamboo, Imli, Chir, Cyprus, Babul, Aonla, Bel, Khajur, Ber, Kaitha, Dhak, Kikar, Amra, Kanju (Pronganiaglabra), Kattha and Kardhai etc. In the trans-Yamuna portions of Mathura and Agra Districts even fruit-grove planted by a bhumidhar or sirdar after the date of vesting can be exempted from the payment of land revenue including the former local rate.Note. - For above Para 67, see the text of Rule 197, U.P.Z.A. & L.R. Rules reproduced below :"(a) Land occupied by a grove on the date of vesting which was immediately before the said date held by a grove-holder and for which no rent was payable on the said date shall remain conditionally accepted from the payment of land revenue for as long as there are tree's on the land in such number that they preclude the land from being used for cultivation.(b)Where after the date of vesting a grove is planted by a bhumidar or sirdar, he may, at any time after the grove is well established, apply to the collector for conditionally exampting the land from payment of land revenue and local rate.(c)To every such application Gram Sabha shall be made a party."Protection of the Property of Gram Sabha

## **68. Protection of the property of Gram Sabha [Rule 115-C(1) read with Section 128 (2) (kk), U.P.Z.A. & L.R. Act and the Rules].**

- It shall be the duty of the Bhumi Prabandhak Samiti to preserve or protect from damage, misappropriation and wrongful occupation of all the properties vested in it or which has come into its possession including pasture land, cremation ground, graveyard and the land reserved for chak roads, gul, water channels, abadi and other public purposes during proceeding for consolidation of



holdings and such property, which is vested in Gram Sabha or came into possession of Gram Sabha [Vide G.O. No. 471/F-A-8-2 (4-B)-68, dated 25th September, 1969].

### **69. Damage or Misappropriation of property [Section 122-B and Rule 115-C (2) to (5), U.P.Z.A. & L.R. Act and Rules].**

(1)The Chairman or any member or the Secretary of the Bhumi Prabandhak Samiti shall report all cases of damage to, or misappropriation of wrongful occupation of, the property referred to in sub-rule (1) to the Collector praying for recovery of compensation for damage to, or misappropriation of, the property or possession of the land together with damages for wrongful occupation thereof.(2)It shall be the duty of the Lekhpal to report to the Collector through the Tahsildar all cases of wrongful occupation of damage to, and misappropriation of the property vested in, the Gram Sabha as soon as they come to his notice and in any case after the conclusion of Kharif and Rabi Partial every year.(3)The Tahsildar shall satisfy himself in the month of May every year that each Lekhpal has submitted all such reports.(4)The provisions of sub-para (1) to (3) of this para including Rule 115-C of the above Rules shall mutatis mutandis apply to a local authority in respect of the properties vested in it, including vacant land and land over which it is entitled to take possession, under the Act:Provided that the duty in respect of sub-para (2) above, shall be discharged by such official of the local authority as may be decided upon by the local authority concerned.

### **70. Notice to refrain for causing damage, etc. [Rule 115-D, U.P.Z.A. & L.R. Rules].**

(1)Where the Bhumi Prabandhak Samiti or the local authority, as the case may be, fails to take action in accordance with Section 122-B, the Collector shall-(a)on an application of the Chairman, Member or Secretary of the Samiti; or(b)on a report made by the Lekhpal under sub-rule (3) of Rule 115-C; or(c)on the report of the local authority concerned or its official referred to in the proviso to sub-rule (5) of Rule 115-C ; or(d)on facts otherwise coming to his notice, call upon the person concerned through notice in Z. A. Form 49-A to refrain for causing damage or misappropriation, to repair the damage or make good the loss or remove wrongful occupation and to pay damages or to do or refrain from doing any other thing as the exigencies of the situation may demand or to show cause against it in such time not exceeding fifteen days, as may be specified in the notice.Note. - Where any agricultural labourer belonging to Scheduled Caste or Scheduled Tribe is in occupation of any land vested in a Gram Sabha under Section 117 (not being land mentioned in Section 132) having occupied it from before 1st May, 2002 and the land so occupied together with the land if any, held by him from before the said date as bhumidhar, sirdar or asami does not exceed 1.26 hectares (3.125 acres), then, no action shall be taken against such labourer by the Bhumi Prabandhak Samiti or the Collector and he shall be admitted as bhumidhar with non-transferable right of that land under Section 195 and it shall not be necessary for him to institute a suit for declaration of his right as bhumidhar with non-transferable rights in that land.(2)Before issuing a notice under sub-rule (1) of Rule 115-D the Collector may make such inquiry as he deems proper and may obtain information on the following points:(a)full description of damage or misappropriation caused or the wrongful

occupation made with details of village, mohalla or ward, plot number, area, boundary, property damaged or misappropriated and market value thereof ;(b)full address alongwith father's name of the person responsible for the damage, misappropriation or wrongful occupation;(c)period of wrongful occupation, damage or misappropriation, class of soil of the plot numbers involved and hereditary rates applicable to them ; and(d)value of the property damaged or misappropriation calculated at the prevailing market rate in the locality.Note. - Collector shall make every endeavour that objection filed under this para may be disposed of finally within a period of two months from the date of filing objections and no party comes more than twice or thrice in his court. [Vide G.O. No. 7887/Rajasva-1/72, dated 7th August, 1972].Powers under Rules 115-C to 115-F of U.P.Z.A. & L.R. Rules have been conferred on Tahsildar and Assistant Collector-in-charge of sub-division. Hence, report under Para 69 may be submitted to either of them, who may take action as laid down in following para:"If during the course of enquiry in proceeding under this para, any person showing cause has submitted evidence, which appears to Collector to raise any real question of title, Collector will require by order from such person to file a suit for declaration of his title in Court of competent jurisdiction within a period of three months from the date of such order and stay further action. If such person succeeds afterwards in his suit the enquiry against him shall be banned. Where above referred person fails to file such suit within the said period or where suit, if filed, is dismissed, the Collector shall direct that-(i)such person be ejected and for this purpose, such force can be used or cause to be used, as may be essential, and(ii)the amount of compensation for damages or misappropriation or wrongful occupation, as the case may be, be recovered from such person as arrears of land revenue."

## **71. Direction for eviction or recovery of any amount of compensation, etc. [Rule 115-E (1), U.P.Z.A. & L.R. Rules].**

- (1) Procedure for eviction or recovery of amount - Where any direction for eviction or recovery of any amount of compensation has been issued by the Collector under sub-section (4) of Section 122-B an order in Z.A. Form 49-C shall be sent to the Tahsildar concerned for execution who shall as far as possible follow the procedure laid down in Paragraphs 137 and 138 of Revenue Court Manual.The order under Z.A. Form 49-C shall also specify the amount which shall be recovered from the person concerned as expenses of execution which shall included the pay and allowances of the staff deputed to be calculated according to the rates mentioned in Paragraph 405 of the Revenue Court Manual.(2)For damages occurred realisation therefor. [Rules 115-F (1), U.P.Z.A. & L.R. Rules]. - All damages ordered to be recovered and expenses incurred in the execution of the orders of the Collector shall be realised as arrears of land revenue and credited to the Consolidated Gram Fund or the Fund of a local authority other than a Gram Sabha, as the case may be, except that the cost on account of pay and travelling allowance of staff deputed shall be deposited in the Tahsil Sub-treasury under the head "029-Land Revenue-E-Other receipts (5) Collection of Payment for services rendered."(3)Wrongful occupation [Rule 115-F (2), U.P.Z.A. & L.R. Rules]. - If the damage or loss caused through misappropriation caused is of such a nature as is not capable of being repaired or made good (as in the case of cutting of trees or grazing of plants or grass), the Collector shall assess the amount of damage or loss in terms of money at the prevailing market rate in the locality. In case of wrongful occupation of land, the damage caused to the Gram Sabha or the local authority, as the case may be, shall be assessed for each year of such wrongful occupation or any

part thereof, at 100 times the amount of rent computed at the sanctioned hereditary rates applicable to the plots concerned. In case the occupant of land continued to remain in such wrongful occupation, he shall be further liable to pay one-eighth of the damages so assessed for every month of the continued occupation after the date of the order.(4)Wrongful possession [Rule 115-G (1), U.P.Z.A. & L.R. Rules]. - If the persons wrongfully occupying the land has done cultivation therein he may be allowed to retain possession thereof until he has harvested the crop subject to the payment by him of 100 times the amount of rent computed at the sanctioned hereditary rates applicable which shall be credited to the Consolidated Gram Fund or the Fund of the local authority other than the Gram Sabha as the case maybe. If the person concerned does not make the payment of the aforesaid amount within the period specified in the notice in Z.A. Form 49-A, possession of the land shall be delivered to the Bhumi Prabandhak Samiti or the local authority, as the case may be, together with the crop :Provided that where such person wrongfully occupies the same land or any other land within the jurisdiction of the Gram Sabha or the local authority, as the case may be, at a subsequent time, he shall be ejected therefrom without being permitted together his produce and possession of the land together with the crop thereon shall be delivered to the Bhumi Prabandhak Samiti or the local authority, as the case may be.(5)Encroachment on same land second time [Rule 115-G (2), U.P.Z.A. & L.R. Rules]. - Nothing in sub-rule (1) shall debar the Bhumi Prabandhak Samiti or the local authority, as the case may be from prosecuting the person who encroaches upon the same land a second time in spite of having been ejected under the Act or Rules under Section 447 of the Indian Penal Code, 1860.(6)Prosecution for encroachment second time [Rule 115-G and Section 229-A, U.P.Z.A. & L.R. Act & Rules]. - (A) Without prejudice to the above proceeding, the Bhumi Prabandhak Samiti may prosecute the person, who inspite of being ejected under the said provisions encroaches the land again second time under Section 447 read with Section 441 of Indian Penal Code, 1860. Such crime of criminal trespass, which is cognizable, the Chairman of Samiti or duly authorised member thereof or Lekhpal as Secretary of Samiti may file First Information Report to the police.(B)If the Samiti is satisfied that person has encroached on land second time and such person or any other person through him is in possession, both are liable to be prosecuted under said sub-para (A).(C)If unruly or influential person has encroached on land vested in Gram Sabha first time, he is liable for prosecution under Section 447 of Indian Penal Code, 1860. In such cases, Samiti should issue formal notice specifying the date, by which unauthorised possession should be removed. If he fails to do so, action may be taken under above sub-para (A).(7)Punishment for occupation of Gram Sabha land. [Section 123-B, U.P.Z.A. & L.R. Act]. - (1) Where any person has been evicted under this Act from any land vested in the Gram Sabha and such person or any other person, whether claiming through him or otherwise, thereafter occupies such land or any part thereof without lawful authority, such occupant shall be punishable with imprisonment for a term which may extend to three years or with fine or both.(2)Any court convicting a person under sub-section (1) may make an order for evicting the person summarily from such land, and such person shall be liable to such eviction, without prejudice to any other action that may be taken against him under any law for the time being in force.(3)Without prejudice to the provisions of sub-sections (1) and (2), the Collector may, whether or not prosecution, is instituted under sub-section (1), retake possession of any land, referred to in that sub-section and may, for that purpose, use or cause to be used such force as may be necessary for evicting any person found in occupation thereof.

## **72. Register on account of damages and compensation [Rule 115-GG, U.P.Z.A. & L.R. Rules].**

(1) There shall be maintained in the office of each Collector a register in Z. A. Form 49-CC showing details of the amount ordered to be realised on account of damages and compensation awarded in proceedings under Section 122-B. (2) A similar register shall also be maintained by each Tahsildar showing realisation of damages and compensation awarded in each proceedings. The entries made in the register maintained at Tahsil shall be compared with the register maintained by the Collector to ensure accuracy of the entries made therein. (3) A progress report showing realisation of damages and compensation awarded in proceedings under Section 122-B shall be sent to Board of Revenue U. P., Lucknow by the 15th day of April and October every year. The Board after consolidating the report so received from the districts, shall send it to the Government in the Revenue Department.

## **73. Proceedings for allotment of land.**

- Whenever as a result of action taken under the above provision the land is available for allotment, proceeding for allotment of the same must be done as soon as possible.

## **74. Suit for Compensation and ejectment [Section 208/209, U.P.Z.A & L.R. Act].**

- Samiti for preservation of the property of the Gram Sabha may take recourse to the following remedies : (i) A suit under Section 208 for injunction with or without compensation and for repair of damage; (ii) A suit for ejectment of person in wrongful possession under Section 209 (1) of the Act; and (iii) In case of theft of his property he can file suit in Criminal Court or for damages in Civil Court.

## **Chapter III**

## **Supervision by Gram Sabha and its Bhumi Prabandhak Samiti Over Holdings and Groves**

Transaction in Contravention of the Provisions of the Act and Proceeding Against Them

## **75. Holding and grove [Section 18, U.P.Z.A. & L.R. Act].**

- Lands included in the holding or grove of a bhumidhar or sirdar belong to him but if they act against or in contravention of the provisions of the U. P. Zamindari Abolition and Land Reforms Act and Rules framed thereunder, Bhumi Prabandhak Samiti will have power to institute suit for their ejectment.

## 76.

(1)Transfer of interest [Section 153, U.P.Z.A. & L.R. Act].- Where any sirdar or Asami transfers his interest, such transfer shall be void under Section 166, U.P.Z.A. & L.R. Act. Notes - (1) The above para belonging to Section 153, U.P.Z.A. & L.R. Act have been substituted by U.P. Act No. 8 of 1977, w.e.f. 28-1-1970 which is reproduced hereunder: "153. Interest on an asami not transferable. - Except as expressly permitted by this Act, the interest of an asami shall not be transferable." (2)(i) A mortgage without possession of his interest in his holding by sirdar as security for a loan taken from the State Government by way of taquavi or from a co-operative society or from the State Bank of India or from any other bank, which is scheduled bank or from the Uttar Pradesh State Agro-Industrial Corporation Ltd. shall be valid. (ii) Transfer by a sirdar of his holdings to a recognised educational institution for any purpose pertaining instruction in agriculture, horticulture and animal husbandry shall be valid. (2) Bequeath [Section 170, U.P.Z. & L.R. Act]. - No Bhumidhar with non-transferable rights or asami shall have the right to bequeath by will his holding or part thereof. (3) Restriction on transfer by bhumidhar [Section 154, U.P.Z.A. & L.R. Act]. - (A) Save as provided in sub-section (2) no Bhumidhar shall have the right to transfer by sale or gift any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land, which together with land, if any, held by his family, will in the aggregate exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh. [Explanation. - For the removal of doubt it is hereby declared that in this sub-section the expression "person" shall include and be deemed to have been included on June 15, 1976 a "Co-operative Society": Provided that where the transferee is a Co-operative Society, the land held by it having been pooled by its members under clause (a) of sub-section (1) of Section 77 of the U.P. Co-operative Societies Act, 1965, shall not be taken into account in computing the 5.0586 hectares (12.50 acres) land held by it.] [Inserted by U.P. Act No. 20 of 1997.] (B) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorise transfer in excess of the limit prescribed in sub-section (1), if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public. Explanation. - For the purposes of this section, the expression "family" shall mean the transferee, his or her wife or husband (as the case may be) and minor children and where the transferee is a minor also, his or her parents. (4) Mortgage of land [Section 155, U.P.Z.A. & L.R. Act]. - Where bhumidhar with transferable rights mortgages his land as such that possession of the mortgaged land is transferred or is agreed to be transferred in future to the mortgagee as security for the money advanced or to be advanced, the transfer shall be void. (5) Transfer with possession [Section 164, U.P.Z.A. & L.R. Act]. - Where a bhumidhar with transferable rights transfers any holding or part thereof by which possession is transferred to the transferee for the purpose of securing any payment of money advanced or to be advanced by way of loan and existing or future debt or the performance of an engagement which may give rise to pecuniary liability, the transfer shall be treated to have been made in contravention of the provisions of the Act, if it is covered by sub-para (3) above. (6) Lease by disabled person [Sections 156 and 157, U.P.Z.A. & L.R. Act]. - Where any land is let out by a bhumidhar, sirdar (bhumidhar with non-transferable rights) or asami, who is not disabled person as mentioned in Section 157, to any person other than a recognised education institution for a purpose connected with instruction in agriculture, horticulture or animal Husbandry, transfer shall be

void. Note - Lessee will be sirdar and vendee [Sections 157 and 165, U.P.Z.A. & L.R. Act]. - Where any land is let out by such person, who is not disabled, - (a) lessee will become sirdar, if land held by him with the land held by his family including the land leased out to him or to his family does not exceed twelve and a half acre; and (b) lessee will be deemed to be vendee, if land held by him with the land held by the members of his family does not exceed twelve and a half acre and will be subject to above sub-para (3). (7) Transfer of land [Sections 157-A and 169 (2-A), U.P.Z.A. & L.R. Act]. - Where bhumidhar belonging to Scheduled Castes and Scheduled Tribes transfers land by the way of sale, gift, mortgage or lease to a person not belonging to a Scheduled Castes and Scheduled Tribes without the approval of Collector, transfer will be void. (8) Transfer of fragments [Section 168-A, U.P.Z.A. & L.R. Act]. - Transfer of fragment situated in consolidated area by way of gift, sale or exchange is made in the following cases - (a) where transfer has been made in favour of person, who has a plot contiguous to the fragment; or (b) where transfer is not in favour of person mentioned in clause (a), the whole or so much of the plot, in which person has bhumidhari rights, which pertains to the fragment, is transferred. Explanation. - [(A) Fragment interpreted. [Clause (8-A) of Section 3 of U.P.Z.A. & L.R. Act is related to 'fragment' and has been omitted by U.P. Act No. 27, 2004, Section 2.] [Section 3 (8-A), U.P.Z.A. & L.R. Act]. - According to Section 3 (8-A) 'fragment' means land of less than 1.89 hectares (4.6875 acres) in areas mentioned in U.P. Zamindari Abolition and Land Reforms Act, 1950 and 1.26 hectares (3.125 acres) in the whole Uttar Pradesh excluding Kumaun division.] (B) [Consolidation area [Clause (8-A) of Section 3 of U.P.Z.A. & L.R. Act is related to 'Consolidation area' and is substituted by U.P. Act No. 30 of 1991.] [Section 3 (6-A), U.P.Z.A. & L.R. Act]. - "Consolidation area" means the area in respect of which the final consolidation scheme has been enforced under Section 24 of the U.P. Consolidation of Holdings Act, 1953, and the notification under Section 4 of that Act has not been cancelled under Section 6 of that Act in respect of such area.] (9) Use of land [Section 206, U.P.Z.A. & L.R. Act]. - Where any sirdar (bhumidhar with non-transferable rights) or asami does not use his land for any purpose other than a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, land shall be vested in Gram Sabha.

## **77. Ejectment of transferee or asami or sirdar [Sections 163, 167, 168, 202 and 206, U.P.Z.A. & L.R. Act].**

- In all cases of illegal transfer and unauthorised use as aforesaid, Gram Sabha and in case of illegal transfer by a sirdar or asami, every person, who may have obtained possession of the whole or part of the holding or using land in an unauthorised way, may lodge a suit for ejectment of transferee or asami or sirdar, as the case may be, within the time prescribed for filing of such suit in the appropriate Revenue Court. In cases falling under Para 76 (9), the Gram Sabha may also institute suit for damages equal to the cost of works, which may require to make land capable of use for the purpose connected with agriculture, horticulture and animal husbandry, which includes pisciculture and poultry farming. But Gram Sabha, however, may in case of unauthorised use of land instead of suing for ejectment sue for the following : (a) for the injunction with or without compensation [Section 208, U.P.Z.A. & L.R. Act]; or (b) for repair of the waste or damages caused to the holding.

## **78. (A) Consequences of void transfers by bhumidhars [Section 163 (1), U.P.Z.A. & L.R. Act].**

- Transfer to be void - Where any holding or part thereof has been transferred in contravention of Section 154 or Section 157-A, U.P.Z.A. & L.R. Act, then notwithstanding anything contained in any law for the time being in force or any contract, decree or order of any court, the Assistant Collector, First class may, either suo motu or on the application of any person, and after making such enquiry as he thinks fit, by order declare such transfer to be void :Provided that no order under this sub-section (1) of Section 163 shall be made without affording an opportunity of hearing to the transferor as well as to the transferee. Note - This Para has been omitted by U.P. Act No. 20 of 1982 with effect from 3rd June, 1981. (B)(1) Transfers made in contravention of Sections 154 and 157-A [Rule 151, U.P.Z.A. & L.R. Act & Rules]. - (1) It shall be the duty of the Lekhpal to report to the Assistant Collector, First Class through the Tahsildar all cases of transfers made in contravention of the provisions of Sections 154 and 157-A as soon as they come to his notice. (2) The Tahsildar shall satisfy himself in the month of May every year that each Lekhpal has submitted all such reports. If there is no such transfer, the Lekhpal shall submit a negative report. (3) On receipt of the report from the Lekhpal or information from any interested party or on facts otherwise coming to his notice, the Assistant Collector, First Class shall call upon the person concerned through notice in Z.A. Form 50-A to show cause within 15 days why action under Section 163 should not be taken in respect of the land in question. (4) Before issuing a notice under sub-rule (3) the Assistant Collector, First Class may make such inquiry as he deems proper and may obtain information on the following points : (a) full description of the land, i.e., plot number, area, boundary, land revenue payable; (b) full addresses along with father's name of both to the transfer as well as of the transferee. (5) The Assistant Collector, First Class may, if he thinks fit, obtain any information from the Gram Sabha concerned in respect of any transfer referred to in sub-rule (1). (6) After hearing the parties and making such further inquiry as he considers necessary, the Assistant Collector, First Class shall pass necessary orders in accordance with Section 163. (2) Transfer declared void and its consequences [Rule 152, U.P.Z.A. & L.R. Rules]. - Where any transfer has been declared to be void under Rule 151, the Assistant Collector may permit the transferee to remove any movable property or the materials of any immovable property existing on the holding on the date of the order, within such time as he considers necessary.

