

Jaunsar-Bawar Security of Tenure and Land Records Rules, 1955

UTTAR PRADESH

India

Jaunsar-Bawar Security of Tenure and Land Records Rules, 1955

Rule

JAUNSAR-BAWAR-SECURITY-OF-TENURE-AND-LAND-RECORDS-RULES of 1955

- Published on 1 January 1955
- Commenced on 1 January 1955
- [This is the version of this document from 1 January 1955.]
- [Note: The original publication document is not available and this content could not be verified.]

Jaunsar-Bawar Security of Tenure and Land Records Rules, 1955

Chapter I Preliminary

1. Title and commencement.

(1) These rules may be called Jaunsar-Bawar Security of Tenure and Land Records Rules, 1955. (2) These rules shall come into force from the date of publication of this notification in the official Gazette.

2. Definitions.

- In these rules, unless there is anything repugnant to the subject or context, -(i) "Act" means the Jaunsar-Bawar Security of Tenure and Land Records Act, 1952; (ii) "Section" means a Section of the Act; and (iii) words and expression "Assistant Collectors", "Assistant Collector-in-charge of the sub-divisions", "Commissioner", "Board" and "Tahsildar" shall have the meanings assigned to them in the U.P. Land Revenue Act, 1901.

Chapter II

Procedure to be Followed in Ejectment

3. Suit to be filed for ejectment.

- A tenant shall be liable to ejectment on any one or more of the grounds specified in Section 3 on the suit of the person from whom he holds the lands.

4. Procedure for determination of suits.

- In all suits referred to in Rule 3 the same procedure shall be followed as is prescribed for regular suits in the rules, published in Government Notification No. 66-A, dated July 10, 1879, for the administration of justice in Pargana Jaunsar-Bawar.

5. Ejectment of sub-tenants.

- In a suit for ejectment of a tenant on the ground specified in clause (iii) of Section 3, the person holding from him shall also be made a party.

6. Time for execution.

- Where the court orders ejectment of a tenant in a suit referred to in Rule 3, delivery of possession in execution of such order shall not be made before the crops, if any, standing on the holding from which the ejectment is to be made, have been harvested.

Chapter III

Sub-Letting

7. Duration of sub-lease.

- Where a holding is sub-let by a tenant in accordance with Section 4, the sub-lease shall not remain in force for more than one year after the lessor dies or the disqualification from which he suffered at the time of granting the sub-lease ceases.

Chapter IV

Maintenance of Maps and Records

8. Inspection tour.

- In order to maintain the map and khasra, the patwari shall make at least one field-to-field

inspection every year in each village of his circle. This tour shall begin from March 1 and shall be completed by June 15.

9. Copy of map for correction.

- The patwari shall not record any changes of the copy of the map supplied to him at the last survey. He shall ordinarily make a tracing from this map for the purpose of recording changes but where the maps have been printed, he may obtain a printed copy thereof for this purpose. The map for recording changes may be used year after year until it becomes unserviceable either through wear and tear or through a large number of alterations. When it has become unserviceable, the patwari shall, under the orders of the Supervisor Kanungo, obtain from the Registrar Kanungo a new copy of the map and after showing thereon the field-boundaries, as they exist and omitting those that have disappeared, file the old map with the Registrar Kanungo after it has been signed by the Supervisor Kanungo in token of his test.

10. Correction of map.

- During his inspection, the patwari shall compare the fields one by one with his map and shall note thereon all changes in field-boundaries and other alterations on the map after making necessary measurements. Changes in the fields may in the first instance be shown in pencil, but must afterwards be made in red ink. When a field is found to have been divided into two or more portions and one of the portions is held or cultivated by any person other than the recorded tenant, he shall give a separate number to each portion, writing the original number as numerator and the fractional number as denominator :Provided that where the portions are in the cultivatory possession of one and the same person under the same class of tenure and belong to one and the same khewat khata, they need not be given separate numbers; the division being shown in this case by dotted lines as if they were new terraces. Where some of the terraces have been dismantled, the dotted lines will be omitted. Where two or more fields in one and the same khewat khata and in the cultivatory possession of one and the same cultivator and held under the same class of tenure have been united by removal of boundaries which separated them, the entries for the field so formed shall be made opposite the first of the component fields, a reference to the combination being given in the remarks column against all the component fields. Where extensive survey operations are required at any time in order to map new cultivation, the patwari shall apply to the Supervisor Kanungo for the use of the necessary instruments and for such assistance as may be required. Such application should be made not later than February in the year in which the necessity arises. In carrying out survey, the instructions given in the Rules and Instructions for Survey of Villages should mutatis mutandis be followed. In any case the map shall be completed and the alterations inked by June 30, every year.

