

Jaunsar-Bawar Zamindari Abolition and Land Reforms (Chapter III) Rules, 1961

UTTAR PRADESH

India

Jaunsar-Bawar Zamindari Abolition and Land Reforms (Chapter III) Rules, 1961

Rule

JAUN SAR-BAWAR-ZAMINDARI-ABOLITION-AND-LAND-REFORMS-CH of 1961

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Jaunsar-Bawar Zamindari Abolition and Land Reforms (Chapter III) Rules, 1961Published vide Notification No. 3237/1-A-1394-1958, dated 29th June, 1961 and published in the U.P. Gazette (Extraordinary), dated 29th June, 1961In continuation of this Department Notification No. 2927/1A-1394-58, dated 13th June, 1961, and in exercise of the powers conferred under Section 43 of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956 (U.P. Act XI of 1956).The Governor of Uttar Pradesh is pleased to make the following rules under Chapter III of the said Act, after their previous publication as required under sub-section (4) of the said section of the said Act:

1. Short title and commencement.

(1)These rules shall be called the Jaunsar-Bawar Zamindari Abolition and Land Reforms (Chapter III) Rules, 1961.(2)They shall come into force at once.

2. Sections 17/43 (2) (f) : Taking over charge by Collector.

- Upon publication of the notification under Section 15, the Collector shall issue a proclamation in J.B. Form 1 and cause the same to be published within the local limits of the area in respect of which the aforesaid notification has been issued-(a)by pasting copies of the proclamation at the notice-board of his court, at the tahsil building and at a conspicuous place in or near the village in which the land is situate, and(b)if the Collector so directs, by beat of drums in each village in which the aforesaid land is situate.

3. Proceedings in connexion with taking over charge of land.

(a)The Collector, an officer appointed by him in this behalf shall not ordinarily enter into any building for the purpose of seizing and taking possession of books, accounts and other documents referred to in Section 17, before sun-rise and after sun-set.(b)The Collector, or an officer, making the search shall allow the occupier of the building or a person nominated by the occupier, to watch the search.(c)A receipt for the books, accounts or other documents seized and taken into possession, shall be given on the spot immediately after making the search, by the person seizing to the person from whose possession they are seized and taken.

4. Stay of certain suits and proceedings.

- All suits and proceedings whether of the first instance, appeal or revision of the nature as hereinbelow specified, in respect of the land for which a notification under Section 15 has been issued, pending in any court at the appointed date and all proceedings, except insofar as they relate to the realization, otherwise than by ejectment of the judgement-debtor, of cost or compensation awarded in any suit or proceedings in respect of any decree or order, unless it is a decree or order which became final before the appointed day, but is not a decree which may be executed by ejectment of the judgement-debtor, passed in any such suit or proceedings previous to the appointed date, shall be stayed :(a)All suit, applications of proceedings including appeals, references and revisions relating to, or pending for, the ejectment of tenants from their land.Explanation. - For the purposes of this clause, tenants include maurusi tenants or ghair-maurusi tenants, as recognized in the "Dastar-ul-amal of Jaunsar-Bawar" or tenants holding land in lieu of service.(b)suit, applications and proceedings, including appeals, references and revisions, arising out of the above;(c)all cases of execution of decree relating to debts which are wholly or partially charged upon, decreed against, any land, or any part thereof acquired under the Act.Explanation. - For the purposes of this clause debt means an advance in cash or kind, and includes any transaction which is in substance a debt but does not include a debt due to:-(i)the Central Government or Government of any State;(ii)a local authority;(iii)a scheduled bank; and(iv)a co-operative society registered under the Co-operative Societies Act, 1912.

5. Section 43 (2) (e) Disposal of suits and proceedings stayed under.

(1)Every suit or proceeding, whether pending in the court of first instance or in appeal or in revision stayed under Rule 4 shall, together with appeal or revision, if any, be abated by the court or the authority before whom it may be pending after giving notice to parties and affording them opportunity of being heard.(2)The abatement of any suit or proceeding under sub-rule (1) shall not bear any person from establishing his right, in a court of competent jurisdiction in accordance with the law for the time being in force, in respect of any matter in issue in such suit or proceeding, or be construed as depriving any party to the suit or proceeding from any right which may have accrued in its favour in the land, the subject-matter of the suit or proceeding under the Act.(3)[* * *] [Deleted by Notification No. 1129/1-A-42 (4)-64, dated 20th March, 1965.]

6. Section 16 (d).

- Immediately on the publication of the notification under Section 15 in respect of any area, the Tahsildar shall prepare and maintain a register in J.B. Form 2 showing the arrears of revenue outstanding prior to the appointed date, the amount of revenue, if any, paid thereafter and the net arrears due.