## **79. Ejectment of persons occupying land without title [Section 209, U.P.Z.A. & L.R. Act].**

(1) A person taking or retaining possession of land, otherwise than in accordance with the provisions of the law for the time being in force, and (a) where the land forms part of the holding of a bhumidhar or asami without the consent of such bhumidhar or asami, and (b) where the land does not form part of the holding of a bhumidhar or asami without consent of Gram Sabha, shall be liable to ejectment on the suit in cases referred to in clause (a) above of the bhumidhar or asami concerned, and in cases referred to in clause (b) above, of the Gram Sabha and shall also be liable to pay damages. (2) To every suit relating to a land referred to in clause (a) of sub-section (1) the State Government shall be impleaded as a necessary party.

## **80. Suit for ejectment of sirdar [Section 211 and Serial 31 of Appendix 3, U.P.Z.A. & L.R. Act & Rules].**

- Gram Sabha can file suit for ejectment, where person in unauthorised occupation over the land of the bhumidhar has become bhumidhar under Section 210 (a) of U. P. Zamindari Abolition and Land Reforms Act. Such a suit can be filed within the period of six years from the date of acquisition of sirdari rights. This right is used as a measure of check of protection against collusive transaction between a tenure-holder and stranger allowing the stranger to become a sirdar. Where the land forms part of holdings of an asami on behalf of the Gram Sabha, occupier will be asami holding it from year to year. Supervision Over Holding and Other Property

## **81.**

(1) Abandonment [Section 186 (1), U.P.Z.A & L.R. Act]. - Where a bhumidhar with non-transferable rights (other than a minor, lunatic or idiot) or asami has not used his holding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming for two consecutive agricultural years, the Tahsildar may, on the application of the Gram Sabha or the land-holder or on facts coming to his notice otherwise, issue a notice to such bhumidhar with non-transferable rights of sirdar or asami, as the case may be, to show cause why the holding be not treated as abandoned. (2) Particulars of holding abandoned [Rule 168, U.P.Z.A. & L.R. Rules]. - An application under Section 186 for declaration that a holding has been abandoned shall contain the following particulars : (a) The name of the village, pargana and tahsil in which the holding is situate. (b) The name, parentage and address of the tenure-holder against whom the declaration is sought. (c) Khasra numbers and area of the plots. (d) Land revenue or the rent as the case may be.

## **82. Application for payment of arrears of rent and ejectment in default [Section 220(1) U.P.Z.A. & L.R. Act].**

- Where an asami has been in arrears of the whole or any part of the rent of a holding for a period of more than three months, the Gram Sabha or the land holder, as the case may, may make an application for an order for payment of the arrears and in default for the ejectment of the asami from the holding.

## **83. Commutation of rent [Section 218, U.P.Z.A. & L.R. Act].**

- Where the rent is payable in kind or on estimate or appraisal of the standing crop or on rates varying with crops sown or partly in one of such ways and partly in another or other of such ways the Assistant Collector in-charge of a sub-division may at his own instance and shall at the instance of the Gram Sabha or the person by or to whom the rent is payable commute the rent in the manner prescribed.



#### **84. Action of Collector under Section 187-A, U.P.Z.A. & L.R. Act.**

- If the Collector takes action under Section 187-A and decides that holdings of bhumidhar, which have not used for three years continuously for a purpose connected with agriculture etc., should be leased out, he may direct to the Bhumi Prabandhak Samiti to do so. On the direction issued by the Collector, the Bhumi Prabandhak Samiti will lease out the land of bhumidhar, which has not been used for any purpose connected with agriculture etc.

#### **85. Admission of asami to the holding [Section 187 and Rules 170 and 171 (1), U.P.Z.A. & L.R. Act and Rules].**

- Where a bhumidhar with non-transferable rights being a minor, lunatic or idiot has not used his holding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming for two consecutive agricultural years, the Bhumi Prabandhak Samiti may, notwithstanding anything contained in any law, after notice to the bhumidhar with non-transferable rights and his guardian and after such inquiry as may be prescribed, after the expiry of two years aforesaid, admit on behalf of the bhumidhar with non-transferable rights any person as asami to the land comprised in the holding. In making an enquiry under Section 187 of Z.A. Act, Bhumi Prabandhak Samiti will take into account the following factors : (1) the age of the minor, (2) the relation between the minor, lunatic or idiot and his natural guardian, (3) the natural guardian's capacity to cultivate the fields, and (4) whether there are any other persons related to the minor, lunatic or idiot or not, who are willing and able to cultivate the land on their behalf. If the Bhumi Prabandhak Samiti comes to the conclusion that asami should be admitted to the land, it shall fix the rent payable for the land, which shall not be less than 133 per cent and not more than twice the land revenue payable therefor by the sirdar.

#### **86. Land let out for the purpose of agriculture, etc. [Section 187-A, U.P.Z.A. & L.R. Act].**

(1) When the Collector has reasons to believe upon information or otherwise that any land the area whereof exceeds twelve and a half acres or such higher limit as may be prescribed for any district included in the holding of a bhumidhar has not been used for three consecutive years immediately preceding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, he may, unless a declaration under Section 143 has been obtained in respect thereto, require the bhumidhar thereof to show cause why the land be not let out for purposes of agriculture to any person. (2) The notice under sub-section (1) shall state the grounds for believing that the land has not been used as referred to above, the period for which it is proposed to let it out to an asami and such particulars as may, in his opinion be necessary for the information of the bhumidhar concerned. (3) If the bhumidhar appears and satisfies the Collector- (a) that the land was used for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming within the period mentioned in sub-section (1); (b) that he had sufficient cause for not so using it; or (c) that he shall, within six months next following the date of service of the notice mentioned in sub-section (1), use the land for a purpose connected with

agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming or obtain a declaration under Section 143; he shall in cases mentioned in clauses (a) and (b) discharge the notice forthwith and in case of (c) postpone the order to a date or six months after the date of service of such notice. (4) On the date fixed under sub-section (3) or any other date on which the case may be taken up the Collector shall if the land has been used for a purpose as aforesaid, discharge the notice, or unless for reasons to be recorded he allows further time, let out the land to an asami in the manner and upon terms to be prescribed and all the provisions of this Act relating to an asami belonging to the class mentioned in clause (b) of Section 133 shall apply to such asami as if he had been admitted to the land by the bhumidhar personally. (5) If the bhumidhar does not appear in reply to the notice under sub-section (1) of Section 187-A and the Collector is, after further enquiries as he may consider necessary, satisfied that the bhumidhar has failed to use the land as aforesaid during the period referred to in subsection (1) of Section 187-A, he shall, unless he decides to discharge the notice, let out the land to an asami in the manner and upon terms to be prescribed and all the provisions of U.P.Z.A. & L.R. Act, relating to an asami belonging to class mentioned in clause (b) of Section 133 of the U.P.Z.A. & L.R. Act, shall apply to such asami as if he had been admitted to the land by the bhumidhar personally. (6) (i) The Collector shall, at the time of passing an order under sub-section (5) of Section 187-A (mentioned in Para 5 above) record the rate of rent to be charged from the asami. (ii) The period of letting out to an asami shall be nine years. (iii) The rent fixed on the asami shall not, in case the tenure-holder is a bhumidhar, exceed double the amount of land revenue payable by the bhumidhar, and in case the tenure-holder is a sirdar exceed 133 per cent of land revenue payable by the sirdar. (iv) In letting out the land to the asami the Collector or the Bhumi Prabandhak Samiti may provide for the increase of rent at fixed intervals depending upon the nature of the land so however, as never to go beyond the maximum limit prescribed by sub-rule (3) of Rules 171-A, U.P.Z.A. & L.R. Rules. [See Rule 171-A (4), U.P.Z.A. & L.R. Rules]. (7) It shall be lawful for the Collector instead of himself letting out the land to direct the Bhumi Prabandhak Samiti to do so. (8) The Collector shall, subject to the provisions of sub-rule (2) direct the Bhumi Prabandhak Samiti to let out the land which shall in letting out the land to an asami under Section 187-A, act in accordance with the provisions of Section 198 and the rules made thereunder. [See Rule 171-B (1), U.P.Z.A. & L.R. Rules]. (9) Where the Collector is of the opinion that the land is not fit for cultivation without proper development and investment of capital which cannot be provided by a landless agricultural labourer or other person to whom the land may be let out in accordance with the provisions of Section 198, U.P.Z.A. & L.R. Act, 1950, he may himself let it out to a suitable person capable of making the necessary investment. [See Rule 171-B (2), U.P.Z.A. & L.R. Rules].

## **87. Delivery of possession on vacant land [Section 194 and Rule 172].**

- If the right of a land holder is ceased to operate in a holding or grove, it shall become vacant land and the Bhumi Prabandhak Samiti will be entitled to take possession of the land, where the land holder does not deliver possession, the Bhumi Prabandhak Samiti may apply to the Court of Sub-Divisional Officer that the holding should be declared as vacant land. Sub-Divisional Officer shall on being satisfied after the enquiry, declare the land vacant and deliver the possession to the Bhumi Prabandhak Samiti. Note - Sub-rule (1) of Rule 172 has been substituted by Notification No, 1583 (A)/I-A-610-60, dated 20th November, 1961 and is to be read as under: "Rule 172 (1) - An application under Section 194 for declaration of the extinction of tenure-holder's rights shall be filed

in the Court of the Assistant Collector-in-charge of the sub-division by the Bhumi Prabandhak Samiti in whose local jurisdiction the extinction has occurred. Where on the application of the Bhumi Prabandhak Samiti or on facts coming to his notice otherwise, the Assistant Collector is satisfied that there is prima facie case for declaration of the extinction of the tenure-holder's rights under Section 194, he shall issue a proclamation in Z.A Form 57 and where the tenure-holder is alive, a copy of the proclamation shall be served on him in person asking him to show cause why the declaration in question should not be granted."

### **88. Bhumi Prabandhak Samiti to take over land after extinction of interest therein [Section 194, U.P.Z.A. & L.R. Act].**

- The Bhumi Prabandhak Samiti shall be entitled to take possession of land comprised in a holding or part thereof, if-(a)the land was held by a bhumidhar, and his interest in such land is extinguished under Clause (a) or Clause (aa) of Section 189 or Clause (a), Clause (b), Clause (c), Clause (cc) or Clause (e) of Section 190 ;(b)holding land by Sirdar and abandoned under Section 186. [Omitted by U.P. Act No. 8 of 1977];(c)the land being land falling in any of the classes mentioned in Section 132, was held by an asami and asami has been ejected or his interest therein have been otherwise extinguished under the provisions of Z.A. Act.

### **89. Suit against declaration of rights on land [Section 229, U.P.Z.A. & L.R. Act].**

- The Gram Sabha may institute a suit against any person claiming to be entitled to any right in any land for the declaration of the right of such person in such land and the Court in its discretion may make a declaration of the right of such person. Note - The original text of Section 229 of U.P.Z.A. & L.R. Act, 1950 is given hereunder : "Notwithstanding anything to the contrary in Section 42 of the Specific Relief Act, the Gram Sabha may institute a suit against any person claiming to be entitled to any right in any land for the declaration of the right of such person in such land, and the Court in its discretion may make a declaration of the right of such person and the Gram Sabha need not in such suit ask for any further relief: Provided that no Court shall make any such declaration where the Gram Sabha being able to seek further relief than a mere declaration of title omits to do so." Restriction on Felling of Trees of Groves and Other Trees

### **90. Restriction to fell or remove trees.**

- Save as provided under Section 4 of the [U. P. Protection of Trees in Rural and Hill Areas Act, 1976 (Act No. 45 of 1976)] [See now the U.P. Protection of Trees Act, 1976, substituted by U.P. Act No. 28 of 1998 (w.e.f. 1-12-1998) and U.P. Village Forests joint Management Rules, 2002 (w.e.f. 28-12-2002).], no person shall, unless he-(a)fell any tree standing on any land, whether in any holding or not,(b)cut, remove or otherwise dispose of any tree other than a tree which is completely dead and has fallen without the aid of human agency on any such land and will not dispose of by other means [See Section 4 of U.P. Protection of Trees Act, 1976]. Such permission is not required in the following cases :(1)when the felling of any tree is done with a view to appropriating the wood or

leaves thereof for bona fide use for purposes of fuel, fodder, agricultural implements or other domestic use; and(2)when the felling of a tree is done to remove any obstruction or nuisance or to prevent any danger.

### **91. Competent authority to grant permission.**

- Competent authority to grant permission to fell or cut trees has been referred in Appendix "B" of this book.

### **92. Penalty for violation of Para 90.**

- If any person violates any of the provisions of aforesaid Para 90, he shall be punished with imprisonment, which may extend to six months or fine, which may extend to one thousand rupees or with both. [See Section 10 of U P. Protection of Trees Act, 1976].

### **93. Liability to plant trees.**

- Every person, to whom permission has been granted under [U.P. Protection of Trees in Rural and Hill Areas Act, 1976] [See now the U.P. Protection of Trees Act, 1976, Substituted by U.P. Act No. 28 of 1998 (w.e.f. 1-12-1998).] to fell, cut, remove or dispose of any tree, shall be bound to plant and tend two trees in place of every tree in the area, from where such tree has been felled, cut, removed or disposed of by him under such permission unless he has been exempted from this liability under Section 7 of the U.P. Protection of Trees Act 1976. In case of default of such person, the Divisional Forest Officer may cause trees to be planted from such person and may realise the price in the prescribed manner by the person for the plantation of tree.

### **94. Report to be given for contravention of the provisions of the Acts.**

- It shall be the duty of every Forest Officer, Lekhpal, Panchayat Secretary, Police Constable, Assistant Horticulture Inspector or Assistant Soil Conservation Inspector or every Officer superior to them-(a)to give immediate information coming to his knowledge of any contravention of para 90 and of preparation to commit such contravention to the competent authority, and(b)to take all reasonable measures in his power to prevent such contravention, which he may know or have reason to believe that it is about or likely to be committed. [See Section 16 of U.P. Protection of Trees Act, 1976]:Duty of Bhumi Prabandhak Samiti with Regard to Land Records

### **95. Correctness of entry on tenure-holder's death [Para 51-A of Land Records Manual].**

- Chairman of Bhumi Prabandhak Samiti or in his absence any member thereof, who has been duly authorised by its resolution, shall sign or affix his thumb-impression on the diary of the Lekhpal in token of the correctness of the entry relating to a tenure-holder's death and the name of his successor, if any, under Para 51-A of the Land Records Manual. [See Nazim Husain's U.P. Land

Record Manual (Part 1 to 11)].

**96. Chairman to ensure that tenant shall available at the time of inspection of Supervisor Kanungo for checking of partial [Para A-81 of the Land Records Manual].**

- When the Chairman of Bhumi Prabandhak Samiti be informed by Lekhpal about the date of the visit of the Supervisor Kanungo to the village for checking partial, he shall ensure that he and tenants remain available when the Supervisor Kanungo goes in field for partial. He shall also record the certificate of this effect on the copy of the notice that wide publicity of the programme of the Supervisor Kanungo has been done among tenant to the village. Similar action be taken when Supervisor Kanungo due to unavoidable reasons is compelled to revise his programme of visit to the village. [See Nazim Husain's U.P. Land Record Manual (Part 1 to 11)].

**97. Chairman to ask for any information from the Lekhpal [Para A-36, Land Records Manual].**

- Chairman or Bhumi Prabandhak Samiti may ask for any information with regard to the entries in land records from the Lekhpal. [See Nazim Husain s U.P. Land Record Manual (Part 1 to 11)].

**98. Chairman to arrange for issue of extracts of records of Lekhpal [Para 26 (d), Land Records Manual].**

- If Lekhpal refuses or neglects to give the required extract, the person interested may apply to the Chairman of the Bhumi Prabandhak Samiti concerned, who will fix a date, usually not beyond 15 days from the date of application, for receiving the extract by the applicant and for paying the prescribed fee to the Lekhpal, and as soon as possible inform the Lekhpal about it. If the Lekhpal fails to hand over the extracts on the date fixed, the Chairman may, if there is good reason for the future, extend the date. In case of wilful neglect to issue the extract by the date fixed or by the extended date, the Chairman shall report the matter to the Tahsildar, who will arrange to cause the extract issued as early as practicable and at the same time report the case to the Assistant Collector-in-charge of the Sub-Division for taking suitable disciplinary action against the Lekhpal concerned. [See Nazim Husain's U.P. Land Record Manual (Part 1 to 11)].

**99. Chairman to render assistance to Collector in proper maintenance of land records.**

- The Bhumi Prabandhak Samiti shall exercise such supervision or render such assistance, as may be required by the Collector, from time to time, in proper maintenance of land records or in implementation of the land reforms measure in the circle.

## Chapter IV

### Litigation of Gram Sabha

#### Management of Litigations

#### **100. Conduct of cases [Section 4, U.P. Panchayat Raj Act, and Rule 115-C to 115-J of U.P. Panchayat Raj Rules].**

- Gram Sabha is a corporated body which has perpetual succession and is capable of holding and transferring property and entering into contract like any other person. It is capable to sue in its statutory name and suit can be filed against it. On its behalf the Bhumi Prabandhak Samiti and its Chairman has been charged with the conduct of all cases, affecting the interest of the Gram Sabha under the general control of the State Government and local control of the Collector and the Sub-Divisional Officer. Note - Rule 115-D and Para 70 of this Manual are meant for the procedure to preserve or protect from damage, misappropriation and wrongful occupation, etc. of property vested in Gram Sabha. In such cases the Collector shall call upon the person concerned through Notice in Z.A. Form 49-A to refrain from causing damage, etc.

#### **101. Gram Sabha's litigation.**

- The conduct of Gram Sabha's litigation shall not depend upon the individual discretion of the Chairman of the Bhumi Prabandhak Samiti but shall be a matter of resolution of the Bhumi Prabandhak Samiti as a whole. In urgent cases, however, the Chairman can take action on his own and seek ratification of the Bhumi Prabandhak Samiti afterwards by including in the agenda of the next ensuing meeting. [Vide G.O. No. 2240-AZ/ZA-1165-1954, dated 20th August, 1958].

#### **102. Suit against Bhumi Prabandhak Samiti [Rules 110-AAA, U.P.Z.A. & L.R. Rules].**

- In all cases, where a member or a Chairman of the Bhumi Prabandhak Samiti is a party in a suit or proceeding against the Bhumi Prabandhak Samiti, it shall, by a resolution to the effect, entrust a member other than the one or the Chairman, as the case may be, involved in the suit against it with the conduct of litigation. Panel Lawyer of Gram Sabha

#### **103. Gram Sabha's panel lawyer [Section 127-B and Rule 114, U.P.Z.A. & L.R. Act & Rules].**

(1) Appointment of two panel lawyers one revenue and the other civil at the district headquarter and a revenue agent, advocate or pleader at Tahsil headquarter has been made to represent the Gram Sabha and to do pairvi on its behalf. (2) The panel lawyer may appear, plead and act without any written authority on behalf of any Gram Sabha, the area for which he is appointed, before any court in any suit or other case, of which he has charge by or against Gram Sabha. (3) Panel lawyer in any

court shall be the agent of the Gram Sabha of the area of which he is appointed for the purpose of receiving processes against such Gram Sabha issued by such Court. [Vide G.O. No.

U-648/VII-B-1234-54-Para-1(2), dated 26th November, 1952].(4)In a case, which arises in two courts, both revenue and civil, the Revenue panel lawyer will do pairvi of the case in the Revenue Court and civil panel lawyer in the Civil Court. [Vide G.O. No. 8425/I-A-1165-1954, dated 31st July, 1956].

#### **104. Free opinion and legal advise by Panel lawyer.**

- A panel lawyer shall always give free opinion and legal advise to the Bhumi Prabandhak Samiti. The Chairman of the Samiti can directly consult him on the legal points, specially in all cases, in which Gram Sabha has been impleaded as defendant or in which it proposes to file a suit or application under the U. P. Zamindari Abolition and Land Reforms Act, 1901 or U. P. Land Revenue Act, 1901. [Vide G.O. No. U.O.-8486/VII-B-F-1234-52-Rajasva-(Ka), dated 26th November, 1952 read with sub-para (5) of Para 1 of G.O. No. C-5777/VII-B-F-1239-53, dated 30th March, 1954].

