The N.-W.P. and Oudh and Revenue Act, No. III of 1901

AS EXTENDED TO THE KUMAUN DIVISION

AND

Rules and Orders Relating to the Kumaun Division

ALLAHABAD:
SUPERINTENDENT, PRINTING AND STATIONERY, UNITED PROVINCES, INDIA
1938

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D—RESPONSIBILITY FOR REPORTING

(1) In rule 28(1) in line 5 *add* the following after "once in three years and not less than one third of the total number of village plants shall be checked by him in any given year"

(2) *Add* in line 8 before the last sentence of rule 28(1)

In order to enable the Deputy Commissioner to see that this is done by each Sub divisional Officer Tahsildar and Naib Tahsildar and to facilitate his own work each such officer should maintain a note book in which will be recorded in tabular form "A" the amount of work tested in each record and the number and nature of the mistakes discovered together with notes on any other matter of importance, e g patwari's knowledge of survey, condition of the maps and any other matter to which the officer's attention may have been drawn during the course of his revenue work or to which the Deputy Commissioner may order that attention should be directed

These note books will be submitted to the Deputy Commissioner at the end of touring season not later than 15th April, and will be valuable for submission of the annual statement of inspection of land records work by the said officers in form A"

SECTIONS

CHAPTER IV

REVISION OF MAPS AND RECORDS

LAND REVENUE ACT (III OF 1901), AS AMENDED, AS EXTENDED TO THE KUMAUN DIVISION AND RULES AND ORDERS RELATING TO THE KUMAUN DIVISION

Correction slips for the half year ending September 30, 1930

Page 12

1 After section 58 the following sections shall be inserted as section 58A and 58B, namely

Forecast

58A When the period for which the land revenue of a district or other local area has been settled is about to expire, the local Government shall cause a forescast of the probable results of re settlement to be prepared and shall consider it before deciding to order a resettlement

Considerations which shall determine whether settlement shall be made

58B In deciding whether the district or local area shall be brought under settlement, the local Government shall consider—

(1) whether a reasonable increase or decrease of revenue is likely to result,

(2) whether in case there is a prospect of such an increase there are satisfactory reasons for postponing resettlement,

(3) whether the existing assessment has become uneven or is unduly severe or whether other sufficient reasons exist for entering without the prospect of a reasonable increase of revenue upon the work of re settlement,

* * * * * *

Provided that no settlement shall be undertaken unless it has been preceded, where necessary, by record operations and by survey operations

SECTIONS

CHAPTER IV

REVISION OF MAPS AND RECORDS

(5) The Local Government shall give the Legislative Council an opportunity of discussing the proposed rules and shall before making the rules take into consideration any resolution concerning them which may be passed in the Legislative Council and any objection or suggestion made by any person concerned

(6) The rules when made shall be published in the *Gazette*

Page 14

3 After section 62 the following sections shall be inserted as 63C and 63D namely

63C The settlement officer shall exclude for assessment all land of the following descriptions

(1) land occupied by buildings with their appurtenances,

(2) permanent threshing floors,

* * * * * *

(4) market and village sites,

(5) graveyards cremation grounds and playgrounds,

(6) permanent roads and pathways;

* * * * * *

* * * * * *

63C When the settlement officer has completed the assessment of such area as he may think convenient he shall publish his proposals in such manner as may be prescribed by rules made under sub section (1) of section 62 and shall consider any objections which may be made and shall then submit his proposals together with the objections, if any, and such orders as he may have passed thereon to the Board of Revenue who shall subject to the sanction of the local Government, approve or modify them.

Assessment proposals

Pages 18 19

4 In section 94 the following section shall be substituted :

94. (*a*) The term of every settlement made under this chapter after the commencement of the United Provinces Land Revenue (Amendment) Act, 1929, shall be forty years

Term of settlement.

Provided that the local Government may, with the sanction of the Government of India, extend the term beyond forty years, having regard to the pressure of the population on the land, the extent to which the culturable area is cultivated and the fullness of the rentals.

Provided also that for special reasons to be recorded, such as serious deterioration . . . the local Government may sanction shorter terms for individual *mahals*.

* * * * * *

(*b*) No settlement under this chapter shall be final until it has been confirmed by the local Government.

Page 19

5. After section 95 the following section shall be inserted as section 95A :

95A. The local Government shall give the Legislative Council an opportunity of discussing the forecast, the assessment proposals and the final settlement report and shall consider any resolution which the Council may carry before passing orders on them.

Opportunities for discussion by Legislative Council.

Page 13

2 For section 62 the following section shall be substituted

62 (1) The local Government may make rules subject to the provisions of this Act for the procedure of settlement officers in settlement operations

Rules

(2) Before making rules or altering the existing rules under sub section (1) the local Government shall publish a draft of the proposed rules in the *Gazette* and shall also cause a copy of the said draft to be sent by post to every member of the Legislative Council not less than thirty days before the commencement of the session of the Legislative Council at which it is intended that the proposed rules shall be discussed and shall also cause to be sent to every member copies of objections or suggestions if any made by any person concerned

(3) The local Government shall give the Legislative Council an opportunity of discussing the proposed rules and shall before making the rules take into consideration any resolution concerning them which may be passed in the Legislative Council and any objection or suggestion made by any person concerned

(4) The rules when made shall be published in the *Gazette*

Page 14

3 After section 62 the following sections shall be inserted as 63C and 63D namely

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* * * * * *

(4) market and village sites

(5) graveyards cremation grounds and playgrounds

(6) permanent roads and pathways

* * * * * *

* * * * * *

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6 Rules printed at the foot of page 20, under section 62 shall be replaced by the following rules

(Government notification no 1539/I A dated the 11th September 1930)