7.

Before the preliminary publication of the compensation statements, the Compensation Officer shall ensure that the net amount of arrears shown in J.B. Form 2, and remaining unrealized, is entered in the compensation statement in J.B. Form 6.

8. Section 18.

- For the purpose of assessment of compensation under the Act, every intermediary shall be treated as a separate unit.

9. Section 20.

- The Compensation Officer shall, from the records prepared in accordance with the provisions of the Jaunsar-Bawar Security of Tenure and Land Records Act, 1952, as modified finally under Chapter II of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956 and the rules framed thereunder, prepare the following statements in-(i)J.B. Form 3, showing gross rental income of a khat;(ii)J.B. Form 4, showing the share of each intermediary, in gross rental income and land revenue, etc.; and(iii)J.B. Form 5, showing the land under personal cultivation and possession of the (intermediary) zamindar, to be settled with him as bhumidhar and the amount of land revenue payable by him.

10. Section 21.

- Form of the statements prepared under Rule 9 the Compensation Officer shall proceed to prepare the compensation statement in J.B. Form 6. The Compensation Officer shall thereupon after thoroughly checking the statements and all the subsidiary statements sign and date the same.

11. Sections 22 and 23.

(1)(a)After the Compensation Assessment Statement has been prepared, the Compensation Officer shall cause a notice in J.B. Form 7, to be published in Gazette.(b)Copies of the notice shall be pasted at the notice-board of the office of the Compensation Officer, at a place of public resort in the village in which the land is situate.(c)A copy of the aforesaid notice along with a certified extract of the compensation assessment statement shall also be served on the intermediary in the manner specified in the Code of Civil Procedure, 1908.(2)The notice under sub-rule (1) shall call upon all

persons interested including the State Government to file, before the Compensation Officer, objections, if any, upon such compensation statement. An objection on behalf of the State Government may be filed by the Collector through any person subordinate to him, not below the rank of a Naib-Tahsildar.

12. Section 24.

(1) In deciding an objection under Section 24, the Compensation Officer shall afford to the parties concerned, reasonable opportunity of being heard and producing evidence, if any. The order of the Compensation Officer shall contain a concise statement of the case, the points or determination, the decisions thereon and the reasons for such decision. (2) In deciding the question of title referred to him under clause (b) of sub-section (2) of Section 24, the District Judge shall, as far as may be possible, follow the procedure laid down in the Code of Civil Procedure, 1908, for the hearing and disposal of suits relating to the immovable property.

13. Section 43 (3) (v).

- The court-fee payable on a memorandum of appeal to the Collector under Section 26 shall be two per cent on the value of the subject-matter in appeal.

14. Section 27 (1).

- On the final determination of the amounts of compensation payable to the intermediary, the same shall be entered in a register, in J.B. Form 8, and a notice, in J.B. Form 9, shall be issued to the intermediary calling upon him to receive the payment in the manner and on the date specified therein. (2) The payment shall be made to the intermediary, or to his duly authorized agent, through voucher in J.B. Form 10, but in any areas of land revenue are to be deducted from the compensation, a voucher in J. B. Form 11, shall be prepared and adjustment shall be made by transfer credit. (3) Section 43 (1). - The Compensation Officer shall also maintain a register in J.B. Form 12, in two parts-Part I for vouchers relating to payment in cash, and Part II for vouchers relating to payments made by adjustment.

15. Section 27 (2).

- Where in the course of service of the notice under Rule 14 or otherwise it comes to the knowledge of the Compensation Officer that the intermediary has died, he shall ascertain in such manner as he may deem fit, the names of all such persons as appear to him to be the legal representatives of the deceased and issue notices to each one of such persons and also cause a general proclamation to be made in the locality in which the property was situate, calling upon them to appear before him on a specified date to prove their claim. The Compensation Officer shall then proceed with the determination of the legal representatives of the deceased.

16. Section 43 (1).

- The Treasury Officer/Sub-Treasury Officer shall furnish in Zamindari Abolition Form 32 of the U.P. Zamindari Abolition and Land Reforms Rules, 1952, to the Compensation Officer an account of the vouchers presented and encashed on each day of payment, and the Compensation Officer shall on its receipt fill in the entries in the statement in J.B. Form 8. The statements in Z.A. Form 39 shall be kept in a guard file in the serial order of receipts. The Compensation Officer shall also furnish a statement in J. B. Form 13 to the Collector of his district at the end of each month, who shall consolidate the statements so received in Z.A. Form 39-B of the U.P. Zamindari Abolition and Land Reforms Rules, 1952, in duplicate, both copies whereof shall be sent to the Treasury Officer who shall verify the totals from his registers and note the verified amount on both the copies of the statement under his dated signatures and return them to the Collector. The Collector shall then transmit one copy to the Compensation Commissioner by the 20th of each month. In case there is any difference between the treasury and departmental figures, the Collector shall institute an enquiry at once and report the result thereof to the Compensation Commissioner.