#### **105. Power to engage Panel lawyer.**

(1)Only the Collector or Sub-Divisional Officer are authorised to grant sanction to engage Panel Lawyers. In every case, the Bhumi Prabandhak Samiti shall obtain their sanction for engagement of such lawyers and shall not engage them directly.(2)The Bhumi Prabandhak Samiti cannot, except by the specific permission of the Collector, engage any lawyers other than Panel Lawyer.(3)Generally, Collector shall only in those cases, which can be of special intricacy or in which it can be apprehended that panel lawyer will collude with opposite party, grant permission to engage a lawyer other than the Panel Lawyer. [Vide sub-para (3) of Para 1 of G.O. No. C-5777/ VII-B-F-1239-53, dated 30th March, 1954].(4)Fresh sanction of the Collector or Sub-Divisional Officer is essential to engage a counsel in an appeal against Gram Sabha (either alone or along with the State as a party), if the lawyer is the same, who had been allowed to appear in original suit, from which said appeal has been arisen. [Vide G.O. No. 2550 (M),/ID-2020-50, dated 1st December, 1962].

#### **106. Panel lawyer to be engaged in criminal cases.**

- Panel lawyers cannot be engaged in criminal cases or cases under the Panchayat Raj Act. They can appear only in those cases, in which their engagement is approved by the Collector or Sub-Divisional Officer. They shall watch the interest of the State in those cases, in which the State is a party, unless otherwise directed by the Collector. Panel lawyers should be engaged on behalf of the Gram Sabha in criminal cases filed by or against the Gram Sabha. Panel lawyers (Criminal) should be paid his fees at the same rate, which has been prescribed for the similar cases of the State and the expense should be borne by the consolidated fund of Gram Sabha. [Vide G.O. No. 3193 (M)/ID-2004-D-62, dated 17th December, 1952 read with sub-para (3), (4) and (18) of Para 1 of G.O. No. C-5777/VII-B-F-1239-53, dated 30th March, 1954].

### **107. Duty of Panel lawyer.**

- It shall be the duty of the Panel Lawyer to bring in the knowledge of Collector or Sub-Divisional Officer all those cases, in which he is satisfied that the Chairman, Vice-Chairman, Secretary or any other member of the Bhumi Prabandhak Samiti has colluded or has been shown lukewarmness in his pairvi. To check such collusion or passiveness may be punished under the provisions of Section 126 and 127 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 and Section 95 (1) of the U. P. Panchayat Raj Act, 1947. Powers of the State Government under these sections have been conferred upon Collectors and Sub-Divisional Officers. [Vide sub-para 10 (b) of Para 1 of G.O. No. 5777/VII-B-F-1236-53, dated 30th March, 1954].

### **108. Consultation and advice with the Panel lawyer.**

- When the Chairman, Secretary or nominee of the Bhumi Prabandhak Samiti goes to the Panel Lawyers for consultation or advice, he should have obtained authority, on which seal of Tahsil has been affixed from Tahsildar or Naib-Tahsildar for the purposes of identification, so that he may know that he is the same person, to whom he himself shows to be. The best means of identification of the Chairman to see that whether he has with him the subsidiary account book of litigation expenses, every item of which has to be certified by the Panel Lawyer. [Vide sub-para 10 (a) of Para 1 of G.O. No. C-5777/VII-B-F-1239-53, dated 30th March, 1954].

### **109. Supervision of D.G.C. on Panel lawyer.**

- District Government Counsel will be incharge of all revenue and civil cases in each district, in which Gram Sabha is a party and will be available for consultation and advice, wherever necessary. Penal lawyer will work under absolute control under his supervision. [Vide sub-para (1) of Para 1 of G.O. No. 6486/VII-B-F-1234-52, dated 26th November, 1952].

### **110. To conduct appeal and revisions etc. by the Panel lawyer.**

- Under the provisions of sub-para (4) of Para 117 the appeals or revisions in the case of Gram Sabha before the Collector, the Civil Judge or the District Judge at the headquarter of a district or before the Additional Commissioner or the Commissioner at the headquarter of a division are conducted by the panel lawyers (civil and revenue) of the district, where these courts set in consultation with the District Government Counsel. All the revenue cases before the Board of Revenue and all the civil cases arising out of the U.P. Zamindari Abolition and Land Reforms Act and writs before the High Court, in which State of U. P. and Gram Sabha both are parties or Gram Sabha alone is a party, are to be conducted by the lawyers of Gram Sabha so appointed by the State Government in this regard. In districts, where no panel lawyer (civil) exists, District Government Council will conduct the civil appeals or revisions. All revenue cases before the Board of Revenue, in which State of Uttar Pradesh and Gram Sabha both are parties and Gram Sabha alone is party, has to be conducted by the lawyers of Gram Sabha. All the civil cases arising out of the U. P. Zamindari Abolition and Land Reforms Act, 1950 and writs before the High Court, in which State of U. P. and Gram Sabha both are parties



or Gram Sabha alone is party has to be conducted by the lawyers of the Gram Sabha so appointed by the State Government in this regard and in such cases, the Collector will have to obtain sanction of the Government in the Revenue Department. Generally, District Panel Lawyer will get fees as admissible, if Collector in particular cases does not certify that case is of intricate nature or for any other reason, he is entitled to get additional fees. Payment of the bills relating to the above cases and other miscellaneous expenses relating to that district shall be made from the Consolidate Gram Fund. [Vide G.O. No. C-831/VII-B-F-III-3-53, dated March, 1953, 2108/VII-F-E-1239/53, dated 24th August, 1959 and G.O. No. A-4477/VII-B-F-1239-53, dated 3rd March, 1960]. Permanent advance of Rs. 200 may be granted to the District Government Counsel (Revenue) from the Consolidated. Gram Fund for meeting day to day expenses. Counsel may spend money out of this advance and recompensate the money spent by submitting vouchers of expenditure. He will render the final account of the advance money to the Revenue Assistant in the office of the Collector or in the office of the Land Reforms Officer, as the case may be, at the month of financial year in the month of March by returning the unspent balance. At the beginning of the new financial year, the permanent advance of Rs. 200 may again be given to D.G.C. [Vide G.O. No. 92 (M) R-ID-2011-D-60, dated 8th March, 1961]. Defence of Suits

### **111. Instituting suit with consultation of Panel lawyer.**

(1) Gram Sabha will either be plaintiff instituting a suit or a defendant to contest a suit. The Chairman of Bhumi Prabandhak Samiti will have no right to institute any suit or proceedings, until he has consulted the panel lawyers and has obtained orders of the Collector or Sub-Divisional Officer. (2) Before instituting a suit, Bhumi Prabandhak Samiti shall report full facts to the Tahsildar alongwith a copy of the resolution of the Samiti for instituting the suit or proceeding. Tahsildar shall after making such enquiry, as may be necessary and after consulting with Panel Lawyers of Tahsil, submit his report to Sub-Divisional Officer alongwith the opinion of Penal Lawyers of Tahsil. If suit or proceeding has to be instituted before Court of Tahsil headquarter, the Sub-Divisional Officer will decide. If suit or proceeding has to be instituted before court of District headquarter, Sub-Divisional Officer shall present all papers before Collector for order. The Collector will decide as to whether suit or proceeding be instituted or not. In this connection, he may consult with the District Penal Lawyer or District Government Counsel. (3) Where the land of Gram Sabha has been allotted to the persons belonging to the Scheduled Castes or Scheduled Tribes according to the rules framed by the S.D.O. and Bhumi Prabandhak Samiti, pairvi shall be done in suits instituted by the influential persons or/and in suits instituted against Gram Sabha in respect thereof because there is interest invested on such land of the Gram Sabha and the State Government. [Vide D.O. No. 5310/Ra-12-561-74, dated 2nd July, 1974 of the Commissioner and Secretary (Revenue)].

### **112. Duties of the Bhumi Prabandhak Samiti on being defendant.**

- In cases, in which Bhumi Prabandhak Samiti is defendant, it will receive copy of plaint and summon. After that Chairman or any member duly authorised shall contact immediately the Tahsil or District Panel Lawyer according to the pendency of the proceeding before Tahsil or District Court with particulars of the cases and latest extracts of khasra and khatauni pertaining to the land in question. The Panel lawyer shall, after obtaining any fresh clarification from the Chairman or

Member duly authorised, submit the papers along with his opinion to the Sub-Divisional Officer through the Tahsildar, if the suit or proceeding lies in a Court of Tahsildar or through the Sub-Divisional Officer to the Collector, if the suit or proceeding lies before District Court. In the former case, the Sub-Divisional Officer shall decide as to whether case is to be contested or not, while in the latter case, the Collector has to decide in this connection. The Collector shall decide as to whether suit or proceeding may be instituted or not. If he thinks it proper, he can consult with the Panel Lawyers or District Government Counsel.

### **113. Decision of contesting the litigation.**

- If Sub-Divisional officer or Collector has decided that suit should be contested, written statement will be filed accordingly by the Tehsil Panel Lawyers. Chairman or any duly authorised agent of the Bhumi Prabandhak Samiti shall sign the written statement. In all cases, in which State is a party, written statement will be filed under the signature of the Collector separately, whether the suit is pending in the district headquarter or Tahsil headquarter.

### **114. Ex parte decided cases.**

- It is possible that some cases may be decided ex parte against the Gram Sabha. Generally, such knowledge will be obtained when the successful plaintiff will apply for the execution of the order of Court or for correction of the land records. In both cases, Lekhpal will have the knowledge of ex parte order and it will be his duty as Secretary of the Bhumi Prabandhak Samiti to inform the Sub-Divisional Officer and the Collector about the ex parte orders. The Sub-Divisional Officer or the Collector both will take necessary action for getting the ex parte orders set aside, if the interest of the Gram Sabha or State Government have been materially affected thereby. In all such cases, the Sub-Divisional Officer or Collector will determine as to how the default has been committed in case or suit and if necessary, take action against the Chairman or Member of the Bhumi Prabandhak Samiti. [Vide sub-para 10 (b) of Para 1 of G.O. No. 5777/VII-B-F-1239-53, dated 30th March, 1954].

### **115. Notice under Section 80, Civil Procedure Code.**

(1) A large number of notices under Section 80, C.P.C. are received in the cases of Gram Sabha, in which the State is party. After consulting the Panel lawyers or District Government Counsel, the Collector has to decide as to whether case, when filed, should be contested or not. The communication of the decision shall be given to the concerned Gram Sabha through the concerned Tahsildar as to which cases are to be contested by which it can be known that as to on which cases the Chairman has to contest. For this purpose, the Revenue Assistant will prepare a separate list of cases, which are to be contested and of those cases, which are not to be contested, every month Tahsilwise by the 3rd of the following month and this shall be sent to the Tahsildar concerned by the 5th day of the month. After that concerned Tahsildar shall send information to the Chairman of the Bhumi Prabandhak Samiti, so that on receiving summon and notice for instituting the case one should not have to rush to Penal lawyer of Tehsil or district headquarters unnecessarily. (2) At the district headquarter, Revenue Assistant with the assistance of office of District Land Reforms Officer shall maintain Misilband Register prescribed for Revenue Courts in respect of cases of Gram Sabha,

who shall be the incharge of the related cases of Gram Sabha, but for this purpose he should have to seek the help from the office of District Land Reforms Officer. In the column purported for recording in brief the final orders, reference of the order of Collector for contesting the case or otherwise should be noted. On instituting the suit, a note should be recorded in the Remarks Column to that effect against the entry of notice obtained for instituting the suit together with number and date of the suit. At the time of making entry the serial number and date of the case should be described, file of the notice, on which final orders have been passed, may be kept till the expiration of the limitation period, so that they may be easily available on filing of the suit. On instituting the suit, just after the case is submitted the file of uncontesting case shall be sent after obtaining the final order of the Collector, and the file of contesting cases, as far as may be, shall be sent to defend the case to D.G.C. (i.e. Civil or Revenue) or Panel lawyer (Civil or Revenue). At the District headquarter, the Misilband Registers should be maintained in two parts. Each Register should be divided in three parts - in Part one matters relating to notice should be entered and in other part the matter relating to cases should be entered. That part, in which revenue matter is to be entered, on coming forward it should be divided in three parts (first) relating to U. P. Zamindari Abolition and Land Reforms Act, another for the cases relating to U. P. Land Revenue Act, and the third for the cases relating to U. P. Zamindari Abolition and Land Reforms Rules. Sufficient pages, i.e., three-fourth pages of Registers should be left to enter notices because their numbers are large in comparison with the suits filed. In the Remarks Column the cross entry should be done for the document of notice. After the case being decided, District Government Counsel or Panel lawyers shall return the following informations to the Revenue Assistant together with the file-(1)a brief note on the result of the suit,(2)the date, on which the date of filing appeal expires, and(3)advance amount drawn by D.G.C. or Penal lawyer, if any, date and related vouchers and the fees-bill with full accounts of expenses. [Vide G.O. No. 2725 (M)/ID, dated 6th August, 1960].

## **116. Filing of appeals etc.**

(1)(A)Where a suit or proceedings has been decided against the Gram Sabha or State Government, the Collector, after consulting District Government Counsel, Revenue or Civil, as the case may be, shall himself decide about filing of first appeal in revenue and civil cases because period of limitation is only 30 days. Collector shall decide to file second revenue appeals also. He himself will also decide as to whether first or second revenue appeals filed against Gram Sabha have to be opposed or not. When in any case second civil appeal is to be filed, Collector will obtain the order of Legal Remembrancer of the Government. When the second civil appeal or revision is filed against the decision of lower Court in favour of Gram Sabha, Collector will obtain the order of the Head of Department to oppose such appeal or revision. When it is decided that whether appeals, revisions or writ petitions in the High Court or Supreme Court are to be opposed or not, Collector will obtain the order of Government in the Revenue Department. Where the intricate questions of law is involved or where there is difference of opinion between the District Officer and District Government Council, matter may be referred to the Government in the Revenue Department. In all cases of reference to the Government, whether in the judicial department or in the revenue department, Collector, with the narration of facts and opinion of the Government Counsel, shall send a copy of order of the original or appellate Court or a copy of the writ application through the Commissioner of the division concerned, who in accordance with the directions contained in G. O. No.

X-81/VII-B/F-4000/21-1957, dated 24th January, 1957, will take action in the case as the Head of the Department. [Vide G.O. No. U.O.-400/ID-68, dated 21st January, 1969 read with G.O. No. C-11924/VII-B/F-239-56, dated 29th December, 1956].(B)According to the amendment in the Rules of the Court, 1952 [See Allahabad High Court Rules], Volume 1, Chapter 9, Rule 22, Gram Sabha counsels appointed at the Allahabad High Court and its bench Lucknow, instead of Chief Standing Counsel, the Advocates of Gram Sabha appointed by Allahabad and Lucknow High Courts will receive notices or copies of writ petitions and appeals filed relating to Gram Sabha or Bhumi Prabandhak Samiti, and the concerned District Officer will send copies of writ petitions or appeals to the D.G.C. who shall send those writs, etc. within 14 days of receipt thereof, particulars of the case to the Government in Revenue Section 7 Anubhag along with the opinion of Government Counsel and his specific recommendations. He will, on obtaining the orders of the Government, send well acquainted person with the facts of the case along with relevant records and requisite money for miscellaneous expenses to the Gram Sabha counsel at the High Court for filing of counter-affidavit. [Vide Government's Circular No. 88/10/73 (402)-Rajaswa-7, dated 4th December, 1973 and U.O. No. 400/I-D-68, dated 21st January, 1969].In must be taken in account that in every writ petition, special appeal or special leave to appeal to the Supreme Court, the orders of the State Government for opposing or not opposing it or for filing or not filing have to be obtained after sending all relevant materials to them. [Vide G.O. No. 66/G-5-426-1967, dated 12th June, 1957]:Provided that it shall not be necessary for the Standing Counsel to oppose on behalf of the State Government the writ petitions, in which State Government and Gram Sabha are as defendants, until in special circumstances orders are give otherwise. Generally counsel appointed for doing pairvi in the suits of Gram Sabha will proceed for opposing the writ petitions. In the cases of Gram Sabha, in which Government counsel and District Officer recommended that it is necessary to oppose on behalf of the State Government, the Revenue Section 7 will request to the judicial department to issue order to the Standing Counsel to oppose on behalf of the State Government. [Vide G.O. No. U.O.-3172-W/VIII-B-96-123-76-Rajaswa-7, dated 24th June, 1976].(2)Tahsil or District Panel Lawyer conducting the original suit will also conduct the appeal within the district and District Government Counsel (Civil) will supervise the work of panel lawyer as before.(3)Collector will take steps for realisation of the costs etc. in the case, in which Gram Sabha or State Government both are parties.

### **117. When suit instituted against Gram Sabha the State Government shall be made a party [Rule 110-B, U.P.Z.A. & L.R. Rules].**

(1)The State Government shall be made a party in the following classes of suit instituted against the Gram Sabha or the local authority:(a)suits under Sections 59 to 61 and 183 of the U. P. Tenancy Act, 1939 in which cause of action accrued before the date of vesting.(b)suit for the declaration of the rights and/or of recovery of possession by a bhumidhar or sirdar.(c)suits by persons claiming the land or any of the things vested in a Gram Sabha or a local authority under Section 117 of U.P.Z.A. & L.R. Act, 1950.(d)suits, the decision in which is likely to affect the land revenue payable to the State Government.In all such cases, copies of the plaint and summons will continue to be received by the Collector/State Government and in such cases form of defence by the Bhumi Prabandhak Samiti will depend on or controlled by the directions issued by the Collector.(2)The Collector will appoint from amongst his subordinate experienced officers a special officer, who will be accountable for

appropriate pairvi of all such cases, in which State Government is party. In civil cases contest on behalf of the State Government will be made only when District Government Counsel (Civil) and Special Officer both are agreed in opinion to oppose and papers should not be sent to the Legal Remembrance, if question of law is not involved in it, in which his opinion is essential or some relevant fact is available to the Government. If District Government Counsel (Civil) and Special Officer, both, are of the opinion that no contest be made of any civil cases, it should not be opposed. In the cases, in which District Government Counsel (civil) and Special Officer are not agreed in opinion, District Officer will refer them to the Legal Remembrancer, if he disagrees with the opinion of District Government Counsel. If the opinion of the District Government Counsel or Panel Lawyer (Civil) is given generally with a view to inflate the number of bills, there may have an adverse effect on the probability of extension of his term on its expiry.(3)In revenue suits filed under the provisions of U. P. Zamindari Abolition and Land Reforms Act, 1950 and Rules made thereunder, in which State Government is a party, decision will be taken on the grounds mentioned in above sub-para (2), whether the suit is contested or not. In cases, in which District Government Counsel (Revenue) and Special Officer agreed upon, they will follow action accordingly. In cases, in which D.G.C. (Revenue) and Special Officer differ in opinion, District Officer will refer the matter to the Government in Revenue Department, if his opinion is different from that of Government Counsel (Revenue).(4)In cases, in which State is also party and whether the cases are of civil nature or revenue nature, Collector will decide whether District Government Counsel or Gram Sabha Panel Lawyer should appear on both sides according to the importance of the case. But both the counsels should be engaged. At first Collector should consult Panel Lawyers of concerned Gram Sabha and if case is of extra-ordinate importance, he should consult District Government Counsel. If this is of special importance, District Government Counsel should appear himself in both the Courts on behalf of the State and Gram Sabha and in the remaining cases Gram Sabha Panel Lawyer must oppose on behalf the State. In appellate revenue courts and civil courts, the Board of Revenue and High Court only one counsel should be engaged on behalf of the State and Gram Sabha both and in no case two counsels must be engaged.

## **118. Action against criminal cases.**

(1)In criminal cases, Chairman, Vice-Chairman and Secretary of the Bhumi Prabandhak Samiti or duly authorised agent may file report in police station and police will take necessary action in cognizable offence. [Vide G.O. No. 24-G/5-629-69, dated 8th November, 1969].(2)Special attention should be given in those cases, in which trespasser has re-entered on the land and other property vested in the Gram Sabha and the report should be filed specially under Section 447 of the I.P.C. for rigorous actions. In the special cases, criminal proceedings under Section 447 of Indian Penal Code, 1860, can be resorted in accordance with the provisions of Criminal Laws (Amendment) Act, 1961. In such cases, after service of notice on the trespasser for vacating land within the specified time for the first trespass on the Land of Gram Sabha, criminal proceeding can be initiated. In all cases, when the crime has been established under Section 456 of the Criminal Procedure Code, 1973 application should be presented to take possession [Vide G. O. No. 287-R/1-A-2040-56, dated 26 July, 1956 and B.O. No. 2465-629-69, dated 8th November, 1969].Plaint, Written Statement, Application and Agreement

## 119.

(1) Procedure to take part in litigation.- In such cases, in which the Bhumi Prabandhak Samiti takes part in litigation, Chairman will sign on plaint and written statement on its behalf and will make necessary arrangement for its successful prosecution. [Vide Sub-paras (7) and (9) of Para 1 of G.O. No. 5777/VII-B/F-1239-53, dated 30th March, 1954-See Section 128 (2) (h) and Rule 110-A, U.P.Z.A. & L.R. Act and Rules]. (2) Member authorised to take part in litigation. - In absence of Chairman any member of the Samiti, who is authorised by him in writing or in the absence of such authorisation, any member entitled by the Samiti under a resolution to this effect, shall be authorised to do this work. (3) Disciplinary action against the Chairman, if he refuses to work according to the directions of the Collector [Section 127, Rule 115-K, U.P.Z.A. & L.R. Act & Rules]. - If in any case, the Bhumi Prabandhak Samiti refuses to institute suit or to defend suit, as advised by the Panel lawyer or directed by Collector or Sub-Divisional Officer, appropriate disciplinary action can be taken by the Sub-Divisional Officer under Section 95 (1) (g) of U. P. Panchayat Raj Act, 1947 against Chairman, Vice-Chairman and Member of the Bhumi Prabandhak Samiti or Bhumi Prabandhak Samiti may be suspended and alternative arrangement may be made under Section 127, U.P. Zamindari Abolition and Land Reforms Act, 1950. In case of suspension of Samiti, person or authority appointed for discharge of functions of Bhumi Prabandhak Samiti will be authorised to sign on plaints, written statement and to take care of suits of the Gram Sabha.