11. Preparation of Khasra.

- Khasra is a field-book in which the pativari shall enter, during his inspection, all changes in boundaries and all facts required for the correction of the khatauni or for agricultural statistics. It shall be prepared in the form given below:Form of Khasra

- (1) Number, of field.
- (2) Area in acres.
- (3) Name of tok with names of proprietors and number of khewat-khata
- (4) Number of khatauni khata
- (5) Name of tenant, as classified in Part II of the khatauni
- (6) Name of tenant, if any, as classified in Part II of the khatauni
- (7) Method of irrigation and wells.
- (8) Crop
- (9) Irrigated Area Kharif.
- (10) Unirrigated
- (11) Crop
- (12) Irrigated Area Rabi.
- (13) Unirrigated
- (14) Crop
- (15) Irrigated Area Zaid.
- (16) Unirrigated
- (17) Irrigated Dofasli Area.
- (18) Unirrigated
- (19) Class of land Details of uncropped land to agree with the columns of the area statements.
- (20) Area
- (21) Remarks

Form of Khatauni In making entries in the khasra the rules in Chapter IV of the Land Records Manual shall mutatis mutandis be followed. The khasra shall be completed by June 15 every year. After completion the pativari shall retain the khasra for one year with him and file it with the Registrar Kanungo on or before July 31, of the year following. The Supervisor Kanungo shall check at least 10 per cent of the entries on the spot in order to satisfy himself that the pativari has made the entries in the khasra in accordance with the actual fact. The Tahsildar and the Sub-divisional Officer, while on tour, shall try to check the spot work in as many villages as possible.

12. Crop and area statements.

- The pativari shall prepare kharif and rabi crop statements and area statement along with his partial and file the statements with the Registrar Kanungo through the Supervisor Kanungo up to July 31 every year. The forms of crop and area statements shall be the same as are in use in the rest of Uttar Pradesh. The consolidated crop and area statements shall be sent by the Registrar Kanungo to the district headquarters, for compilation in the district figures of the year following.

13. Preparation of Khatauni.

- A khatauni is a register of all persons cultivating or otherwise occupying land in a village. It also indicates the names of the proprietor concerned. It shall be prepared in the form given below: Form of Khatauni

Village		Khata	Tehsil		District
Serial No. of Khewat Khata	Name of tok	Name of proprietors with parentage, residence and share	Land revenue and cesses payable	Serial No. of Khatauni Khata	Name of cultivator with prentage and residence in the case of joint holdings.
(1)	(2)	(3)	(4)	(5)	(6)
Khasra No. of each field	Area of each field in acres	Rent payable by the cultivator	Substance, number and date of order effecting change in the Khatauni with designation authority passing the order as attested by the Registrar Kanungo		
I year	II year	III year	IV year	V year	
7	8	9	10	11	12 13 14 15 16

(i) The khatauni shall be prepared quinquennially. But if in any of the intervening years of quinquennium, there takes place any settlement or revision of records or consolidation of holdings operations, a new quinquennium khatauni shall be prepared on completion of such operations and shall remain in the use for five years. (ii) Every year the patwari shall commence the preparation of the khatauni of the succeeding quinquennium from May 16 and shall complete it by the end of June of the same year at the latest, so that it should be ready at the commencement of the quinquennium to which it relates. He shall fill in columns 1 to 9 of the new khatauni from the previous khatauni incorporating all the changes ordered by competent authorities and noted from time to time in columns 10 to 14 of the khatauni. Such changes shall be recorded in the new khatauni in red ink. No changes shall be made in the khatauni by the patwari on his own initiative excepting those relating to the divisions and unions of field, the serial numbers of khatas and the entry of minor's age and the name of the guardian, which shall be made only at the time of preparing, the new khatauni. Subsequent changes intimated during each year shall be entered in column 10 in the first year, column 11 in the second year, column 12 in the third year, column 13 in the fourth year and column 14 in the fifth year. Against each khata in which no orders have been noted in any year, a line shall be drawn in red ink at the end of the year across the column intended for recording changes for that year. (iii) The arrangement of land within each village the khatauni shall be as follows :

Part I – (1) Land cultivated by proprietors.

(2) Land held by Maurusi tenants. (3) Land held by Ghair Maurusi tenants. (4) Land held by a tenant in lieu of services. (5) Land held as occupiers without title when there is no one already recorded in column 5 of the khasra. (6) Land held by others than those mentioned above. (7) Groves

of-(a)Proprietor.(b)tenants.(8)Culturable land.(9)Barren land.(10)Sub-tenants of land mentioned in columns 2 to 6.

Part II – (iv) The heading describing each class or sub-class of land with its number should be written in red ink across the columns. Where there is no land of a particular class or sub-class in the village, the number and heading of the class or sub-class should still be entered and followed by the entry "nil".