17. Section 43 (1).

- The provisions of Rule 20 of the U.P. Zamindari Abolition and Land Reforms Rules, 1953, shall apply mutatis mutandis in case of vouchers in J.B. Form 10 not encashed for more than three months, lost, destroyed or mutilated.

18. Section 43 (1).

- The books containing vouchers in J. B. Form 10 shall be kept in the personal custody of the Compensation Officer who shall before commencing use of a voucher book, send intimation of the same to the Treasury/Sub-Treasury Officer, as the case may be, in Z.A. Form 41-B of the U.P. Zamindari Abolition and Land Reforms Rules, 1952.

19.

In the case of payment through a duly authorized agent, the Treasury/Sub-Treasury Officer shall maintain a register in J.B. Form 14 and enter therein the necessary particulars before making payments.

20. Section 27 (1)/28.

(1)Where the total amount of compensation payable to an intermediary does not exceed rupees fifty, it shall be paid in one lump sum together with interest thereon, calculated and 2-1/2 per cent per annum from the appointed date to the date of finalization of the compensation statement.(2)Where the total amount of compensation exceeds rupees fifty, it shall be paid in ten equal annual instalment together with interest at 2-1/2 per cent per annum, calculated in accordance with clause (ii) of Section 28. The first of such instalments shall be payable immediately after the finalization of

the compensation statement and the subsequent instalments shall be payable on July 1 each year following the payment of the first instalment.

**20A. [Section 27 (3) of the Act read with Section 69 of U. P. Act I of 1951.
[Added by Notification No. U.P. 2319 (A)/I-A-582-D 63, dated 10th February, 1964.]**

- Where the person entitled to receive the compensation is-(a)a minor or a person suffering from some legal disability, such person not being a ward of a natural guardian, a testamentary guardian, guardian appointed under the Guardian and Wards Act, 1890 or other legal guardian, or(b)a limited owner,the compensation may be deposited with the District Judge of the district in which the person resides :Provided that after the compensation has been so deposited, the District Judge may, on application being presented to him, appoint a guardian for such minor or person suffering from legal disability, and until such appointment the District Judge shall deal with the compensation in the best interest of the person on whose behalf it has been deposited with him.].J.B. Form 1(See Rule 2)Form of ProclamationI, Collector of district Dehra Dun, do hereby declare for the information of all persons possessing or claiming any right, title or interest in land situated in Pargana Jaunsar-Bawar, tahsil Chakrata, of the district aforesaid, that by virtue of the Notification No.....dated..... all such lands to which the said notification applies shall vest on.....20, in and stand transferred to the State of Uttar Pradesh, with effect from the said date, free from all encumbrances and I shall on the date aforesaid take charge of the lands on behalf of the State of Uttar Pradesh.Know all men, therefore, that with effect from the date aforesaid all rights, title and interest of all the intermediaries in every such land have ceased and are vested in the State of Uttar Pradesh free from all encumbrances.So with effect from the date aforesaid all rent in respect of all lands so vested shall vest in and shall be payable to the State Government, and not to the intermediary, and any payment made in contravention thereof shall not be valid discharge of the person liable to pay the same.Seal of the CollectorSignature.....Date.....J.B. Form 2(See Rule 6)Statement showing arrears of land revenueKhat....., pargana Jaunsar-Bawar, tahsil Chakrata, district Dehra Dun

| Serial No. | Name of intermediary with parentage and residence | Name of village | Number of Khata Pathbandi | Amount due on the appointed date | Realization made after the appointed date nutbefore the date of determination of compensation | Balance to be recovered (col. 5 minus col. 6) | Signature of Tehsildar |
|------------|---------------------------------------------------|-----------------|---------------------------|----------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

J.B. Form 3(See Rule 9)Statement showing gross rental income from the notified landKhat..... pargana Jaunsar-Bawar, tahsil Chakrata, District Dehra Dun

| Serial No. | Name of village | Number of Khatauni | Name of intermediary with | Total of all cash rents payable by | Rent of the land to which | Balance (col. 5 minus | Signature of Compensation Officer | Remarks |
|------------|-----------------|--------------------|---------------------------|------------------------------------|---------------------------|-----------------------|-----------------------------------|---------|
|------------|-----------------|--------------------|---------------------------|------------------------------------|---------------------------|-----------------------|-----------------------------------|---------|