## **120. Agreement or compromise or withdrawal from suit, etc. [Rule 110-A (2), U.P.Z.A. & L.R. Rules].**

- The Chairman of the Bhumi Prabandhak Samiti or the member so authorised by the Chairman or the Samiti shall not admit a claim or enter into a compromise or an agreement with the opposite-party in any suit or proceeding, or withdraw any suit or proceeding without obtaining prior permission of the Assistant Collector-in-charge of the Sub-Division or the Tehsildar, not being the presiding officer of the Court, in which the suit or proceeding is pending.

## **121. Competency of admitting a claim [Rule 110-A (2), U.P.Z.A. & L.R. Rules].**

- An application admitting a claim or incorporating a compromise or an agreement or for the withdrawal of the suit or proceedings shall be accompanied with the order, duly sealed with the seal of the office of the Assistant Collector-in-charge of the subdivision or the Tahsildar, as the case may be. Where the aforesaid application or a written statement compromising or admitting a claim in whole or in part or the application for the withdrawal of the suit or proceeding is not accompanied with an authentic order of the Assistant Collector-in-charge of the sub-division or the Tahsildar, as the case may be, permitting the compromise or admission of the claim or withdrawal of the suit or proceeding, the same shall be deemed to be without authority and shall not be taken notice of by the panel lawyer of the Court, who shall in such a case call for a fresh and duly authorised application or written statement within a period of thirty days, and intimation of this direction shall be given to the Assistant Collector-in-charge of the sub-division or the Tahsildar, as the case may be.

## 122. Requisite Court fees.

- Requisite court-fees shall be imposed on all plaints and applications of the Gram Sabha. Expenses of the Litigation

## 123. Procedure for expenses of litigation.

- The Panel Lawyer will submit his bills for fees and miscellaneous expenses only after the decision of the case and not before. The Collector will certify the bills and pay out of Consolidated Gram Fund. It is not necessary for the panel lawyers to obtain signature of the presiding officer in token of their presence in Courts because in civil and revenue case payment is not made datewise, as is done in criminal cases. Copy of the orders of the Sub-Divisional Officer or Collector sanctioning their deputation must be attached to every bill. However, for tacking pleader copy of orders recommended by Sub-Divisional Officer shall be annexed with the Bill. The bills of the District Government Counsel (Revenue), District Government. Counsel (Civil) and Panel Lawyers will be in the following form. [Vide G.O. No. 2108/VII-6-F-1239-1963, dated 24th August, 1959 and G.O. No. 190/8-67-Revenue-D, dated 24th November, 1967]. Payable from District Consolidated Gram Fund. Bill of fees claimed by the Special Counsel/Standing Counsel/District Government Counsel (Civil)/ District Government Counsel (Revenue)/Tahsil Panel Lawyer for conducting the Gram Sabha litigation of District.....

1. Date.....

2. Description of the case.....

3. Name of the Court .....

4. Result of the case.....

5. Valuation given in the plaint, application or in the memorandum of appeal.....

6. Amount of fee (in figure).....(in words)

Certified that this is the first bill for conducting the above case/and I have never claimed it nor have received payment therefor before. Where the fee has been awarded by the Court or not.....Signature of the CounselFull designation.....Address.....For Use of Office of the CollectorTo the Collector,.....This bill has been checked by me. Orders for contesting the case was given..... on..... and that of engaging for counsel on..... the claim has been awarded by the Court and that has been calculated correctly. Bill for..... Rupees..... Rupees (in words) may be passed. Sd/Revenue AssistantPayment be made for as..... (in words).....

only.Dated.....Signature of Collector or Officer-in-charge of Treasury.

## **124. Fees of Panel Lawyer tax free.**

- As laid down in Para 582, General Rules (Civil), 1957 and Para 204, Revenue Court Manual respectively it is not necessary for Gram Sabha Panel Lawyers to produce any certificate for levy of tax on his fees for causing it to be included in the decree or orders. [See P. Chakravarty's General Rules (Civil) and N.S. Chaudhary's U.P. Revenue Court Manual].

## **125. Fees of Panel Lawyers, etc.**

(1)The District Government Counsel or Panel lawyer will generally receive fees accordingly to scale laid down in Para 199 of Chapter VIII of the Revenue Court Manual, which will be subject to a minimum of Rs. 5.00 in contested cases only for Courts subordinate to Commissioners and Rs. 10.00 for Courts of the Commissioner or Board of Revenue. [See N.S. Chaudhary's U.P. Revenue Court Manual, page 53 and U.P. Zamindari Abolition and Land Reforms Rules, 1952, Rule 114(4) (e) [Substituted by Notification No. U.O.-44/one-1/99-3-1(37)/84-180-Revenue-2-U.P. Act-1/1951-Rule-1952-Amendment (16)/Revenue-1, dated 17th November, 1999 (w.e.f. 17-11-1999)].]Cases decided by one judgment shall be deemed to be one case for the purpose of calculating the minimum fee. In complex cases requiring more time and labour, in which prescribed fee is not sufficient, proposal for payment of additional fee will be considered by Collector and when necessary, case will be referred to the Government. [Vide G.O. No. 3285/VII-B-2009-D-59, dated 31st May, 1961 and G.O. No. 112/13(10)-Rajaswa-1-73 (1), dated 23rd November, 1973].(2)The maximum fee payable to the District Government Counsel in appeal in the Court of Additional Magistrate (Judicial) exercising the powers of the Commissioner is Rs. 62.50 per case. However, having regard the time consumed and nature of the questions raised, Collector has to decide finally as to what fee should be paid to the District Government Counsel (Revenue) in each case between Rs. 5.00 and the maximum, i.e. Rs. 62.50 prescribed above for the conduct of the cases of the Gram Sabha. Fees to the District Government Counsel for conducting certain revenue appeals transferred from the Court of Commissioner to the Court of Additional District Magistrate (Judicial) will be paid at the same rate admissible for the cases which is admissible under rules of the Revenue Court Manual. All the revenue cases in Revenue Court and civil cases in Civil Court, which have been arisen out of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and in which either the State of Uttar Pradesh is alone a party or State of Uttar Pradesh and Gram Sabha both are involved and the interest of the Gram Sabha is not involved, will be conducted respectively by District Government Counsel (Revenue) and District Government Counsel (Civil) and their fees and miscellaneous expense will be paid by State Fund. The fees of the Counsel will be debitable to Legal Remembrancer's budget under the appropriate head of account. Miscellaneous legal expenses will be borne by concerned administrative department. In all revenue and civil cases arising out of said Act, in which either Gram Sabha is alone party or Gram Sabha and U.P. State both are parties, but if in fact interest of only Gram Sabha is involved and interest of State is not involved, Court fees and miscellaneous expenses on litigation will be paid by concerned district consolidated fund.(3)The Counsels appointed by the State Government for conducting the cases of Gram Sabha coming before the High Court will be entitled to fees in all cases, i.e. writs, appeals, etc., conducted by them will be



paid at the rate of Rs. 160.00 per case plus Rs. 16.00 as fees of clerk, i.e., Rs. 176.00 in all types of cases. In addition to fees of Rs. 160 and Rs. 16 as a fees of cleak, no separe fees for applications, counter-affidavit, rejoineder etc. will be payable to him. Payment of his bill will be made by the District Officer from the consolidated fund to the village, to which the case relates.No separate fees for Appeal, counter affidavit, rejoinder, etc. in addition to Rs. 160 mentioned above and Rs. 16 for cleark fees shall not be payable. The payment of their bill shall be made from the consolidated Gram Fund by the Collector, to which case is related.Counsels of the Gram Sabha at the High Court have not been allowed any permanent advance because at the time of filing-counter affidavit in writs and other cases a sum of Rs. 50.00 is deposited with them for meeting miscellaneous expenses including the expenses required to be incurred on obtaining copies of judgments, if necessary. If in any case, more than amount of Rs. 50.00 is required by them, they can obtain that from that district, to whom that case relates. [Vide G.O. No. U.O. 6099/S.V., dated 16th September, 1963, G.O. No. 2396 (M)/I.D.-543-A-63, dated 17th November, 1966 and G.O. No. 88/4/73 (174)-Rajaswa-7, dated 19th January, 1974].(4)If the cases of Gram Sabha are before the Consolidation Court, which is situated in interior of the distance from the Tahsil or District headquarter, Panel lawyers appearing in Court situated at such distance will be paid travelling and daily allowance in accordance with the provisions of Paras 186 and 187 of the Legal Remembrancer Manual. However, it is notable that generally there is no need of assistance of Gram Sabha Panel Lawyer in proceedings before the Assistant Consolidation Officer and in those cases, in which Gram Sabha is proforma party and no interest thereof is involved in their result, appearance of panel lawyers will not be compulsory before the Consolidation Officer. If the cases are arranged so that in most of the cases, in which Panel Lawyer has to appear, should be fixed on one date or next consecutive date, thereafter, so that travelling and daily allowance can be saved, which is not essential. [Vide G.O. No. 257 (M)/ID-1488-D-60, dated 20th June, 1972].(5)In all such cases travelling and daily allowance will be paid to the District Government Counsel (Revenue) and Panel lawyer, in which they have to go out for spot inspection for conducting the cases of Gram Sabha according to Para 7.47 and 7.48 of the Legal Remembrancer Manual. [Vide G.O. No. 159 (M)/I.D.-2020-D-60, dated 31st March, 1964].

## **126. Fees of clerks Panel Lawyers.**

- The clerks of District Government Counsels and Panel Lawyers will be paid at the rate of Rs. one per case or suit. Panel lawyer will include in his bill the fee of clerks at the rate of Rs. one per case and give certificate that he is entitled for the said fee and this fee will be paid in the form of writing expense from the Gaon Fund. More fees to the clerks will be paid only in those cases, when the same has been included in the decree passed by the Court, but same is not payable in other cases. If in any case typing work be get in excess, actual expenses incurred on the typing work can be paid. Though permission for this will be given in very few exceptional cases, when typing material is more than 6 pages. [Vide B.O. No. 2401/G-5-621-80, dated March, 1963 and G.O. No. 430 (M)/ID-2020-D-60, dated 25th April, 1962].

## **127. Expenditure of paper used by Panel Lawyers.**

- Expenditure in supply of plain paper and other necessary stationary to the Panel Lawyers for the cases of Gram Sabha can be given from the Gaon Fund. [Vide G.O. No. 2240-A.Z/IA-1165-1954, dated 20th August, 1958].

## **128. Mode of incurring expense in pairvi of litigation by the Chairman.**

(1) Permanent advance of Rs. 50 has already been admissible to the Chairman of the Bhumi Prabandhak Samiti for emergent expenses in litigation and management of other things. This permanent advance will be obtained out of Gram Fund and shall be recouped from time to time on presentation of payment vouchers on litigation expenses. Money out of pocket expenses shall be paid to the persons, who appear in the Court on behalf of the Gram Sabha, out of permanent advance. He shall reimburse expenses upto the actual limit on travelling allowance and 75 paise per day as daily allowance. Full details of this expenses will be shown by the Chairman in expense register of Gram Sabha maintained in B.P.S. Form 6, whenever payment is made to any person. Whenever payment is made to any person Chairman should, on obtaining receipt thereof, kept it in the record. Receipts should be given to the Panel Lawyers for the money obtained for the litigation.

## **129. Appointment of pairvi clerk.**

- Collector of the district can appoint a pairvi clerk in the district to assist the panel lawyers and the Chairman of Bhumi Prabandhak Samiti for doing pairvi in different courts situated at the headquarters of the district, if the number of cases of the Gram Sabha is more than 800. While sanctioning for extending the terms of the appointment of pairvi clerk number of pending cases of Gram Sabha every year will be kept in view. Proposal of recommendation of Pairvi Clerk shall be sent to the Commissioner of the Division through Collector. For enhancement of number of Pairvi Clerk each year the recommendation of Board shall also be essential. At the time of acceptance of renewal of posts for forthcoming year it will be considered to the recommendation of the Collector and Commissioner with regard to cases of Gram Sabha. [Vide G.O. No. 561 (M)-R/ID-2808-ID-59, dated 13th September, 1960]. Service Conditions of the Pairvi Clerk. - Service conditions of the pairvi clerk will be the following : (1) There will be compact pay of Rs. 125 for the post and no dearness allowance, etc. shall be made separately. (2) Post will be temporary, which will be liable to be terminated on the notice of one month by the Collector. (3) Collector will appoint pairvi clerk in consultation with District Government Counsel (Revenue). He will exercise all the powers of appointing authority in which there should be in specific cases also for censor or rights of fine for misconduct or negligence. (4) A candidate for the post should have atleast five years experience of litigation and case work. (5) There is no prescribed qualification for this post but preference will be given to those candidates who have passed High School Examination or higher examination thereto. (6) The aforesaid clerk will be the whole time servant of the Gram Sabha in the district. Besides assisting District Government Counsel (Revenue) and (Civil) and, other Panel lawyers alongwith Chairman of Bhumi Prabandhak Samiti shall keep close contact with Revenue Assistants and case clerk for performing the work pertaining to cases of Gram Sabhas. (7) He will render also general assistance to the office of the District Land Reforms Officer in maintenance of the personal

ledger account of the Consolidated Gram Fund but he will not be allowed to handle money transaction. [Vide G.O. No. 88/5/73 (177)-Rajaswa-7, dated 15th September, 1973].

### **130. Expenditure to be met from the Consolidated Gram Fund.**

(1) Following expenditure in relation to Gram Sabha litigation can be made from Consolidated Gram Fund : (A) Payment of fees and allowances of the Panel lawyers appointed under Section 127-B, U.P.Z.A. & L.R. Act, 1959. (B) Payment of expenditure in relation with the conduct and prosecution of suits, application or other proceedings by or against the Gram Sabha or Bhumi Prabandhak Samiti filed under U. P. Zamindari Abolition and Land Reforms Act, 1950. (C) If fund available in the Consolidated Gram Fund is not sufficient for payment of fees to lawyer and other expenditure in relation to litigation of Gram Sabha, the deficiency may be re-imbursed by withdrawing amount from concerned Gram Sabha Fund and for this purpose Tahsildar will be authorised to make payment from Consolidated Fund of the Gram Sabha, to which the expenditure relates. Care will be taken to ensure that said amount will be withdrawn only in absolute necessary condition and the same amount is not withdrawn twice. [Vide B.O. No. 99/G-5-604-60, dated 7th December, 1961]. (D) If in any case expenses on behalf of the State of U.P. and Gram Sabha both is made from the Consolidated Gram Fund of the District, amount of decree passed in favour of State by the Court will be deposited in that fund with the amount of decree passed in favour of the Gram Sabha. If in any such case expenditure has been borne by Government, amount of decree passed in favour of the State will be deposited in the revenue of State. [Vide G.O. No. 10/G-5-426-57, dated 11th February, 1960]. (E) While issuing instructions to District Government Counsel (Revenue) of a district, where an appellate Court is situated, for pairvi of any appeal or revision of Gram Sabha cases of his own district, District Officer should send simultaneously possible miscellaneous expenditure from the Consolidated Gram Fund. The District Government Counsel will maintain districtwise expenses incurred separately and present vouchers of expenses regularly to concerned District Officer. [Vide B. O. No. 86/G-5-621-60, dated 2nd November, 1970]. (2) Consolidated Gram Fund may be utilized by the Collector accordingly to his discretion for the following : (A) the payment of travelling allowance and daily allowance to the Chairman or members of the Bhumi Prabandhak Samiti authorised by a resolution of the Samiti to conduct suits and proceedings, where the Bhumi Prabandhak Samiti has not got sufficient income to meet the same. [See Rule 112-B, U.P.Z.A. & L.R. Rules]. (B) the payment of expenditure incurred on the engagement of a clerk, if any, is appointed by the Collector with the previous approval of the Board of Revenue, U.P., to assist the panel lawyers and Chairman in doing pairvi in the various courts at the headquarters of the district. [See Rule 112-B, U.P.Z.A. & L.R. Rules]. (C) Collector may make payment of expenditure on printing of form in connection with proceedings pertaining to the cases of ejectment under Section 122-B, U.P.Z.A. & L.R. Act, 1950 from Consolidated Gram Fund: Provided that the expenditure shall not be exceeded from the limit exceeding Rs. 2,000. [Vide G.O. No. 8891/75 Rajaswa-12 (2727/75), dated 10th October, 1975].

### **131. Expenditure allowed by Court to be deposited.**

- The expenditure allowed by a Court allowing stay or restoration application in revenue cases in favour of State or Gram Sabha will be deposited in State or Gram Sabha's account and permission

will not be given to the District Government Counsel (Revenue) to utilize the same for his personal utilization. [Vide G.O. No. 25-3-66-Revenue-D, dated 5th December, 1966].

### 132. Procedure of documents in the case of being defendant.

- In such cases, in which Gram Sabha or Bhumi Prabandhak Samiti is a party, Panel Lawyers will adopt the same procedure for inspection and obtaining copies of papers and summoning the records, as the District Government Counsel adopted in Government cases. Immediately after the case being decided, copies of the documents obtained on behalf of the Gram Sabha by Panel Lawyer will be entrusted to the Chairman of the Bhumi Prabandhak Samiti along with copies of judgments received by them. The Revenue Assistant or Tahsildar clerk incharge of litigation will obtain necessarily these documents and shall be sent them to the Chairman of the Bhumi Prabandhak Samiti through S.D.O. or Tahsildar for safe custody. Copies of the judgments obtained by Secretary of the Bhumi Prabandhak Samiti (i.e. lekhpal) will be kept in a Guard File subsidiary to the register of litigation cases. [Vide sub-para (6) of Para 1 of G.O. No. 5777/VII-B-F-1239-53, dated 30th March 2954].

### 133. Suits, cross-suits or notice to be kept.

- Civil Panel Lawyer or where there is no Panel Lawyer, District Government Counsel (Civil) and Tahsil Panel Lawyer will send a bimonthly progress report in respect of the litigation work done by each of them in the following form to the Collector through Sub-Divisional Officer-

Description	Previous balance	Received during the two months	Total for the disposal	Disposal	Balance at the end of two months	Remarks
1	2	3	4	5	6	7
1.	Notices under Section 80, C.P.C.					
2.	Suit against the Bhumi Prabandhak Samiti					
3.	Suit by the Bhumi Prabandhak Samiti					
4.	Appeals by the Bhumi Prabandhak Samiti					
5.	Appeals against Bhumi Prabandhak Samiti					

This report will be accompanied by a descriptive report too, in which nature of the cases instituted or opposed each provision of the law will be shown and results generally obtained along with the

comments of the lawyers concerned for generally improving the manner and method of conducting litigation of Gram Sabha will be mentioned.

### 134. Register of Cases.

- Every Secretary of the Bhumi Prabandhak Samiti shall maintain register in following form for every Gram Sabha, which will be in three parts. First part will be for the cases under U. P. Zamindari Abolition and Land Reforms Act, 1950 with civil cases. Second part for the cases under U. P. Land Revenue Act, 1901 and the third will be for the cases under U.P. Zamindari Abolition and Land Reforms Rules, 1952. Columns 4 and 8 will be made enough long so that detailed result and description may be written.

Serial Number/ Case number	Name of the village	Names of the Parties	Description of the case	Area involved in the case, its Khasra Number and land revenue	Date of instituting case	Date of judgment	Result of the case	Special description
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Note. - In this column collusion or ex parte order will be mentioned. [Vide Government's Letter No. 2240-A-Z/1-A-1165-1954, dated 20th August, 1958].

### 135. Collector to call meeting in connection with litigations.

- Collector and Sub-Divisional Officer must hold a meeting about the litigation of Gram Sabha once in a months at the district and Tahsil headquarter. In the meeting at Tahsil headquarter, Tahsildar or Naib-Tahsildar and Panel Lawyer mentioned in Rule 114 (1) of U. P. Zamindari Abolition and Land Reforms Rules, who have been appointed for the Courts situated at Tahsil headquarter, and clerk incharge of litigation (Registrar Kanungo or correspondence clerk) must appear. Meeting of the district headquarter can be held in the bungalow of the District Magistrate and the special officer, Panel lawyer mentioned in the above rules, who have been appointed for the Courts situated at district headquarter, and Revenue Assistant or Assistant doing the work of litigation in the office of Collector must appear in this meeting. These meetings will help to improve efficiency of the conduct of litigation of Gram Sabha, to remove differences and action may be taken against the Chairman of the Bhumi Prabandhak Samiti committing default. In urgent cases, the Penal Lawyers may meet Collector after fixing time. [Vide G.O. No. 171 (M)-R/ID-2011-D-60, dated 31st March, 1961].