(v)The khatauni khata shall be numbered serially for the whole village. Parts I and II shall each have a fresh serial number and in the latter, below the serial number of each khata, the number of the khatauni khata in Part I to which it appertains shall be shown as denominator.(vi)Within each village all fields in a holding which are held by the same person or persons under the same tenure shall be entered consecutively in the order of khasra numbers and the total number of plots as well as the area and the rent of each holding shall be entered below the last field number.(vii)Columnwise totals of each class or sub-class shall be given below the entries of the holding contained in that class or sub-class. Totals for each village shall be given in red ink in Part I as well as in Part II of the khatauni:(viii)The term of commencement of tenure shall be recorded in column 6 of the khatauni for classes (1) to (6) and (10). In case of those holding land from before 1360 Fasli, the term shall be recorded as "from before 1360 Fasli" and in the case of others it shall be recorded as the Fasli year from which the tenure commenced.(ix)Ten per cent of the total number of khatas including all the new entries shall be verified by the Supervisor Kanungo on the spot and also tested when the khatauni is completed. The khatauni shall be deposited with the Registrar Kanungo by July 31 of the year in which khatauni has been prepared.

14. Errata list.

- As soon as the new khatauni has been prepared, the patwari shall draw up the list of errata in the following in respect of the new khatauni. Every correction and alteration and every doubtful entry on the face of the khatauni shall be shown in this form which shall be signed both by the pativari and the Supervisor Kanungo. The errata list shall be deposited with the Registrar Kanungo :Form of errata list

Village	Khata	Pargana	District		
Serial No.	Serial No. of Khatauni Khata	Column of Khatauni	Wrong or doubtful entry	Correct entry	Remarks
1	2	3	4	5	6

15. Statements of holdings and rentals.

- In the month of July each year the patwari shall prepare with the help of his khatauni, a statement in the following form. The total of each class in the khatauni shall be entered in the appropriate column of the statement. The totals for the previous year shall be entered below those for the current year and any marked variations shall be A carefully explained in a note in the remarks column :Form of statements of holdings and rentals

Village	Khata	Tahsil	District						
Name of Village	Class I-Land cultivated by landholders	Class 2-Maurusi tenants	Class 3-Chair Maurusi tenants	Class 4-Tenants in lieu of service					
	Area	Rent, if any	Area	Rent	Area	Rent	Area	Rent	
1	2	3	4	5	6	7	8	9	
Class 5-Occupiers of land without title	Class 6-Other tenants	Total of khatauni columns 2 to 23	Class 20-Part II of the Khatauni	Remarks					
Area	Rent	Area	Rent	Area	Rent	Area	Rent	Area	Rent
10	11	12	13	14	15	16	17	18	19

The statement shall be filed with the Registrar Kanungo not later than July 31 each year.

Chapter V

Miscellaneous

16. Procedure to be followed in suits, applications and other proceedings under the Act.

- All suits for ejectment of a tenant from a holding on the grounds specified in clause (i) of Section 3 shall be instituted in the Court of the Tahsildar, while suits for ejectment on any other ground specified in that section shall lie in the Court of the Assistant Collector in charge of the sub-division.

17. The time within which suits may be filed.

- A suit for ejectment on any of the grounds specified in Section 3 shall be filed between the 1st day of June and the 31st day of August.

18. Limitation for suits.

- The period of limitation for the filing of suit for ejectment of a tenant on the grounds specified in clause (ii) of Section 3 shall be one year beginning from the date of commission of the act detrimental to the land in the holding or inconsistent with the purpose for which it was let.

19. Appeals.

- Appeals from orders of the Tahsildar or the Assistant Collector in-charge of the sub-division [or the Assistant Record Officer] [Inserted by Notification No. 1962/I-A-848-53, dated 15th June, 1956 and published in the U.P. Gazette, Part I-A, dated 23rd June, 1956.] shall lie to the Collector and a second appeal shall lie from the orders of the Collector to the Commissioner.

20. Revision.

- The Board may call for the record of any case decided by any subordinate revenue court and if such subordinate court appears-(a)to have exercised a jurisdiction not vested in it by law; or(b)to have failed to exercise a jurisdiction so vested; or(c)to have acted in the exercise of its jurisdiction illegally or with substantial irregularity,it may pass such order in the case as it thinks fit.

21. Limitation for appeals.

- No appeal shall be brought after the expiration of sixty days from the date of the order complained of.

22. Fees to be paid in respect of suits, appeals and applications under the Act.

- The fees prescribed for suits, appeals and applications in the Court-fees Act, 1870, shall apply to proceedings under the Act or these rules.

23. Transfer of cases by the Board.

- The Board or the Commissioner, Meerut Division may on sufficient cause being shown, transfer any suit, application or appeal or class of suits, applications or appeals from any revenue court to any other revenue court competent to deal therewith.

24. Transfer of cases by the Commissioner.

- The Commissioner of the Meerut Division may exercise within the limits the same powers as the Board in the preceding rule.

25. Transfer of cases by the Collector.

- The Collector may transfer any case from a subordinate court to another court subordinate to him competent to deal therewith.