Khata parentage tenants included in Section col. 6)
and residence those 34
commuted applies
by
Settlement
Officer

Hamlet

1 2 3 4 5 6 7 8 9

J.B. Form 4(See Rule 9)Statement showing share of intermediaries in the net rental incomeKhat..... pargana Jaunsar-Bawar, tahsil Chakrata, District Dehra Dun

| Sl. No. | Name of village | Number of Khatauni Khata | Name of intermediary in the Khatauni Khata | Share of the intermediary in the KhatauniKhata |
|---------|-----------------|--------------------------|--------------------------------------------|------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 |

| Net rental income of the intermediaries fromrents received or payable by the tenants (excluding those ofSection 34) | Land Revenue of the Khewat and Patbandhi Khata | Intermediary's share of the net rental income | Intermediary's share of the land revenue | Remarks |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------|------------------------------------------|---------|
| 6 | 7 | 8 | 9 | 10 |

J.B. Form 5(See Rule 9)Statement showing the land under personal cultivation of zamindari settled as Bhumidhari and the amount of land revenue payableKhat....., pargana Jaunsar-Bawar, tahsil Chakrata, district Dehra Dun

| Sl. No. | Name of intermediary with parentage and residence | Name of village | Number of Khatauni Khata | Plot No. | Area | Class of Soil | Selected rent rate | Valuation | Land in personal cultivation or in possessionas grove etc. |
|---------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------|---------|---------------|--------------------|-----------|------------------------------------------------------------|
| | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | |
| | | | | | | | Rs. | Rs. | |
| Aggregate of col. 9 | Total valuation as determined by SettlementOfficer in col. 13 of statement 6 | Land Revenue as determined by the SettlementOfficer in col. 14 of statement 6 | Land Revenue payable (col. 10 x col. 12)/Col.11 | Signature of Compensation Officer | Remarks | | | | |

10 11 12 13 14 15
 Rs. Rs. Rs.
 J.B. Form 6(See Rule 10)Draft Compensation StatementVillage.....khat..... pargana
 Jaunsar-Bawar, tahsil Chakrata, district Dehra Dun

| | | | |
|---------|------------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------------------|
| Sl. No. | Name or names of intermediary with parentage and residence | Number of Khatauni Khata | Land revenue payable or deemed to be payable before appointed date (col. 9 of J.B. Form 4) |
| 1 | 2 | 3 | 4 |

| | | | | |
|----------------------------------------------------|---------------------------------------------------------|-----------------------|---------------------------------------|---------|
| Share in the rental income (col. 8 of J.B. Form 4) | Name of compensation (16 times the aggregate of col. 5) | Arrears/ land revenue | Signature of the Compensation Officer | Remarks |
| 5 | 6 | 7 | 8 | 9 |

J.B. Form 7(See Rule 11)In the Court of the Compensation Officer, pargana Jaunsar-Bawar, tahsil Chakrata, district Dehra DunWhereas the statement of rental income and the draft compensation statement in respect of the khat.....village..... pargana Jaunsar-Bawar, tahsil Chakrata, district Dehra Dun, have been prepared, the same are hereby published for the information of all persons interested, to appear and file objections, if any, upon the said statement or the draft compensation statement within a period of one month from the date of its publication.The statements referred to above will be available for inspection in the Court of the undersigned at..... on any working day between 10 a.m. and 4 p.m.Seal of the Court.Signature.....Compensation Officer,DateJ.B. Form 8(See Rule 14)Register of payment of Cash CompensationKhat..... pargana Jaunsar-Bawar, tahsil Chakrata, district Dehra Dun

| | | | | | | | |
|------------------|-----------------|---------------------------------------------------|-----------------------------------------|--------------------|---------------------|-----------------------------------------|-----------------------------|
| Sl. No. | Name of village | Name of intermediary with parentage and residence | Amount of final compensation determined | Amount of interest | Total cols. 4 and 5 | Deductions to be made from compensation | Transfer credit account No. |
| Nature of arrear | Amount | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | 9 |

| | | | | | | |
|--------------------------------|------------|---------------------------|----------------------------|-----------------------------------|-------------------|---------|
| Net amount payable (cols. 6-8) | Instalment | Amount of each instalment | Number of voucher and date | Signature of Compensation Officer | Date of enactment | Remarks |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | First | | | | | |
| | Second | | | | | |
| | Third | | | | | |

Fourth

Fifth

Sixth

Seventh

Eighth

Ninth

Tenth

J.B. Form 9(See Rule 14)Notice (in duplicate)In the Court of the Compensation Officer, pargana Jaunsar-Bawar, tahsil Chakrata, district Dehra DunToSri....., son of.....resident of.....Whereas the net amount of compensation payable to you under the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956, in respect of your rights, title or interest in the notified land situate in the marginally noted villages is Rs.....and the same is payable to you in lump sum/10 annual instalments (as noted below) the first instalment having fallen due now and each of the remaining instalments being due hereafter on first of July each year.