### **136. Cases of the Gram Sabha to be taken at the fix date.**

- The Civil Panel Lawyers or District Government Counsel can easily do the work of various cases of Gram Sabha in Civil Court because the number of Civil Courts and civil suits are usually not in excess. The number of revenue courts at the headquarters of district is quite large and revenue suits and applications are large in number. Consequently, Revenue Panel Lawyers find it difficult to attend the Court daily. However, Collector can solve this difficulty by ordering that every Court will take up the cases of Gram Sabha at the fixed date/ so that Revenue Panel Lawyer can attend one or two Courts in each and every date for the cases of all Gram Sabhas conveniently.

## **Chapter V**

### **Collection of Land Revenue by the Bhumi Prabandhak Samiti**

Procedure for Collection(This scheme has been relinquished for few period under G.O. No. 4962 (M)-ID, dated 27th January, 1960)

### **137. This scheme for the time being relinquished under G.O. No. 4962 (M)-ID, dated 27th January, 1960 [Section 276 (1), U.P.Z.A. & L.R. Act].**

- The State Government may, by general or special order published in the Gazette, charge a Bhumi Prabandhak Samiti with the duty of collecting and realising the land revenue and such other dues as may be prescribed for and on behalf of the State Government in the area for which it is established or any part thereof. After publication of such order every bhumidhar and sirdar will be liable to pay such land revenues or other dues which are due at that time by them, shall be liable to pay it to the Bhumi Prabandhak Samiti. Note. - Said powers of the Government to charge the Bhumi Prabandhak Samiti for collection of land revenue and other dues have been delegated to the Collector with the condition that he will give information to the Revenue Department, Lucknow, U.P. through the Board of Revenue, U.P., Lucknow. [Vide G. O. No. 272-R/I-D-662-51, dated 24th April, 1954].

### **138. Recovery proceeding by the Bhumi Prabandhak Samiti [Section 283 and Rule 294-A, U.P.Z.A. & L.R. Act & Rules].**

(1) Procedure to recover arrears - Where the Bhumi Prabandhak Samiti is also authorised, whereas the State Government may publish the corresponding general or special order to recover the arrears by any one or more of the processes mentioned in Section 283, the following procedure shall be followed : (a) The writ of demand or the citation to appear shall be issued under the signatures of the Chairman of the Samiti after he is satisfied of the existence of the amount of arrears in Z.A. Forms 68-A or 69-A; (b) Where the defaulter is residing in any other Tahsil, the writ of demand or citation to appear may be sent to the defaulter under registered post and the amount spent on postage may be charged from the defaulter. (c) The provisions of Rules 243 to 246 of Z.A. & L.R. Rules shall apply mutatis mutandis to all the processes mentioned in sub-rule (1) of the above Rules. (d) Where it is necessary to recover the arrears by a process, an application giving details of

the arrears and the holdings in respect of which they are due and the names of the defaulter from whom they are due, may be made by the Bhumi Prabandhak Samiti signed by its Chairman to the Tahsildar of the Tahsil in which the Samiti is situate, and thereupon the amount of the arrears mentioned in the said application shall be recovered from the defaulters mentioned therein in accordance with the provisions of Section 282 or 284 of the U.P.Z.A. & L.R. Act, as the case may be. (2) Issue of process by registered post to defaulter. - When the Chairman of the Bhumi Prabandhak Samiti is satisfied relating to arrears of amount, process mentioned in item (a) of sub-para (1) with the signature of Chairman of the Samiti, in Z.A. Form No. 68-A or 69-A, as the case may be, shall be issued. If the defaulter is residing in other Tehsil, the process shall be issued by registered post, including the postal charges in the amount due. The fee charged for the issue of a writ of citation to appear shall be rupees two. This fee shall be added to the arrears to which the writ of citation is issued/ and shall be included in the amount specified therein. [See Rule 243 of U.P.Z.A. & L.R. Rules]. (3) Measures to be taken for non-payment of arrears. - Not more than one writ shall be issued in respect of the same arrear to any defaulter except under the express orders of the Collector. If the arrears are not paid within 15 days from the date of service, more severe measure should promptly be taken. [See Rule 245 of U.P.Z.A. & L.R. Rules]. (4) Service of the writ or citation. - The 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 defaulter's residence. [See Rule 246 (1) of U.P.Z.A. & L.R. Rules]. (5) Provisions for recovery from the defaulters. - Where it is necessary to recover the arrears by a process under clause (c), (d) or (e) of sub-section (1) of Section 279, an application giving details of the arrears and the holdings in respect of which they are due and the names of the defaulters from whom they are due, may be made by the Bhumi Prabandhak Samiti signed by its Chairman to the Tahsildar of the Tahsil in which the Samiti is situate, and thereupon the amount of the arrears mentioned in the said application shall be recovered from the defaulters mentioned therein in accordance with the provisions of Section 282 or 284 of U. P. Z. A. and L. R. Act, as the case may be. [See Rule 294-A (4) of U.P.Z.A. & L.R. Rules].

### **139. Writ of demand [Rules 113-A, 218 and 295, U.P.Z.A. & L.R. Rules].**

- Writ of demand prepared in Z. A. Form 62 will be the basis, on which Bhumi Prabandhak Samiti will be called upon to collect. The names of all the bhumidhars and together with the sum due on them shall be mentioned therein.

### **140. Maintenance of registers and records [Rule 296, U.P.Z.A. & L.R. Rules].**

- The Bhumi Prabandhak Samiti shall maintain the following registers and records for the collection of land revenue assessed on the village and its remittance to Government treasury :I. Bahikhata or jamabandi giving the following details :Village..... Pargana..... Tahsil..... District.....(a)Serial Number.(b)Name of tenure-holder.(c)Demand of each instalment.(d)Collections-(i)date of collection,(ii)cash-book number,(iii)amount.(e)Rebate, if any, earned.(f)Arrears at the close of the year.(g)Remarks.II. Cash-book or siyaha giving the following details :Village..... Pargana..... Tahsil..... District.....(a)Serial

Number;(b)Date of payment with number of receipt;(c)Date of entry in bahikhata, and the serial number of bahikhata;(d)Name of payer ;(e)Amount paid;(f)On what account (whether land revenue or other dues and Fasli year and instalment);(g)Remarks.III. Receipts and counter-foils specifying the following particulars:Village..... Pargana..... Tahsil..... District.....Book number.....Receipt number.....(a)Date of payment.(b)Name of payer.(c)Amount paid.(d)On what account (whether revenue or other dues, and Fasli year and instalment).(e)Whether in full or part payment.IV. Register of remittances specifying the following particulars :Village..... Pargana..... Tahsil..... District.....(a)Date.(b)Balance in hand.(c)Amount received.(d)Total of (b) and (c).(e)Amount paid into treasury.(f)Date and number of challan.(g)Balance in hand, if any.(h)Remarks.V. Monthly statement of progress in collection giving the following information:Village..... Pargana..... Tahsil..... District.....For the month of.....

(a) Demand	... Last year's arrears. Current year's demand. Total.
(b) Collection	During the previous month. During the current month. Total.
(c) Rebate, if any, earned	... During the previous month.
(d) Collection	... During the current month. Total.
(e) Remittances to the Tahsil	...
(f) Reasons, if collections are abnormally low.	...

#### **141. Commission on actual collection [Rule 297, U.P.Z.A. & L.R. Rules].**

- The Bhumi Prabandhak Samiti will be allowed a commission on actual collection at a rate notified by the Government.

#### **142. Maintenance of registers and records [Rule 298, U.P.Z.A. & L.R. Rules].**

- The Lekhpal of the village shall assist the Bhumi Prabandhak Samiti in issuing receipts for the sums collected and in the maintenance of the prescribed registers and records.

#### **143. Receipt books [Rule 299, U.P.Z.A. & L.R. Rules].**

- The Bhumi Prabandhak Samiti shall use printed counter-foil receipt books and shall give therefrom under the signatures of the Chairman a receipt in the printed form to every tenure-holder who pays on account of land revenue or other dues, whether the amount be large or small.

#### **144. Stock Book [Rule 300, U.P.Z.A. & L.R. Rules].**

- The counterfoil receipt books used by the Bhumi Prabandhak Samiti shall be in Z. A. Form 77. The pages shall be numbered consecutively. A stock book shall be kept up at the Tahsil showing the issue of counterfoil receipt books to Bhumi Prabandhak Samiti.



#### **145. Entry of collections in cash book [Rule 301, U.P.Z.A. & L.R. Rules].**

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

#### **146. Progressive total of the money received [Rule 302, U.P.Z.A. & L.R. Rules].**

- 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 cashbook and the money received. Thereafter total for the day shall then be entered in the register of remittances.

#### **147. Custody of money collected [Rule 303, U.P.Z.A. & L.R. Rules].**

- The money collected shall remain in the custody of the Chairman of the Bhumi Prabandhak Samiti. The Chairman shall not ordinarily have a large sum of money in his hands at any one time than Rs. 500.

#### **148. Transmission of money collected [Rule 304, U.P.Z.A. & L.R. Rules].**

- The following procedure shall be adopted in regard to transmission to the tahsil of the money collected by the Bhumi Prabandhak Samiti: (a) Challans shall be printed in triplicate and bound in serially numbered books. The challans shall be filled up by the Chairman and show clearly in words and figures the amount of the remittance. (b) Two copies of the challans shall accompany the remittance and the third shall be retained in the book. The receipted copy of the challan, when received back from the tahsil shall be pasted to the counterfoil retained in the challan book. (c) The Chairman shall visit the tahsil at least once in each Fasal to check the counterfoils in the challan books with the entries in the tahsil accounts. (d) The Chairman and members of the Bhumi Prabandhak Samiti shall be jointly and severally responsible for the safe custody and transmission of the amount from the village to the treasury or sub-treasury. (e) If any money is lost in transmission or otherwise, the Bhumi Prabandhak Samiti shall be responsible for the same.

#### **149. Monthly progress statement [Rule 305, U.P.Z.A. & L.R. Rules].**

- A copy of the monthly progress statement of collections shall be submitted to the Tahsildar on the first working day of the next month, through post or special messenger, as may be convenient. The Tahsildar shall get them consolidated for the Tahsil and shall submit a copy of the consolidated statement for the information of the Collector through the sub-divisional officer, if the total remittances reported by the Bhumi Prabandhak Samiti do not agree with the total receipts in the Tahsil, the Tahsildar shall get the discrepancy re-conciled. If the discrepancy is not re-conciled by the 15th of the month, the Tahsildar shall not put it on the statement together with the steps taken by him in that respect for the information of the Collector. The statement shall not be deposited by the

Collector till the final report of the Tahsildar is received. The Tahsildar shall also submit to the District Officer a six monthly statement in the form given below at the latest, by the end of April and October each year in respect of the Fasal just preceding: Statement of commission paid to Bhumi Prabandhak Samiti for the Fasal ending.....Tahsil.....District.....(a)Serial No.(b)Name of Bhumi Prabandhak Samiti(c)Total amount of Collections made during the Fasal.(d)Total amount of commission due on the amount in column c.(e)Balance of commission of the preceding Fasal, if any.(f)Total commission (Column d + e)(g)Amount paid during the Fasal.(h)Number and date of voucher through which payment made.(i)Remarks (showing cause of delay for non-payment or delayed payment.(j)Signature of Tahsildar. The district officer shall consolidate the statement for all the Tahsil and submit the same to the Land Reforms Commissioner by the end of May and November each year.

### **150. Amount of land revenue not paid and realisation thereof [Section 277 (b), U.P.Z.A. & L.R. Act].**

- The amount of land revenue or other dues collected or realised by any member including Chairman and Vice-Chairman or officer of the Bhumi Prabandhak Samiti and not paid to the State Government, may, without prejudice to his liability under any other law for the time being in force, be realised as arrears of land revenue from him or his property in the land of his legal representative.

### **151. Certified account to be evidence as to [arrears] [An arrear of land revenue will include other Government dues also to be recoverable as arrears of land revenue [National Industrial Development Corporation Ltd. v. State of U.P., 1976 UPTC 481; See also Udhamal v. S.T.O., (1966) 17 STC 633; Order XXXIII, Rule 14, C.P.C.] of land revenue [Section 278, U.P.Z.A. & L.R. Act].**

- A statement of account certified by the Tahsildar shall for the purposes of this Chapter, be conclusive evidence of the existence of the arrears of land revenue of its amount and of the person who is defaulter : Provided that in any village in respect of which an order under Section 276 of U.P.Z.A. & L.R. Act has been made, such statement may, in respect of an individual defaulter, be certified by the Bhumi Prabandhak Samiti. Procedure for Payment of Commission

### **152. Payment of commission.**

- The payment of commission shall be made by reduction from the collections, but shall be made as an item of expenditure which will be debitable to the State budget.

### 153. Statement of account.

(1)At the end of each fasal or as soon as the entire demand of the fasal has been made bebaq, whichever is earlier, Bhumi Prabandhak Samiti will draw up a statement of accounts showing the following items :(a)the collections made in respect of the fasal;(b)the particulars of the challans (number, date and amount) through which the collections were deposited; and(c)the amount of commission as worked out on the basis of collections made.(2)The statement will be signed by the Chairman who will then take the account records namely the jamabandi, the cash-book, the daily collection register, the receipt books used and unused, the challans etc. to the Tahsildar.(3)The Tahsildar shall then, after checking and certifying the credits, verify the claim of the Bhumi Prabandhak Samiti for commission as drawn up by the Chairman and if it be in order pass the following payment order duly dated and signed on the statement of claims :Pay rupees (in words and figures)..... on account of commission for fasal.....by transfer credit to the Personal Deposit Account in the Gram Fund of the Gram Sabha.Dated..... Tahsil..... The..... 20.....Signature of Tahsildar.

## Chapter VI

### Collection of Rent and Other Dues and Maintenance of Accounts and Other Registers

Collection of Rent and Other Dues

### 154. Maintenance of demand and Collection of money.

(1)Demand and Collection. - The following two registers shall be maintained for showing demand and 'collection of money received by the Bhumi Prabandhak Samiti:(a)Jamabandi of Asami of Gram Sabha in Z. A. Form 62-B; and(b)Register of demand and collection for other dues in B. P. S. Form 3.(2)Preparation of Jamabandi. [Rule 113-A and Section 125 (1), U.P.Z.A. & L.R. Act & Rules]. - (a) After completing the preparation of the land revenue jamabandi the extracts therefrom for the Bhumi Prabandhak Samiti and the statement in Z. A. Form 63, the Lekhpal shall prepare the jamabandi of Asami of Gram Sabhas in Z. A. Form 62-B for each village of his halka showing therein separately the Kharif and Rabi rent payable by each Asami of Gram Sabha. The jamabandi shall be prepared on the basis of entries in columns 1 to 6 of the current triennial Khatauni, incorporating the charges noted in columns 7, 8 or 9 thereof, as may be required.(b)Before the preparation of the jamabandi is taken up, the jamabandi of the last year shall be obtained from the Gram Sabha concerned and a statement of arrears and excess collections drawn up in Z. A. Form 62-B. With the help of this statement the arrears and excess collections of the last year will also be shown in the jamabandi.(c)Only one copy of the jamabandi shall be prepared. A separate jamabandi shall be prepared for each village even where more than one village is included in the circle of Gram Sabha.(d)All the entries in the jamabandi shall be checked by the Supervisor Kanungo who will initial the corrections, if any, and sign the jamabandi.(e)The jamabandi shall then be made over to the Chairman of the Bhumi Prabandhak Samiti, who shall, after satisfying himself about the

accuracy of the entries sign it. The jamabandi shall thereafter be submitted to the Tahsildar, who shall after satisfying himself about its accuracy initial the corrections, if any, sign it and return it to the Chairman of the Bhumi Prabandhak Samiti concerned, before November 15. [Vide Notification No. 5646/I-A-1073-53, dated 25th August, 1953 and substituted by Notification No. 1583 (A)/I-A-610-60, dated 20th November, 1961].

### **155. Recovery of arrears of rent, sayar etc. [Section 225, U.P.Z.A. & L.R. Act].**

- When the arrears of rent, sayar or other dues in respect of the properties vesting in a Gram Sabha are not being realized instead to best efforts, the Chairman of the Bhumi Prabandhak Samiti may apply to the Collector for realisation of the above dues as arrears of land revenue in B.P.S. Form 3-A.

### **156. Arrears to be written off [Section 225-A and Rule 180-C, U.P.Z.A. & L.R. Act & Rules].**

- The whole or any part of the arrears of rent, sayar or other dues in respect of any land or other property vested in a Gram Sabha or any other local authority under the provisions of Z.A. & L.R. Act and Rules by resolution and subject to confirmation by the Collector, be written off by the Bhumi Prabandhak Samiti or the local authority, as the case may be, as irrecoverable, if the same are outstanding for at least one year. Gram Fund

### **157. Gram Fund and its utilisation [Section 125 and Rule 112, U.P.Z.A. & L.R. Rules].**

- (1) Money transactions. - All moneys realised or received by way of donation under the U.P.Z.A. & L.R. Act, 1950 by the Gram Sabha, Gram Panchayat or the Bhumi Prabandhak Samiti, shall be deposited in Gram Fund. The management of Gram Fund shall be kept under the hands of Gram Panchayat being under the general control of the District Panchayat Raj Officer. (2) Manner of Collection of money. - Money due to the Bhumi Prabandhak Samiti shall be collected either by payment at the office of Bhumi Prabandhak Samiti or by out-door collections or by both, and for every money paid, a receipt in B.P.S. Form 4 shall be given. (3) Maintenance of correct account held by Bhumi Prabandhak Samiti. - All the accounts of income kept under cash book in B.P.S. Form 5, in which all the moneys received day to day shall be noted down. The Chairman shall, the amount as received, hand over to Pradhan and shall obtain a receipt thereof. Generally all the moneys shall be deposited within a week. (4) Maintenance of correct account of Gram Fund [Section 32, U. P. Panchayat Raj Act, 1947]. - (i) Gram Fund for each Gram Panchayat - There shall be a Gram Fund for each Gram Panchayat and the same shall, subject to the provisions of the annual estimate of income and expenditure passed under Section 41, of the above Act, be utilised for carrying out the duties or obligations imposed upon the Gram Sabha or the Gram Panchayat or any Committee thereof by this or any other enactment: Provided that such amount upto the total of all sums credited to the Gram Fund under the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, minus the amount credited to the Consolidated Gram Fund under Section 125-A of the U.P. Panchayat Raj Act, as may be required by the Bhumi Prabandhak Samiti for being utilised in carrying out its

duties or obligations, shall be made available out of the Gram Fund to the Bhumi Prabandhak Samiti every year :Provided further that in the event of any difference between the Bhumi Prabandhak Samiti on the one hand and the Gram Panchayat or Gram Sabha on the other about the requirements of funds by the Bhumi Prabandhak Samiti the matter shall be referred by the Pradhan to the Prescribed Authority whose decision shall be binding.(ii)Amount to be credited to Gram Fund. - The following shall be credited to the Gram Fund :(a)The proceeds of any tax imposed under this Act.(b)All sums handed over by the State Government to the Gram Panchayat.(c)The balance, if any, standing to the credit of the village Panchayat previously in existence under the Village Panchayat Act.(d)All sums ordered by a Court or required under any law to be placed to the credit of the Gram Fund.(e)All sums received under Section 104 of the U.P. Panchayat Raj Act, 1947.(f)The sale proceeds of all dust, dirt, dung or refuse including the dead bodies of animals collected by the servant of the Gram Panchayat.(g)Such portion of the rent or other proceeds of nazul property as the State Government may direct to be placed to the credit of the Gram Fund.(h)Sums contributed to the Gram Fund by any Zila Panchayat or other local authority.(i)All sums received by way of loan or gift.(j)Such other sums as may be assigned to the Gram Fund by any special or general order of the State Government.(k)All sums received by the Gram Panchayat from any individual or corporation or the State Government under Section 24 of the U.P. Panchayat Raj Act or any other law.(l)All sums received by way of grants-in-aid from the Consolidated Fund of the State.(iii)Obligation arising from a trust. - Nothing in this Act shall affect any obligation of a Gram Panchayat arising from a trust legally imposed upon or accepted by it.(iv)Withdrawal of moneys from Gram Fund. - All withdrawal of monies from the Gram Fund and disbursement thereof shall be made jointly by the Pradhan and the Secretary of the Gram Panchayat.Expenses Register

## **158. Maintenance of collection and expenditure [Rule 112, U.P.Z.A. & L.R. Rules].**

(1)All money transactions to which the Bhumi Prabandhak Samiti or its Chairman is a party, shall be brought to account and all the money realised or received by way of donations or otherwise shall be credited in full to the Gram Fund.(2)Money due to the Bhumi Prabandhak Samiti shall be collected either by payment at the office of the Bhumi Prabandhak Samiti or by outdoor collection or by both, and for every money paid, a receipt in B.P.S. Form No. 4 shall be given.(3)Account of all income and expenditure shall be maintained by the Chairman of the Bhumi Prabandhak Samiti in a cash book in B.P.S. Form No. 5 and the register of expenditure in B.P.S. Form No. 6, respectively.(4)The Chairman of the Bhumi Prabandhak Samiti shall be responsible for the maintenance of correct accounts and for cash held by the Bhumi Prabandhak Samiti.(5)All expenditure from the fund placed at the disposal of the Bhumi Prabandhak Samiti by the Gram Panchayat shall be incurred only under the authority of a resolution of the Bhumi Prabandhak Samiti.Consolidated Gram Fund

## **159.**

(1)Consolidated Gram Fund [Section 125-A, U.P.Z.A. & L.R. Act].- (i) There shall be constituted for each district, a consolidated Gram Fund to which shall be credited-(a)the amount of damages or compensation referred to in the proviso to sub-section (1) of Section 124 of U.P.Z.A. & L.R. Act; and(b)all contributions payable under sub-section (2) of the above Act.(ii)Every Gram Panchayat in

the district shall pay to the Collector annually such contribution not exceeding twenty five per centum of the total amount credited to the Gram Fund under sub-section (1) of Section 124 of the above Act as may be fixed by the Collector in the manner prescribed.(iii)All moneys held or required to be held in the Consolidated Gram Samaj Fund under this section before its amendment by the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, shall stand transferred to and be credited to the consolidated Gram Fund.(iv)The fund shall be applied to-(a)the payment of fees and allowances of the panel lawyers appointed under Section 127-B of the above Act;(b)the payment of expenses incurred in connection with the conduct and prosecution of suits, applications or other proceedings by or against the Gram Sabha or the Bhumi Prabandhak Samiti under this Act;(c)the payment of expenditure incurred on the development of lands of common utility; and(d)the payment of any other sum which the State Government may by general or special order declared to be an appropriate charge on the fund.(2)Percentage of annual income [122-A, U.P.Z.A. & L.R. Act]. - (1) The percentage of the annual income credited to the Gram Fund under sub-section (1) of Section 124, U.P.Z.A. & L.R. Act which has to be contributed to the Consolidated Gram Fund in any agricultural year under Section 125-A (2) of the above Act, shall be fixed by the Collector in the month of June preceding the said agricultural year on the basis of the actual expenditure of the Gram Sabhas on litigation and development of common utility lands in the previous years, the estimated requirement of expenditure on these items in the coming agricultural year and the gross income of the Gram Sabhas under the aforesaid former section.(3)Administration of Gram Fund. - The Consolidated Gram Fund at the headquarters of each district shall be administered and operated upon the Collector or any Deputy Collector authorised by the Collector in this behalf.(4)Application to Consolidated Gram Fund [Rule 127-B, U.P.Z.A. & L.R. Act]. - The Consolidated Gram Fund may, in the direction of the Collector, be applied to-(a)the payment of fees and all allowance to the Panel lawyers appointed under Section 127-B ;(b)the payment of expenditure incurred on the engagement of a clerk, if any, is appointed by the Collector with the previous approval of the Board of Revenue, U. P., to assist the panel lawyers and Chairman in doing pairvi in the various courts at the headquarters of the district;(c)the payment of travelling allowance and daily allowance to the Chairman or Members of the Bhumi Prabandhak Samiti, who is authorised by a resolution of Committee to conduct suits and proceedings, when the Bhumi Prabandhak Samiti has not got sufficient income to meet the same;(d)the payment of expenses incurred in relation with the conduct and prosecution of suits, application and other proceedings by or against the Gram Sabha or the Bhumi Prabandhak Samiti under the U.P. Zamindari Abolition and Land Reforms Act, 1950;(e)the payment of expenditure incurred on the development of lands of public utility;(f)the payment of any other sums which the State Government may, by general or special order, declare to be an appropriate charge on the Fund;Notes - (1) To remove occupants on the land of Gram Sabha the forms required to be printed on special circumstances District Officer may spend Rs. 2,000 from the Consolidated Gram Fund. [Vide G.O. No. 8821 /75-Rajaswa-12 (2727)-75, dated 10th October, 1975].(2)There may not be interruption in expedition of allotment of land, for this probable payment of expenditure, for printing of land allotment related forms, including paper, shall be done from the consolidated Gaon Fund. Form of acknowledgment of lease are made in cash, so the Ziladhikari may verify that the account of these forms are maintained in proper manner and the price of these may be deposited in the Consolidated Gaon Fund by way of realisation of its price. [Vide G.O. No. 10276/75-Rajaswa-12 (2727)-75, dated 20th November, 1975].Records of Bhumi Prabandhak Samiti

## 160. Records to be maintained by the Bhumi Prabandhak Samiti.

- The Bhumi Prabandhak Samiti shall maintain the following records: (1) Gram Sabha Property Register in B. P. S. Form No. 1. (2) Allotment Register in B.P.S. Form No. 1-A to 1-D. (3) Proceeding books in B. P. S. Form No. 2. (4) Permits to cut down trees in B.P.S. Form No. 2-A. (5) Demand and Collection Register in B. P. S. Form No. 3. (6) Certificate of collection of Dues of Gram Sabhas in B. P. S. Form No. 3-A. (7) Receipt book in B. P. S. Form No. 4. (8) Cash book in B. P. S. Form No. 5. (9) Register of expenditure in B. P. S. Form No. 6. (10) Notice, execution warrant, realization of indemnity and compensation, list of persons expressed in Section 122-C (3), list of land for abadi site and notice in Z. A. Forms No. 49-A, 49-C, 49-CC, 49-D, 49-E, 49-F and 50-A respectively. (11) List of vacant land in Z. A. Form No. 57-A. (12) List of persons who have been selected as sirdar/asami in Z. A. Form 57-B. (13) Form of certificate and its counterpart in Z. A. Forms No. 58 and 58-A. (14) Certificate to be furnished to sirdar and its counterpart in Z. A. Forms No. 59 -D. (15) Demand and collection jamabandi of asami of Gram Sabha in Z. A. Form 62-B. (16) Demand and Collection Jamabandi in Z.A. Form No. 62. (17) Form of Demand and Citation to appear in Z.A. Form No. 68-A and 69-A. (18) Receipt of land revenue and its counterpart, in case the work of collection of land revenue has been entrusted to the Bhumi Prabandhak Samiti under Chapter V in Z.A. Form No. 77. (19) Bahi-khata. (20) Cash-book or Remittances siyaha. (21) Register of remittance. (22) Monthly statement of progress in collection. (23) Challan. Retention of Documents

## 161. Period of Retention of Documents.

- The period of retention of the following documents, will be as given below : (1) Gram Sabha Property Register in B. P. S. Form No. 1. - Permanently. (2) Proceedings Book in B. P. S. Form No. 2. - 5 years. (3) Demand and Collection Register in B. P. S. Form No. 3. - 10 years. (4) Certificate of Recovery in B. P. S. Form No. 3-A. - 3 years. (5) Receipt Book in B. P. S. Form No. 4. - 3 years. (6) Cash Book in B. P. S. Form No. 5. - 10 years. (7) Register of Expenditure in B. P. S. Form No. 6. - 3 years. (8) Form of Certificate in Z. A. Form No. 58 - Permanently. (9) Certificate to be furnished to asami and its counterpart in Z. A. Form No. 59 - Permanently. (10) Demand and Collection jamabandi of asami in Z. A. Form No. 62-B. - 10 years. [Vide B.O. No. 16/G-5-674-75, dated 25th March, 1972].

## Chapter VII

### Supervision of the Work of Bhumi Prabandhak Samiti

#### 162.

(1) Delegation of functions of Collector [Sections 3 (4) and 321, U.P.Z.A. & L.R. Act]. - All functions of the Collector under the Z.A. Act have been delegated to the Sub-Divisional Officer, unless the subject or context means otherwise. [Vide Notification No. 1756/1-A-1973-53, dated 11th June, 1953 and Notification No. 551/I-A-79-63, dated 23rd February, 1963]. (2) Powers of Collector [Rules 115-C to 115-G and Section 321, U.P.Z.A. & L.R. Act & Rules]. - Powers of Collector have been delegated as is mentioned in Sections 122-B, 187-A and 211-A, U.P.Z.A. & L.R. Act (in which Rules 115-C to 115-G

are included itself) by appointing Assistant Collector to all Tahsildars relating to removal of unauthorised encroachment and safety of the property of Gram Sabha mentioned under Paras 68 to 71 of this Manual. [Vide Notification No. 3937/1-A-1165 (1)-54 and No. 3937 (A)A-A-1165 (1)-54, dated 7th January, 1964.](3)Delegation of powers to Collector [Sections 216 and 321, U.P.Z.A. & L.R. Act]. - The powers of Government to charge a Bhumi Prabandhak Samiti with the duty of collecting and realizing land revenue have been delegated to Collector subject to his reporting the same to Government through Secretary, Board of Revenue, Uttar Pradesh, the Land Reforms Commissioner (Uttar Pradesh). [Vide Notification No. 272-R/I-D-662-51, dated 24th April, 1954 (See para 137)].(4)Suspension and removal of member of Gram Panchayat, etc. - The powers of State Government under Section 95 (1) (g) of the U. P. Panchayat Raj Act, 1947 to suspend or remove a member of a Gram Panchayat or Bhumi Prabandhak Samiti or Office bearer of Gram Sabha or a Panch, Sarpanch or Sahayak Sarpanch of Nyaya Panchayat have been delegated to the Sub-Divisional Officer. [Vide Notification No. 4193-K/XXIII-6-64, dated 27th July, 1966, which was published in the U.P. Gazette, Part I, dated 30th July, 1966, page 3965].Directions of Government

### **163. Direction of State Government [Section 126 and Rules 115-A and 115-B, U.P.Z.A. & L.R. Act & Rules].**

- It shall be the duty of the Bhumi Prabandhak Samiti to carry out the directions or orders of the State Government. The provisions to this manual, which are not covered by the Act or the Rules, shall be deemed to be the directions of the State Government.

### **164. Alternative arrangement for carrying out work of Gram Panchayat or Samiti [Section 127 and Rule 115-K, U.P.Z.A. & L.R. Act & Rules].**

- If on the report of the Assistant Collector-in-charge of the sub-division or the District Collection Officer (the Collector) is satisfied that the Bhumi Prabandhak Samiti has failed persistently without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned to it under the U.P.Z.A. & L.R. Act or the Rules framed thereunder, or has persistently disregarded the directions given to it by the Assistant Collector or the District Collection Officer either on the result of inspection or otherwise, he may take action against the Samiti under Section 127 of the above Act under the powers delegated to him in Notification No. 6374/I-A-1192-53, dated 13th May, 1954. When such action is taken by the Collector, he shall submit immediately a report to the Land Reforms Commissioner and the Government in the Revenue (A) Department.

### **165. Penalty for causing loss, waste or misapplication of money or property of Gram Panchayat [Section 123-A and rule 115-HH, U.P.Z.A. & L.R. Act and Rules].**

- Every member of the Gram Panchayat of Bhumi Prabandhak Samiti shall be liable for the loss, waste or misapplication of any property vested in the Gram Sabha, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, with the prior approval of the Assistant Collector-in-Charge or Bhumi Prabandhak Samiti or Collector, from the date of coming



into knowledge of negligence and misconduct, any such member of the Gram Sabha, who resides in that circle, may institute a suit against him for compensation.

### **166. External Control of State Government [Section 95 (1) (g) U.P. Panchayat Raj Act].**

- The State Government may remove a Pradhan, U.P. Pradhan or member of a Gram Panchayat or a Joint Committee or Bhumi Prabandhak Samiti or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat if he-(i)absents himself without sufficient cause for more than three consecutive meetings or sittings,(ii)refuses to act or becomes incapable of acting for any reason whatsoever or if he is accused of or charged for an offence involving moral turpitude,(iii)has abused his position as such or has persistently failed to perform the duties imposed by the U.P. Panchayat Raj Act or Rules made thereunder or his continuance as such is not desirable in public interest, or(iv)has taken the benefit of reservation under sub-section (2) of Section 11-A or sub-section (5) of Section 12 of the above Act, as the case may be, on the basis of a false declaration subscribed by him stating that he is a member of the Scheduled Castes, the Scheduled Tribes or the backward classes, as the case may be,(v)being a Sahayak Sarpanch or a Sarpanch of the Nyaya Panchayat takes active part in politics, or(vi)suffers from any of the disqualifications mentioned in clauses (a) to (m) of Section 5-A, Panchayat Raj Act:Provided that where in an inquiry held by such person and in such manner as may be prescribed, a Pradhan or Up-Pradhan is prima facie found to have committed financial and other irregularities such Pradhan or Up-Pradhan shall cease to exercise and perform the financial and administrative powers and functions, which shall, until he is exonerated of the charges in the final enquiry, be exercised and performed by a Committee consisting of three members of Gram Panchayat appointed by the State Government:Provided further that no action shall be taken under clauses (f) and (g) of Section 95, U.P. Panchayat Raj Act except after giving to the body or person concerned a reasonable opportunity of showing cause against the action proposed.

### **167. Nomination of another Chairman to conduct day to day affairs [Rule 110-AA, U.P.Z.A. & L.R. Rules].**

- Immediately after suspension of the Chairman of the Bhumi Prabandhak Samiti under Section 95 of the Panchayat Raj Act the Sub-divisional officer concerned shall nominate another Chairman from amongst the members of the Bhumi Prabandhak Samiti to conduct day to day affairs of the Samiti till the suspended Chairman is either removed or re-instated.Note - Since Rule 110-AA U.P.Z.A. & L.R. Rules have been deleted, and in lieu of the text of sub-sections (2) to (4) of Section 95 of U.P. Panchayat Raj Act is reproduced below:

**167. State Government may appoint person or persons to exercise powers and duties of Pradhan and Up-Pradhan, etc.-[Subsections (2) to (4) of Section 95, U.P. Panchayat Raj Act, 1947]. - A person removed under sub-clauses (iii) and (iv) of clause (g) of subsection (1) of section 95, U.P. Panchayat Raj Act shall not be entitled to be re-elected or re-appointed to any office under U.P.**

## **Gram Panchayat Act, for a period of five years or such lesser period as the State Government may order in any case.**

No order made by the State Government under Section 95 of the above Act shall be called in question in any Court. Where any Gram Panchayat, Joint Committee or Bhumi Prabandhak Samiti is dissolved the State Government may appoint such person or persons to exercise and perform the powers and duties thereof as it may deem fit. Note - The power of State Government under Section 95 (1) (g) is delegated to the S.D.O. subject to the condition that an order of removal passed by him will be appealable to the District Magistrate within 30 days of the date of such order. Supervision by this Revenue Staff and Officers

### **168. Superintendence and Control over Bhumi Prabandhak Samiti-[Rules 306 and 115-J, U.P.Z.A. & L.R. Rules].**

- The Assistant Collector-in-charge of the sub-division shall exercise, superintend and control over the affairs of the Bhumi Prabandhak Samiti within his sub-division and make such periodical inspections as may be deemed necessary. The inspections may be made by himself or by the Tahsildar, Naib-Tahsildar, Supervisor Kanungo of his sub-division. The inspecting officer shall examine whether the procedure laid down in the Z.A. Rules or instructions regarding maintenance of accounts and holding of meetings by the Bhumi Prabandhak Samiti has been followed. It shall also be the duty of the Inspecting Officer to ensure the proper execution and registration or attestation, as the case may be, of lease granted by the Bhumi Prabandhak Samiti in respect of admissions to land, within the period provided therefor under law. The Assistant Collector-in-charge of the sub-division and the Tahsildar shall check the accounts of at least 5 per cent and 10 per cent, respectively of the Bhumi Prabandhak Samiti within the sub-division during their tours in the year. The records, registers and accounts of the Bhumi Prabandhak Samiti shall be maintained by the Chairman of the said Samiti and the Supervisor Kanungo shall check those records, registers and accounts at least once a year and as often as the Tahsildar or the Assistant-Collector in-charge of the Sub-division may direct. It shall also be the responsibility of the Supervisor Kanungo to report cases of mismanagement, abuse of power or negligence, misappropriation of Fund embezzlements and other irregularities on the part of the Bhumi Prabandhak Samitis, their Chairmen or members to higher authorities concerned for necessary actions, as soon as such cases came to his notice either during the course of inspection or otherwise. The Sub-divisional officer and the Collector while on tour shall take every opportunity of checking the work of the Bhumi Prabandhak Samiti. The Commissioner at their inspections of district offices and Tahsil should satisfy themselves that the above-rules are duly carried out. [Vide G.O. No. 236/XI-66 (1-454)-Rajasva-7, date 11th December, 1974].

### **169. Inspections and its report.**

- Assistant Collector-in-charge of division shall at the end of each winter tour, hold meetings of all Chairmen and Secretaries of Bhumi Prabandhak Samiti at the tahsil headquarters (where one meeting may not be convenient, meetings may be held at two or three places in the tahsil) and in

these meetings he will explain to them their rights, duties and the difficulties noticed during the inspections and to give them concrete suggestions for improvement in the work of Bhumi Prabandhak Samiti. In this meeting the Assistant-in-charge should also lay down the future line of action about the planned use of land. This Assistant Collector-in-charge shall submit a report to the Collector of his impression of the Bhumi Prabandhak Samiti's work after the tour and shall mention about what he did in the meeting at the end of the tour. The Collector, thereafter, shall send a general report for the whole districts to the Board of Revenue through the Commissioner of the Division. Board of Revenue shall in his turn forward to Government an annual report on the working of the Bhumi Prabandhak Samiti in the State. This general report will be on the basis indicated in accordance with the suggested Appendix. Forms B.P.S. Form 1 [See Rule 113 and Para 28] Register of Property of Gaon Sabha

## 1. Name of Circle of Gram Sabha.....

(Names of villages alongwith the circle of Gram Sabhas.....)

## 2. Table 1

Population	Fasli year	Areas not vested	Areas vested	Total of cols. 3 and 4	Which is with asamis	Forest and waste land
		Holdings and groves	Uncultivated area besides holdings and groves			
1	2	3	4	5	6	7
Areas vested						
Pasture land	Tanks, ponds and water channels	Abadi sites	Others	Total of Cols. 6 to 11	Grand total of the village (Cols. 5 and 12)	
8	9	10	11	12	13	

## 3. Table 2, Part (A)-Details of land not vested

Khasra No. of Village	Area	Nature of land
1	2	3

## 4. Table 2-Part (B)-Details of land vested

Khasra No. of Village	Area	Nature of land
1	2	3

## 5. Table 3-Land set apart for fuel, plantation, orchards, etc.

Village and Plot Nos. Area Purpose

1 2 3

## 6. Table 4-Scattered trees, other than those of forests, abadi, holdings or groves

Village and plot Nos. Kind of trees Number of trees Approximate Age

1 2 3 4

## 7. Table 5-Hats, bazars and melas which is managed by the Bhumi Prabandhak Samiti

Village	Name of hat, bazar or mela	Date and month on which day the hat, bazar or mela, is held	Place or plot No. where mela is held
1	2	3	4

Annual income

1362F. 1363F. 1364F. 1365F. 1366F.

5 6 7 8 9

## 8. Table 6-Private Ferries

Village Name of river and ferry Place or plot No.

1 2 3

Annual income

1362F. 1363F. 1364F. 1365F. 1366F.

4 5 6 7 8

## 9. Table 7-Tanks, ponds and water channels, etc.

Village Name of tank, pond or water channel, etc. Place or plot No.

1 2 3

Annual income

1362F. 1363F. 1364F. 1365F. 1366F.

4 5 6 7 8

## 10. Table 8-Roads and Pathways

Village	Name of road or pathway	Kachcha or pucca	Name of Village through which it passes	Kilometre	From	To
1	2	3	4	5	6	7

## 11. Table 9-Abadi sites

Village Name of abadi Khasra No. Area

1 2 3 4

## 12. Table 10-Total income of the Gram Sabha

Village	Fasli year	Asamis Income form items given below			
Pasture lands	Hats bazars and melas	Ferries			
1	2	3	4	5	6

Income from items given below

Tanks, ponds and water channels, etc.	Forest and waste land	Abadi sites	Others	Total income (Cols. 3 to 10)
7	8	9	10	11

B.P.S. Form 1-A[See Para 31 (1)][Prescribed by B.O. No. 8/2-Sangrah-211-B-60, dated 19th May, 1962]Tahsil Register of land to be leased in possession of Bhumi Prabandhak SamitiName of Village..... Name of Bhumi Prabandhak Samiti.....

Plot No.	Land available for allotment from land vestedunder Section 117 commencing Fasli year	Date and Order No. by which other land madeavailable to Bhumi Prabandhak Samiti	Post of that officer who has passed ordermentioned in column 4	Date of receiving order in Tahsil	
Plot No.	Area				
1	2	3	4	5	6

Area

Plot No.	Land revenue at the Circle's rate	Signature of Lekhpal to certify that he has covered in the Property Register the entries of Column 4	Date of lease of the land	To whom leased
7	8	9	10	11

Land revenue	Date and No. of mutation	Singature of lakhpal to certify that the entries have been made in Khatauni and Property Register
13	14	15

B. P. S. Form 1-B[See Para 31 (4)][Prescribed by B.O. No. 8/2-Sangrah-211-B/60, dated 19th May, 1962](To be sent to Collector through Tahsildar)Statement of land leased by Bhumi Prabandhak Samiti in Fasli year 13.....