Amount of Compensation Amount of Interest

Rs. nP.

Rs. nP.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Notice is hereby given to you to appear personally or through a duly authorized agent to receive the said lump sum amount/first instalment in my court on the.....day of.....between the hours of 10a.m. and 4 p.m.Given under my hand and seal of the court this.....day of.....Seal of the Court.Signature of the Compensation Officer,Date.....J.B. Form 10(See Rule 14)Voucher of Payment of Compensation

No. Voucher no.
.....

Book No. Voucher No.

.....

.....

Name, parentage and
residence of the Claimant

Head of service chargeable voucher No.of list of
payment

Compensation paid with
interest in respect of notified
land in village.....

Received this day.... of..... the sum of Rs..... being the
amount due to me as compensation and interest under Section 28 in
respect of notified land in village.....pargana.....

.....name,parentage and address of the claimant.....
SerialNo..... in Register in J.B. Form 8.....

Pargana.....

Serial No.....of Col. 1 of
Register in J.B. Form 8

Amount payable in cash
Rs..... nP.....(in words)

Signature of Compensation
Officer.

Approval for Rs..... (in words).....

Date.....

Signature of Compensation Officer

Date

Claimant's signature and address.

Pay in cash Rs.....

(in words) Rs.....only

Signature of Siaha Navis.....

Date

Signature of Tahsildar.....

Signature of the Treasury Officer/Sub-Treasury Officer.

Date.....

Date

Received Voucher.

Signature of recipient.

Date

J.B. Form 11(See Rule 14)

Payable by transfer
credit

Payable by transfer credit

Voucher for adjustment of Arrears

Book No.

Voucher No.

Book No.

Voucher
No.

Name, parentage
and residence of the
intermediary

Head of service chargeable.Voucher No. of
listof payment

Adjustment made
from compensation
money

Received this day of the sum of Rs.
being theamount recoverable from the
compensation in respect of notifiedland in the
following village and adjusted by transfer credit
tothe head as herein detailed.

Khat

Khag

Sl. No. of register in
J.B. Form 8

Sl. No. of register in
J.B. Form 2

Amount payable by
transfer credit on
account of

Name, parentage
and residence
of the
intermediary

Rs.nP.

1.

2. Village

Total Sl. No. of register in J.B. Form 8

Compensation officer Sl. No. of register in J.B. Form 2

Date..... Signature of Compensation Officer

Head of Account

Approved for Rs.....

.....

Compensation Officer, Tahsildar

Date..... Date.....

Pay by transfer
credit

(in words) as follows:

Rs.....

Head of Account

Siaha Navis..... Received voucher

Date Amount

Tahsildar.....

Date..... Signature of Tahsildar

.....

Treasury/Sub-Treasury officer

Date.....

J.B. Form 12(See Rule 14) Register of vouchers issued in J.B. Form 10 Register of vouchers issued in
J.B. Form 11

| District | | | Tahsil | | Signature of Compensation Officer verifying entries in Cols. 1-5 | Sub-Treasury voucher No. and date of payment | Signature of Compensation Officer verifying entries in Col. 7 | Remarks |
|------------|------|-------------|-----------------------------|-------------------------|------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------|---------|
| Sl. No. | Date | Book No. | Serial No. of voucher | Amount of voucher | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | Rs. | | | |

| | | |
|-----|-----|---|
| 1 | 2 | 3 |
| Rs. | Rs. | |

| Sl. No. of the register in J.B. Form 8 | | Name of principal with parentage and residence | Name of authorized legal agent with parentage and residence |
|----------------------------------------|-----------------------------------------|------------------------------------------------|-------------------------------------------------------------|
| Date | in respect of which representation made | | |
| 1 | 2 | 3 | 4 |

| Description of document | Date of execution of document | Date of registration by document in the case of power of attorney | Remarks |
|-------------------------|-------------------------------|-------------------------------------------------------------------|---------|
| 5 | 6 | 7 | 8 |