Serial No.	Name of Village	Area of land available to be leased on the commencement of Fasli year	Area of land possessed by Bhumi Prabandhak Samiti with in the year	Total Area (Column No. 3+4)
1	2	3	4	5

Area of land leased within the year	Land revenue	Area of available land to be leased now	First date of land vested shown in column 6/when land came in possession of Bhumi Prabandhak Samiti
6	7	8	9

B. P. S. Form 1-C[See Paras 31 (4) and 43](This form is placed cancelling the form prescribed by the Board of Revenue, Uttar Pradesh, Department-5, Lucknow Vide its Notification No. 85/G-5-135-1962, dated 1st October, 1962)[Detail of land to be leased on the year expired on 30th September, 20 to Sirdar/Asami Tenure-holders]District.....Area of land to be leased (in Hectares)

At the commencement of year under review	Area of land in the year expired resulting from rights obtained under Section 194 (A) & (B) of U.P. Zamindari Abolition and Land Reforms Act	Total
(A)	(B)	(C)
1		

FormArea of land leased on year under review.....

Number of leases	Area	Land revenue
(A)	(B)	(C)

2

Statement of land leased mentioned in Column above

To such person, who have died from To such person resident of

enemy action being in active service in armed force of the Union, his landless widow, son, unmarried daughter and father-mother residing in the Circle

Circle, who have been handicapped, fully by the enemy action when he was inactive, service of armed force in Union

No.	Area	Land revenue	No.	Area	Land revenue
(A)	(B)	(C)	(A)	(B)	(C)
(i)	(ii)				
3					

To such landless person residing in the Circle, who is agricultural labourer and belongs to Scheduled Caste or Scheduled Tribe

To any landless agricultural labourers residing in the Circle

To any Bhumidhar, Sirdar or Asami residing in the circle and who has the landless than 1.26 Hectares (3.125 Acres)

No.(A)	Area(B)	Land revenue(C)	No.(A)	Area(B)	Land revenue(C)	No.(A)	Area(B)	Land revenue(C)
(iii)	(iv)	(v)						
No.(A)	Area(B)	Land revenue(C)	No.(A)	Area(B)	Land revenue(C)	No.(A)	Area(B)	Land revenue(C)
(vi)	(vii)	(viii)						

B. P. S. Form 1-D[See Para 31 (4)](Determined by B.O. No. 8/2-Sangrah-211-B/60, dated 19th May, 1962)Should be sent to Beard of Revenue by the Collector on each 15th September of the yearStatement of land leased by the Bhumi Prabandhak SamitiDistrict.....Year of cultivation of 13..... Fasli

Serial No.	Name of Tahsil	Area of land acquired to be leased on the very beginning of the Fasli year	Area of land came under the possession of the Bhumi Prabandhak Samiti with in the year	Total Area (Column No. 3+4)
1	2	3	4	5

Area of the land leased within the year

Land revenue

Area which is still to be leased (Column No.5+6)

Reason for the land to be leased shown inColumn 8

			in brief
6	7	8	9

**B. P. S. Form 2[See Rule 113 and Para 22]Proceedings Book**

Date	Name of members present	Business transacted	Signatures or thumb-impression of the memberspresent
1	2	3	4

**B. P. S. Form 2-A[See Para 92]Permit of Cutting of Trees**Permission is hereby given with the prior permission of the Prescribed Authority to fuel or to cut for any other purpose and remove the following trees situated in grove or grove land under the terms am conditions mentioned below to..... son/daughter/wife of..... resident of village..... Pargana.....

List of trees	Length and width of the trees	Estimated quantity of wood for the purpose offuel or for any usage	Remarks
1	2	3	4

ChairmanBhumi Prabandhak SamitiGram

Sabha.....District.....Conditions Under Which Permit Have Been Issued

**1. Permit is for personal and non-transferable use.**

**2. On demand of any Forest or Police Officer Permit shall be submitted necessarily.**

**3. Permit is valid only for the utilisation of the area mentioned above.**

**4. Cutting of trees and its conversion should not be done carelessly and there should be no wastage.**

**5. The Revision Authority may cancel the Permit at any time and the permit-holder should forthwith stop cutting, altering and removing the produce of forest and if written recommendation for removal of forest produce is received by any of the officers mentioned above he shall do the same forthwith.**

**6. The root of the trees should not be dugged out without the written permission of the Prescribed Authority.**

**B. P. S. Form 3[See Rule 113 and Para 154/160]Demand and Collection Register**



### Demand Collects

Serial No.	Description of demand	Name and address of the debtor	Amount	Arrears of previous year, if any	Total demand	Remission of amount	Date of payment	No. of receipt	No. and date of order	Remission of amount	Signature of Collector
1	2	3	4	5	6	7	8	9	10	11	12

B. P. S. Form 3-A[Please see Rule 113 (6-A) and Para 155 (2) (b)]Certificate for Recovery of Gram Sabha's DuesDistrict .....Tahsil.....Pargana.....

Name of Gram Sabha	Name and address of the defaulter	Total amount obtainable	Amount realised	Outstanding amount (Col. 3 minus Col. 4)(Both in words and figures)	Nature of dues	Remarks
1	2	3	4	5	6	7

Forwarded to the Collector ..... for favour of recovery as arrears of land revenue under Section 225 of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U. P. Act No. 1 of 1951).Chairman,Bhumi Prabandhak SamitiB. P. S. Form 4[See Rule 113 and Para 157]Receipt Book

ReceiptNo.....Dated.....	ReceiptNo.....Dated.....
Received fromSri.....	Received fromSri.....
Son ofSri.....	Son ofSri.....
resident of.....,the sum of (in words)	resident of.....,the sum of (in words)
received in the headof.....	received in the headof.....
	Rs.

Seal

Signature of Chairman.

B. P. S. Form 5[See Rules 113 and Para 157]Cash Book

Realisations Deposited in the Gram Fund									
Serial No.	Date	Nature of realisation	Amount	Progressive total	Signature of the Chairman	Amount deposited (in Rs.)	Date of deposit	Progressive total for deposits made	Signature of Chairman
1	2	3	4	5	6	7	8	9	10

(7) give  
shade

B. P. S. Form 6[See Rule 113 and Para 158]

Realisations Expenditure

Serial No.	Date	Amount, Total			Signature of the Chairman	Serial No.	Date	Own what account	Amount spent	Date and Number of receipt	Balance in ha
		Balance brought forward	received from the Gram Fund	of Cols. 3 and 4							
1	2	3	4	5	6	7	8	9	10	11	12

Z. A. Form 49-A[See Rule 115-D and Para 70]NoticeIn the Court of Collector

of...../Collector-in-charge of Pargana

/Tahsildar.Tahsil.....District.....Correspondence No.

.....Year.....Name of Gram Sabha/Local OfficialVersusSri.....Son

of.....Resident of.....Whereas I am satisfied from the report of the

Chairman/Member/Secretary of Bhumi Prabandhak Samiti..... (Name of local official) or from

the report of Supervisor Kanungo/Naib Tahsildar/..... (any other Revenue Officer) that you

have wrongfully possessed the property vested in the Gram Sabha/ (name of local official) specified

below or damaged or damaging it or doing misapplication to it. Therefore, you are served with notice

that you within..... days- (1) remove the wrongful possession and submit as indemnification the

amount equal to hundred times calculated at the hereditary rates applicable for the year of wrongful

possession on the plot concerned and if you are willing to cut-off the crop before eviction from the

land then also deposit the above amount within the time mentioned in this notice, which are

rupees....., (2) make good the injury or make good the loss caused by misapplication or/and

damaged to property vested in Gram Sabha/Local official or deposit the amount in Rupees..... as

a token of making the good the damage due to its misapplication by you, (3) do or does not do and

be presented yourself on..... (date), at the time of..... in my presence in my Court to submit the

report in compliance of this notice or show cause against it. You are also informed that if you did not

presented yourself or through your pleader at the specified date the case will be decided and the ex

parte order will be passed against you. Issued today dated..... under my seal and signature of the

Court.

Seal of the Court      Presiding Officer.....

Designation.....

Date.....

Z. A. Form 49-C[See Rule 115-E and Para 71]Execution-WarrantIn the Court of

Collector/Sub-Divisional Officer/Tahsildar of..... Tahsil..... District..... Correspondence

No..... Year..... Gram Sabha/Local Official of.....VersusSri.....Son

of.....Resident.....of.....Execution-Warrant addressed to TahsildarWhereas Sri.....

son of..... resident..... of..... has not complied with the order passed under Rule 115-E of

the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, therefore you are hereby

ordered that you eject him from the land mentioned below and his crop and hand over its

possession to the Chairman or Local Official of the Bhumi Prabandhak Samiti or make good the loss mentioned below. You are also ordered to realise the as a indemnified amount of Rs..... and in the shape of execution expenditure amounting to Rs..... as arrears of land revenue. In relation to ejection or making good the misappropriation and realisation the amount of indemnification you should sent one copy of this report with your report that it is reached upto..... date. Description of Property

Pargana	Village	Number of Plots	Area	Description of property with description of damages or misappropriation
1	2	3	4	5

Issued today dated..... under my seal and signature of the Court.

Seal of the Court      Presiding Officer.....

Designation.....

Date.....

Z. A. Form 49-CC[See Rule 115-GG, Para 72] Register in which description of amount ordered for realisation of indemnity and compensation head given in the proceedings under Section 122-B

Serial No.	Date of order for indemnity or compensation	No. and description of proceeding	Amount ordered for realisation of land revenue as arrear	
Indemnity	Compensation			
1	2	3	4	5

The order which related to Gram Sabha/Village/ Tahsil Date	Date of order transmitted to Tahsil/Date of receiving order in Tahsil Amount realised	Description of realisation of amount	
6	7	8	9

Description of accumulated amount debited in Gram Fund	Name of sub-treasury/ Treasury where amount deposited	Amount deposited in Rupees	Signature of certifying officer	Remark
10	11	12	13	14

Z. A. Form 49-D[See Rule 115-L (3) and Para 47 (2) (a)] List of persons expressed in Section 122-C (3) Village..... Pargana..... Tahsil..... District.....

Serial No.	Name and address of the headman of the family	Caste or sub-caste	Other Member of his family	Relation with headman of the family	Age	Residence achieved	How much residential place is required	Remark
1	2	3	4	5	6	7	8	9

Z. A. Form 49-E[See Rule 115-L (3) (ii) and Para 47] List of land for abadi Site Name.....

Pargana..... Tahsil..... District.....

Khasra No. of Plot Area Remarks

Date.....Sub-Divisional

Officer.....Tahsil.....District.....Z. A. Form

49-F[See Rule 115-L (3) and Para 49 (3)]List of persons expressed in Section 122-C (3)]I.....

Chairman of Bhumi Prabandhak Samiti of Circle..... Tahsil..... District..... /Assistant

Collector of Pargana..... District..... hereby certify that abadi site, whose description is given

below, is allotted to Sri..... son of....., resident of..... measuring..... square metre (give

measurement). The allottee has given as premium amounting to Rs..... by way of Receipt

No..... dated..... to the Samiti.Village..... Pargana..... Tahsil..... District.....

Khasra No. of Plot Area Boundary

North.....South.....East.....West.....

Date..... Chairman,Bhumi Prabandhak Samiti,Officerof Pargana/Assistant Collector

Z. A. Form 50-A[See Rule 151 (3) and Para 78-B]NoticeIn the Court of Collector/Assistant

Collector-in-charge of Pargana/Tahsildar.Tahsil.....District.....Correspondence

No.....Year.....State of Uttar PradeshVersusSri..... Son of..... Resident

of.....Whereas I am satisfied with the report dated..... of Lekhpal/Supervisor

Kanungo/Naib-Tahsildar (or any Revenue Officer) that you have transferred the land mentioned

below in contravention of Section 154 or 158-A of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (as the case may be):Khasra Plot No. .... Area..... Tahsil.....Therefore you

are served with notice that within fifteen days of receiving the notice you should present before may

court room and show cause as to why action may not be taken against you under Section 163 of the

above Act.You are also informed that if you yourself or through any pleader is not present in your

defence within the specified period, the case will be decided and ex parte and order may be passed

against you.Issued under my signature and seal of the Court of..... dated.....

Seal of the

Signature ofCollector/Authority of Pargana/Assistant

CourtDate.....

Collector-in-charge.

Note-This notice will be served to the transferor and transferee both.Z. A. Form 57-A[See Rule 174

and Para 37]List of vacant land forgiving to desirous persons in the shape of sirdar/asami under

Sections 195 and 197Application have been considered in the meeting of Bhumi Prabandhak Samiti

dated..... of Village..... Pargana..... Tahsil..... District.....

Serial No.

Name of persons, their fathers name  
andresidence desirous to be given land in  
preference to Rule 174-Aand 174-AA read with  
section 198 (1)

Description of land possessed  
before by theapplicant or his  
family member, if any

Group of  
tenure-holder,  
sirdar/asami

1

2

3

Pargana, Tahsil and district where land issituated	Khasra Plot No.	Area in acres or proper Bighas	Rent or land revenue
4	5	6	7

It is certified that the above description is accurate.

Lekhpal/Secretary, Bhumi Prabandhak Samiti Dated..... Chairman, Bhumi Prabandhak Samiti  
Z. A. Form 57-B [See Rule 176 and Para 38] List of persons to whom the Bhumi Prabandhak Samiti of  
Village..... Pargana..... Tahsil..... District..... have selected as for sirdar/asami on the meeting  
held on..... (date).

**1. Date of declaration for meeting under Rule 173.....**

**2. Number of applicants present before Samiti's meeting.....**

**3. Description of land proposed for allotment.....**

Village..... Plot No..... Area..... Land revenue/rent.....

Serial No.	Name, fathers name and resident of selected person for the management of land	Category of preference under which to be related to applicant	Land proposed for Bandobast
Plot No.	Area	Land revenue/rent	
1	2	3	4 5 6

Certified that the descriptions mentioned in columns 4, 5 and 6 are correct.

Lekhpal/Secretary, Bhumi Prabandhak Samiti Chairman, Bhumi Prabandhak Samiti  
To the Assistant Collector-in-charge of Pargana. The list mentioned above is hereby presented for  
approval with the list of Z.A. Form No. 57-A in which the proceedings of the Bhumi Prabandhak  
Samiti dated..... is hereby annexed. Chairman Order of the Assistant Collector-in-charge of the  
Pargana

**1. Persons recorded at serial No..... has been recommended to be  
admitted as sirdar/asami in the land referred to in the column 4, 5 and 6  
before their names.**

**2. Persons recorded at serial no..... have not been admitted by the  
resolution of Bhumi Prabandhak Samiti for the management of the land on  
the basis of following reasons :**

Officer of Pargana/Assistant CollectorZ. A. Form 58[See Rule 176, Para 38]Form of certificate to be given to sirdarI..... the Chairman of the Bhumi Prabandhak Samiti..... of Circle....., Tahsil..... District..... certify that the Samiti have admitted..... son of..... resident of....., in village..... to the undermentioned land as sirdar/asami with effect from the..... day of.....On the above land Rs..... will be/shall be payable on the following instalments and date at an annual land revenue/rent:.....rupees on the.....day of.....rupees on the.....day of.....Name of Village....., Pargana..... Tahsil..... District.....

Khasra No. of Plot Area Boundary

Date the..... day of..... 20.....Chairman,Bhumi Prabandhak SamitiZ. A. Form 58-A[See Rule 176 and Para 38]ModelTo be Executed by sirdarI..... son of..... resident of..... Village..... division..... Tahsil..... district..... have taken undermentioned lease of land in division from Bhumi Prabandhak Samiti in..... the position of sirdar from date to at annual land revenue/rent of Rs. .... whose instalment will/shall be due with effect from undermentioned dates, namely.....Rs.....dated.....Rs.....dated.....Name of village.....Pargana..... Tahsil..... district..... Khasra Plot No..... Area..... Boundary.....Dated.....SignatureSirdarZ.A. Form 59(See Rule 176 and Para 39)Certificate to be given to AsamiI hereby certify to ..... of ..... division ..... Tahsil..... District as a Chairman of the Bhumi Prabandhak Samiti that the Samiti have admitted the following land in the form of asami under such condition that if the land would be required for public purpose his lease or licence shall be cancelled from the commencement of the date of its next Agricultural year prior to the date of expiry of his lease or licence.Land revenue/rent on the abovesaid land will/shall be payable on the following dates on the above land at the rate of Rs. .... annually, i.e. Rs..... dated..... to Tahsil..... district for..... Rs..... to..... villlage..... Pargana. Khasra Plot No. Area Boundary

Dated.....ChairmanBhumi Prabandhak SamitiZ. A. Form 59-D[See Rule 176-A and Para 39]Model FormTo be executed from asamiI..... son of..... resident of..... Village..... division..... Tahsil..... district..... have taken lease of land of Bhumi Prabandhak Samiti in the position of asami at annual land revenue/rent under that term and condition that if the land will be required for public purpose its lease or licence will be terminated with the date of commencement of agricultural year of the next expiration period.The annual land revenue/rent oh the above mentioned land will/shall be due at under mentioned date, i.e. Rs. .... on..... date..... Rs..... on..... date. Name of village..... Pargana..... Tahsil..... District..... Khasra no. of lands Area Boundary

Dated.....SignatureAsamiZ. A. Form 62[See Rule 218][Please see paragraph 135]Demand and collection JamabandiVillage..... Pargana/Tappa..... Tahsil..... District.....

Reductions  
due  
tofollowing

reasons

Serial No.	Name, parentage and address of tenure holder	Demand for Kharif/Rabi	Arrears from last crop including that suspended land revenue which is to be collected for this crop	Total of Fasli	Remission	Postponement	Other causes including excess collections of latter crop	Total
1	2	3	4	5	6	7	8	9

Recoveries

Net demand (Col. 5 minus Col. 9)	No. and date of receipt	Serial No. of daily register of recoveries	Amount	Arrears	Excess recoveries	Date and no. of challan of deposit in treasury	Signature of Naib-Tahsildar	Remarks
10	11	12	13	14	15	16	17	18

Z. A. Form 62-B[See Rule 113-A and Para 154]Jamabandi of demand and recoveries of the asamis of Gram Sabha Village..... Pargana..... Tahsil..... District.....

Defecit  
due to  
following  
reasons

Serial No.	Name, parentage and address of asami	No. of khata Khalauni	Demand for kharif fasli-rabi fasl	Arrears of last fasal under which there is postponed land revenue which will be recovered in..... Fasli	Total for kharif-fasli-rabi	Remission	Postponement	Other cases in which there is excess recoveries last crop
1	2	3	4	5	6	7	8	9

Demand	Recoveries							
Net demand (column 6 minus column 10)	Amount paid	No. and date of receipt	Serial No. of cash-book	Arrears	Excess recoveries	Date of deposit in the Gram Fund	Signature of Chairman	Remarks
11	12	13	14	15	16	17	18	19

Z. A. Form 68-A[See Rule 294-A and Para 138]Demand Notice

1.	Serial No.	Serial No.	Serial No.
2.	Khata Khatauni	To,	To,
3.	Gram (Mauza)		
4.	Pargana	Khata-Khatauni The amount due on you as arrear of Rs.....in the account of instalment of village.....	Khata-Khatauni The amount due on you as arrear of Rs.....in the account of instalment of village.....
5.	Name of debtor	Pargana.....,therefore it is hereby expected that you will deposit it within fifteen days of the date of service of notice.	Pargana.....,therefore it is hereby expected that you will deposit it within fifteen days of the date of service of notice.
6.	Amount of arrear and instalment		
7.	Date of issue		
8.	Name of Process Server		
9.	Date of execution		
10.	Date of execution notice served		



11. Remarks

I certify that the particulars of this instrument is correct.

Issued under my office's seal by me on the day of dated.....

Issued under my office's seal by me on the day of dated.....

Seal

Signature of Chairman

Name of Bhumi Prabandhak Samiti

Seal

Signature of Chairman

Name of Bhumi Prabandhak Samiti

Z. A. Form 69-A[See Rule 294-A and Para 138]Citation to Appear

1.	Serial No.	Serial No.	Serial No.
2.	Khata Khatauni	To,	To,
3.	Gram (Mauza)	Sri.....	Sri.....
4.	Pargana	Khata-Khatauni	Khata-Khatauni
5.	Name of debtor	Gram (Mauza)	Gram (Mauza)
6.	Amount of arrear and instalment	The amount due on you as arrear of Rs.....in the account of instalment of Pargana.....therefore if you could have failed to disburse the process fee of citation to appear earliest, then hereby it is expected that you should present personally yourself before the office of the undersigned on date .....	The amount due on you as arrear of Rs.....in the account of instalment of Pargana....., therefore if you could have failed to disburse the process fee of citation to appear earliest, then hereby it is expected that you should present personally yourself before the office of the undersigned on

date.....

7. Date of issue
8. Name of Process-Server
9. Date of execution
10. Date of execution notice served
11. Remarks

I certify that the particulars of this instrument is correct.

Signature of Chairman

Issued by me with the seal of my office todaydated.....

Issued to-day by me and from the seal of my office on.....(date)

Issued by me with the seal of my office todaydated.....

Issued to-day by me and from the seal of may office on (date)

Seal  
Signature of Chairman  
Name of Bhumi Prabandhak Samiti

Seal  
Signature of Chairman  
Name of Bhumi Prabandhak Samiti

1. Serial No.

Serial No.

Be it known to you that, if you failed to present at the specified time and day you may be arrested, detained and property may be attached by issuing warrant of the Collector.

Serial No.

Be it known to you that, if you failed to present at the specified time and day you may be arrested, detained and property may be attached by issuing warrant of the Collector.

Z. A. Form 77[See Rule 300, Para 144]Counterfoil and receipt of land revenue

Counterfoil

Receipt

Book No.....

Book No.....

Receipt No.....

Receipt No.....

Received from.....

Received from.....

of Village.....Pargana.....

of Village.....Parga

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

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

as follows:

as follows:

Date	By whom paid (description)	Class of tenure-holder	Instalment and year	On what account	Whether payment of full or in part	Amount received	Date	By whom paid (description)	Class of tenure
Rs.	p.	Rs.	p.				1	2	3
1	2	3	4	5	6	7	1	2	3
Signature of Chairman, Bhumi Prabandhak Samiti	Signature of Chairman, Bhumi Prabandhak Samiti								

Appendix A[See Para 168]Questionnaire for the Inspection of Land Management Committees by Revenue StaffPrevious Inspection and Compliance

**1. Has the Supervisor Kanungo carried out his basic inspection? Is it detailed, thorough and useful? Has the Supervisor Kanungo got all possible compliance made on the spot in his presence?**

**2. Has any superior officer inspected the Bhumi Prabandhak Samiti (Land Management Committee) during the year according to the roster of inspection for the sub-division?**

**3. Have orders passed by the Sub-Divisional Officer or the Collector on the various inspections been complied within a period of six weeks? Has the compliance report been pasted in the Guard File opened for the purposes?**

Personnel

**4. Is there any vacancy in the office of Chairman or a member ? Why has it not been filled so far? Have all the office bearers taken the oath of office?**

**5. Where there are any party faction in the Bhumi Prabandhak Samiti (Land Management Committee)?**

**6. Is there any group faction in the Bhumi Prabandhak Samiti?**

Meetings

**7. How many meetings of the Bhumi Prabandhak Samiti have been held? Is the notice for a meeting circulated at least three days before as required under rule 110 of the Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1952?**

**8. Whether any meeting of Bhumi Prabandhak Samiti was held in between 15th May and 15th June by which it could be determined that the pattas have been allotted before sowing the ensuing crop?**

**9. What was the state of attendance in the meetings? How many meetings proved abortive for want of quorum? What was the number of adjourned meetings?**

Whether the Secretary of Bhumi Prabandhak Samiti was present in all meetings? If not, what was the proper reason for non-attendance? Whether the village level workers are acceded to in the meetings of Bhumi Prabandhak Samiti.

**10. Did the Bhumi Prabandhak Samiti co-opt any non-members in an advisory capacity?**

**11. Did any member habitually fail to attend meetings? If so, what steps have been taken for his replacement by a person having greater public zeal.**

**12. Is the record of meetings and proceedings in G.S. Form 2 maintained properly? Whether the proceedings of sittings are confirmed by reading out the same and are signed by the Chairman over it?**

Gram Sabha Property

**13. Does the property shown in the Register of BPS Form No. 1 is maintained properly, and exist on the spot and whether that have been corrected up-to date with the help of Tehsil Register by the Lekhpal on his pay date in Tahsil in his presence.**

**14. Is the property shown on that occasion exist in the Register. Is the entries of community groves and forests planted are properly done?**

**15. How many such tenure-holders died after the last inspection, who had no successor? Is the property left by them have been entered in Property Register of Gram Sabha and is the right of the Bhumi Prabandhak Samiti on it is achieved?**

**16. What action have been taken by the Bhumi Prabandhak Samiti under Rules 115-C to 115-H of the Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1956, and with what measure of success? Do village-level workers and Secretary of the Bhumi Prabandhak Samiti helps in discovering of encroachment cases?**

**17. In how many cases the Bhumi Prabandhak Samiti succeeds in the action of ejectment of unauthorised occupiers and in how many the Collector was compelled himself to take action?**

**18. In how many cases Bhumi Prabandhak Samiti having not filed suit for ejectment filed the suit under Section 208 for indemnity? What success is obtained?**

**19. How many suits were filed for eviction to unlawful occupants and what is the progress in it?**

Other suits filed by Gram Sabha

**20. How many suits the Gram Sabha has filed for eviction against how many persons under the Uttar Pradesh Zamindari Abolition and Land Reforms Act, who had transferred their land unlawfully and what was the achievements?**

**21. How many persons are there on whom the Bhumi Prabandhak Samiti has taken action who had utilised their land in violation to the provisions of the Uttar Pradesh Zamindari Abolition and Land Reforms Act?**

**22. How many such persons are there on whom the suit was filed for wrongful means as sub-tenancy?**

**23. Is the Gram Sabha has filed any suit relating to determination of proprietary right? If yes, then result thereof.**

**24. Has the area reserved for planned use been demarcated? For what purposes is this area utilized? Has any portion of this area been let out for cultivation? If so, whether action under Section 198 (2) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act No. 1 of 1951) to get the allotment has been taken?**

**25. Has the Bhumi Prabandhak Samiti adapted any scheme of planned development? Do group and village level workers assist in the preparation of plans?**

**26. Are lands of public utility available for use by all members of the Gaon Samaj without any distinction of caste or party?**

**27. Has all community orchards land been let out to asamis for proper maintenance and rearing?**

**28. Is the Bhumi Prabandhak Samiti has managed to plant trees on both sides of road or unarable land.**

Allotment of land for cultivation

**29. How many leases have been made in a year by the Bhumi Prabandhak Samiti for cultivation?**

**30. In cases to whom sirdari or asami land have been leased to those such persons for cultivation, how much land revenue or rent have been determined accurately.**

**31. As much leases has been allotted, whether they are caused to give to the lease-holder or whether the entries have been made in those land-records? If not, as to why and what steps have been taken for its rectification?**

**32. Have the Bhumi Prabandhak Samiti kept such registers in which there is entry of that land which is cultivable and which has to be leased out? Now how many lands is to be leased out? What are the causes of delay for not making those leases?**

**33. Has the Bhumi Prabandhak Samiti kept the register of allotting the lease groupwise as according to Section 198. Whether Bhumi Prabandhak Samiti have sent descriptive statement for lease in the month of August each year.**

**34. As to how many persons of Bhumi Prabandhak Samiti have allotted the land for the purpose of cultivation? Are those have been allotted as according to Section 198 of U.P.Z.A. & L.R. Act? Is any allotment have been made in defiance to rules? If have been done so, what action have been taken so far?**

**35. Is the accomplishment of allotted lease of the land and admittances done? Whether that was certified as according to Rules.**

Allotment of land for residential site

**36. How much allotment have been made for residential site? Is the provisions of Section 122-C read with rules 115-L to 115-M have been followed at the time of allotment of residential site.**

**37. How many leases of allotment were found disorderly and what action have been taken for its cancellation so far?**

**38. The premium was to be obtained from whom, is that has been deposited in Gram Fund by means of recovery.**

**39. How much cases were found in which lease holder have not made house at residential site within three years and what action has been made for them.**

**40. Are leases of residential place have been handed over to all the lease-holders, if not then why?**

Ponds, tanks, fisheries and water Channels, etc.

**41. How many abadi sites have been allotted? Have they been allotted by auction according to priorities? Have provisions of rules 115-L to 115-R of the U.P.Z.A. & L.R. Rules, 1952, been carefully followed?**

**42. How many licences were issued for singhara cultivation and fisheries? Have the theka dues been realized?**

Other Sayar

**43. What has been the sayar income from fruit, wood, grass, sarpat, stone, moram and other articles? Have all such articles been sold by auction? Whether the prices received were adequate?**

Hats, Bazars and Melas

**44. What is the income from hats, bazars or melas? Are they properly managed?**

Ferries

**45. Have the ferries been auctioned at an adequate price? Are the fees charged from the passengers and for goods reasonable?**

Total Income

**46. What is the total income of the Bhumi Prabandhak Samiti? Has it increased or decreased as compared to last years? Have all possible sources of income been tapped?**

**47. What was the opening balance of Gram Sabha money in the Gram Fund for the years? How much money has been deposited in the Gram Fund this year? Has all the income realized been deposited? Have arrears of Gram Sabha dues reported for recovery as land revenue?**

**48. How much money has been spent from the Gram Fund and for what purpose? Does it outpace income? What is the proportion of expenditure on litigation and land management?**

Accounts

**49. Have the accounts been properly maintained and checked? Do entries in register of expenditure in Form 6 and Cash-Book in B.P.S. Form No. 5 tally? Has there been any embezzlement? Does the Chairman retain money in excess of the permanent advance? Are expenses properly recouped?**



## Maintenance of Records

**50. Are all the records and registers kept as according to the Rules?**

**51. Period to which the records was to be kept in the office have been lapsed, whether it has been deposited in office?**

**52. Are the directions of Shasan or Supervising Officer kept in the minute-book and Guard-file?**

**53. Whether those facilities which were obtained before Zamindari Abolition to villagers, those are still given to them.**

## Instruction

**54. Are the directions given by Government or Supervising Officers complied with and have been noted down in Minute-book and Guard file.**

## Illegal Transfers and Sub-Lettings

**55. How many cases of illegal transfers, sub-lettings, and improper use of land did the Bhumi Prabandhak Samiti detect? Has necessary action been taken in each case?**

**56. How much permit have been issued by the Pradhan on the cultivable land to cut down fuel trees. Whether he has misused his rights?**

**57. Whether in each case the permit for cutting down the trees of Gram Sabha have been issued with the prior permission of Prescribed Authority?**

## Copies of Land Records

**58. Does the Bhumi Prabandhak Samiti get copies of land records for its own purposes?**

**59. How many complaints did the Chairman receive for non-issuance of extracts of land records by the lekhpal? Did he get copies issued?**

## Litigation

**60. In how many suits and cases was the Gram Sabha involved? Are suits instituted after consulting the panel lawyers and the Sub-divisional Officer? Are suits against the Gram Sabha properly defended? Whether there is any compromise or ex parte decision? Was there collusion?**

**61. Do Panel lawyers give free advice to the Bhumi Prabandhak Samiti? Is the register of Gram Sabha litigation properly maintained? Are the expenses on litigation proper and not excessive?**

**62. Does the Bhumi Prabandhak Samiti obtain the copies of judgments for and against it from the panel lawyers? Are they properly maintained?**

**63. Whether the member or office-bearer of any Bhumi Prabandhak Samiti has taken lease of the property of Gram Sabna and have obtained contract in auction conducted by himself? If yes, then has the permission of Collector been obtained? If it is so, then what action have been taken, against such person so far.**

General Appraisal

**64. Are the Chairman and the Members of the Bhumi Prabandhak Samiti public spirited? Have there been any disciplinary cases?**

**65. Is there any difficulty in discharge to his duty to the Chairman or any member of the Bhumi Prabandhak Samiti? If yes, what advice has been given relating to its impediment or what action has been taken.**

Appendix B[See Paras 44, 45 & 90 to 94]U. P. Protection of Trees in Rural and Hill Areas Act, 1976(See now U.P. Protection of Trees Act, 1976)[English translation of Van Anubhag-3, Notification No. 72/XIV-3-377-76, dated January 20,1982, published in U.P. Gazette, Extraordinary, dated 28th January, 1982, page 4]In exercise of the powers under clauses (iii) and (x) of Section 3 of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 (U.P. Act No. 45 of 1976) and in supersession of Notification No. 895 (3)/XIV-3-377-76, dated May 30,1979, and Notification No. 1134/XIV-3-377-76, dated October 27, 1980, the Governor is pleased to appoint the following competent authorities and revising authorities to perform the duties and exercise the powers imposed or conferred upon a competent and revising authorities respectively under the said Act for the areas and different classes of trees as noted, below : (1) For the Hill Areas of the State (All the Hill Districts) and also for districts Mirzapur, Banda, Jhansi, Lalitpur, Gorakhpur, Gonda, Bahraich, Lakhimpur-Kheri, Pilibhit and Chakia Tehsil of District Varanasi in the plains;

Class of Trees	Competent Authority	Revising Authority
1	2	3
All trees except those felling of which is prohibited by Government notification issued under sub-section(1) of Section 23 of the Act.	Concerned Divisional Forest Officer/ Divisional Director.	Concerned Conservator of Forest/Regional Director.

(2) For areas in the plains of the State excluding districts Mirzapur, Banda, Jhansi, Lalitpur, Gorakhpur, Gonda, Bahraich, Lakhimpur-kheri, Pilibhit and Chakia Tehsil of Varanasi District:

Class of Trees	Competent Authority	Revising Authority
1	2	3
(a) Scattered trees of cultivated and uncultivated/Banjar holdings, Gram Samaj or other community lands other than those felling of which is prohibited by Government notification issued under sub-section (1) of Section 23 of the Act.	Chief Development Officer/ Additional District Magistrate (Development)	District Magistrate.

(b) Trees of Forests, Groves, Roadside avenues of Zila Parishads and for trees growing on other establishment and structures other than those felling of which is prohibited by Government Notification issued under sub-section (1) of Section 23 of the Act.

Concerned Divisional Forest Officer/ Divisional Director.

Conservator of Forests/Regional Director.

(3) For whole of Uttar Pradesh :

Trees felling of which is prohibited by Government notification issued under sub-section (1) of Section 23 of the Act	Conservator of Forests / Regional Director.	Chief Conservator/ Concerned Additional Chief Conservator.
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[Vide Notification No. 4448/XIV-Parti Bhumi Vikas Anubhag-93, dated 23rd September, 1993, published in the U.P. Gazette, Extraordinary, Part 4, Section (Kha), dated 23rd September, 1993]. [See Para 65] In exercise of the powers under clauses (iii) and (x) of Section 3 of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 (U.P. Act No. 45 of 1976) and in continuation of Notification No. 72/XIV-3-377-76, dated 20th January, 1982, the Governor is pleased to appoint the following competent authorities and revising authority to perform the duties and exercise the powers imposed or conferred upon a competent authority and a revising authority respectively under the said Act for the areas and trees as noted below : For Fruit Belt under the Uttar Pradesh Promotion & Protection Fruit Trees (Regulation of Harmful Establishments and Housing Schemes) Act, 1985 (U.P. Act No. 18 of 1985)

Class of Trees	Competent Authority	Revising Authority
1	2	3
Fruit	1. Divisional Director/ Divisional Forest Officer	Concerned Conservator of Forest.
2. District Horticulture Officer	Regional Director, Social Forestry.	

## Appendix C

**One**

[See Paras 44,45 &amp; 90 to 94]Timber Trees

Sl. No.	Common Name	Botanical Name
1	2	3
1.	Akhrot	Juglans regia
2.	Arjum	Terminalia arjuna
3.	Am	Mangifera indica
4.	Imli	Tamarindus indica
5.	Kardhai	Anogeissus pendula
6.	Kanju	Holoptelea integrifolia
7.	Kusum	Schleichera trijuga
8.	Kail	Pinus excelsa
9.	Kharshu	Quercus semecarpifolia
10.	Khair	Acacia catechu
11.	Gutel	Trewia nudiflora
12.	Dhau/Bakli	Anogeissus latifolia
13.	Chandan	Santalum album
14.	Chamkharik	Carpinus viminea
15.	Chironji	Buchanania latifolia
16.	Chil	Pinus roxburgli
17.	Jamun	Sygyzium cumini
18.	Dhak-Patas	Butea monosperma*
19.	Tuni	Cedrella ser-rata
20.	Tun	Cedrella toona
21.	Tendu	Diospiros tomentosa
22.	Deodar	Cedrus deodara
23.	Neem	Azadirachta indica
24.	Papri/Sansadu/Chikri	Buxus sempervirens
25.	Phaliyant	Quercus glauca
26.	Bakain	Melia azedarach
27.	Bahera	Terminalia belerica
28.	Banj	Quercus incona
29.	Mahua	Madhuca latifolia
30.	Morinda	Abies pindrow
31.	Moru	Quercus dilatata

32.	Rai	<i>Picea morinda</i>
33.	Rianj	<i>Quercus lanuginosa</i>
34.	Shisham	<i>Dalberaia sissoo</i>
35.	Salai	<i>Boswellia serrata</i>
36.	Sagaon	<i>Tactona grandis</i>
37.	Sal	<i>Shorea robusta</i>
38.	Siris	<i>Albivia species</i>
39.	Sain/Asna	<i>Terminalia tomentosa</i>
40.	Semal	<i>Salmalia melabarica</i>
41.	Harr	<i>Terminalia chebula</i>
42.	Haldu	<i>Adina cordifolia</i>

\* For Mirzapur, Varanasi, Banda and Jhansi districts only

## Two

### Fruit Trees

Sl. No.	Common Name	Botanical Name
1	2	3
1.	Anar	<i>Punica graniirum</i>
2.	Amrood	<i>Psidium guyava</i>
3.	Aroo	<i>Prunus perrico</i>
4.	Aloobukhara	<i>Prunus cymmunis</i>
5.	Am	<i>Mangifera indica</i>
6.	Aonla	<i>Emblica officinale</i>
7.	Kathal	<i>Artocarpus integrifolia</i>
8.	Khubani	<i>Prunus armeniaca</i>
9.	Naspati	<i>Pyrus communis</i>
10.	Narangi, neebu Musammi, Santra	All varieties of citrus
11.	Litchi	<i>Nephelium litchi</i>
12.	Sharifa	<i>Amona squemosa</i>
13.	Sev	<i>Pyrus malus</i>

## Three

Fuel Trees Trees other than those specified in Schedules I and IIG. O. Pertaining to Promote Fishery Notification No. 1513/57-Matsya-94-10-7(1)-8/90, dated 22nd March, 1994 -izns'k esa eRL; ikyu dk;Z dks c<+kok nsus gsrq xzke lHkk ds rkykcksa dh yEch vof/k gsrq iV~Vksa ds vkoaVu esa rsth yk, tkus fo"kd esjs i=kad&241@57& eRL; 93] fnukad 3 ekpZ] 1993 rFkk i=kad 2689@57& eRL;&93] fnukad 6 vxLr] 1993 dh vksj vkidk /;ku iqu% vkd`"V djksr gq, eq>s ;g dguk gS fd yxkrkj

Lej.k djK, tkus ds cKotwn eRL; ikyu iV~Vk vkoaVu dk;Z dks vkids Lrj ls visf{kr izkFkfedrK izkIr ugha gks ikbZ gks ikbZ gS vkSj izxfR vR;Ur vlarks"ktud gSA

## 2.

- eRL; ikyu dk lE;d ykHk eNqvk leqnk; ds ,sls O;fDr;ksa dks izkIr gks tks bl dk;Z esa yxs gq, gksa rFkk rky] iks[kjksa] ehuk'k;ksa ds iV~Vs fcpkSfy;ksa ,oa vlkekftd rRoksa ds i{k esa u gksa] bl rF; dks n`f"Vxr j[krs gq, 'kklu }kjk vius i= la[k;k 45@1&2&@94&lk&2] fnukad 4&1&1994 }kjk moizo Hkwfe izcU/kd lfefr fu;e laxzg esa vko';d la'kks/ku dj fn;k x;k gS ,oa Hkfo"; esa leLr eRL; ikyu dk vkoaVu ,oa uohuhdj.k mijksDr la'kksf/kr 'kklukns'k ds vUrxZr gh fd;k tkuk gSA fo'ks"k rkSj ls uohuhdj.k djrs oDr bl ckr dk /;ku j[kk tk, fd iV~Vs dk uohuhdj.k eNqvk leqnk; ds O;fDr;ksa ds i{k esa gh fu/kkZfjr ojhrk ds vk/kkj ij fn;k tk,A vU; ekeyksa esa uohuhdj.k dh dk;Zdkjh us dh tk,A

## 3.

- eRL; ikyu iV~Vk vkaoVu dk;Z rFkk eRL; ikyu gsrq foRrh; lgk;rk dks chl lw=h dk;Zdze ds en ds :i esa lfEefyr dj fy;k x;k gS vkSj izns'k Lrj ij budh fu;fer leh{k dh tk,xhA

## 4.

- vr% eSa pkgRk gwa fd bl dk;Zdze dks vki fodkl dk;ksZa dks Js.kh esa mPp izkFkfedrK iznku djrh gq, ekfld vk/kkj ij mldh leh{k djsa rFkk mijksDr la'kksf/kr 'kklukns'k ds vuqlkj iV~Vk vkoaVu ,oa uohuhdj.k dh dkjokbZ vfHk;ku pykdj djsaA ekfld vk/kkj ij izxfR dh lwpuk lfpo] i{kq/ku ,oa eRL; dks fu;fer :i ls miyC/k djkbZ tk, rFkk fcyksa ls nke dh Lohd`fr] fd'rksa ds Hkqxrku rFkk vo'ks"k vuqnku ds lek;kstu gsrq Hkh izHkkoh dkjZokbZ dh tk,AHkonh;]tso,yo etkt]d`f"k mRiknu vk;qDr]mRrj izns'kA