REVENUE (A) DEPARTMENT

MISCELLANEOUS

Dated September 11, 1930

No 1539/I A —In exercise of the powers conferred by section 62 of the Land Revenue Act, 1901 (U P Act III of 1901) as applied to the districts of Almora Garhwal and Naini Tal (exclusive of the settled tracts of the Tarai and sub division) the Governor in Council is pleased to make the following rules for the guidance of settlement officers in settlement operations in the districts of Almora and Garhwal and the Naini Tal tal il of the district of Naini Tal

1 —*Forecast* — The forecast shall contain a report on the following matters

(1) Approximate area of land of different classes including area of *nayabad* grants

(2) Variations in the total cultivated area and in the area of the different classes of cultivated land

(3) Variations in irrigated area

(4) Variations in population

(5) Variations in prices of agricultural produce and plough cattle

(6) Variations in agricultural wages

(7) Nature of communications with improvements in them

(8) Economic condition of proprietors together with an estimate of the revenue paid per proprietary *bhata* and per individual proprietor in each pargana

(9) Area of average holding per family and estimate of the extent to which its produce can maintain the family

(10) Sources of living of the proprietors and the extent to which they depend on agriculture or on other means of livelihood

(11) Area cultivated by *Bhumidhar*

(12) Rents paid by *khaikars* and their relation to revenue

(13) Main staple crops, together with a comparison of the outturn of these crops with the outturn at last settlement and also with the outturn of the same crops in representative districts in the plains

(14) Statistics showing the prices at which land was sold during the previous five years together with a comparison of these prices with the prices prevailing at the time of the previous settlement and also with prices in the plains

(15) The extent to which all assessable lands are shown in the maps with substantial completeness and accuracy

(16) The extent to which the records are substantially correct complete and up to date and to which they show with reasonable clearness the existing interests in the land

(17) Estimate of the expenditure likely to be incurred on survey revision of records and re settlement

(18) The level of revenue rates at previous settlements

(19) A comparison of incidences of the revenue rates of the previous settlement with incidences of the revenue imposed on proprietary cultivation at settlements made in plains districts about the time of the previous settlement and at recent settlements

(20) Total revenue at the time of the previous settlement and that payable at the time of inquiry

(21) The principles and data on which the revenue rate is based

(22) A suitable percentage enhancement or reduction in the existing revenue rates

(23) An estimate of the increase of revenue likely to be obtained from re settlement with a full statement of the grounds on which the estimate is based and of the method by which it has been made

(24) Reasons for entering upon the work of re settlement

2.—*Arrangement of forecast*.—The forecast shall furnish the information mentioned in rule 1 by *parganas* or other convenient areas

3.—*Opinion on forecast*.—In forwarding the forecast to the Government the Board of Revenue shall express their views on the matters mentioned in it

4 —*Publication of forecast* —The Government shall publish the forecast with the opinion of the Board of Revenue on it locally, and in the Gazette, and shall give sufficient time to the public to represent their views on the question of re settlement before they take the forecast into consideration

5 —*Survey operations on forecast* —If the forecast shows that the area to be brought under settlement is not shown in the maps with substantial completeness and accuracy, Government shall not proceed with the settlement until they have made proper arrangements for resurvey

6 *Record operations on forecast* —If the forecast shows that the records are not substantially correct and up to date Government shall not proceed with the settlement until they have placed the district under record operations

7 —*Recoupment of expenditure* — If the forecast does not afford a reasonable prospect of the expenditure on survey, record and settlement operations being recouped within a period of fifteen years Government shall not ordinarily proceed within the settlement

8 —*Notice about improvements* —The settlement officer shall at least one month before commencing his inspection, issue a notice requiring landlords who claim an allowance for improvements to file an application giving full details of the situation and nature of the improvements, the date of construction and the approximate cost and the *tol* or holding to which they appertain, and stating whether the cost was met by a loan under the Land Improvement Loans Act 1883, or not

9 —*Village inspection* —When any local area has been brought under settlement the settlement officer or an assistant settlement officer shall so far as possible inspect every village in the local area and shall, at least a week before he inspects a village, issue a notice mentioning the matters about which he intends to make inquiry including claims for allowance for improvement

10 —*Soil classification* —The settlement officer shall except where special reasons exist to the contrary accept the soil classification of the previous settlement and shall place the new assessable area including *talaon* in second class

11 —*Consultation with cultivators*—If the cultivators or their representatives appear before the settlement officer he shall hold the inquiry in consultation with them and will inform

them of his findings He shall take note of improvements for which an allowance is admissible

12 *Assessment circles* —The settlement officer shall divide each local area into assessment circles and shall form his circles of villages possessing a general similarity of soil or physical character He shall explain in his revenue rate report his reasons for departing from the previous arrangement if his circles are differently formed

13 —*Villages requiring special treatment* —Where the settlement officer is of opinion that a village deserves special treatment he will state his views fully while forming the assessment circles and give intimation to the villagers concerned

14 —*Standard rates* —The settlement officer shall determine the standard rate per *bisi* for each class of soil and shall take into account the class and quality of the crop which the land produces

15 —*Limitation of standard rates* —The standard rate applied to each class of soil shall in no case exceed by more than one third the rate applied to the same class of soil at the previous settlement

16 —*Assessment statements* —The settlement officer shall prepare a statement showing his proposals in regard to assessment circles and standard rates and such other matters as he may consider proper and shall publish that statement by placing it at the settlement office and at the tahsil and sending copies of it to the patwari for communication to the *malguzars* with an intimation that any objections to the classification into circles or to the standard rates proposed must be lodged within one month of the date of publication

17 —*Revenue rate report* —The settlement officer shall embody the statement referred to in rule 16 in a report to be known as the revenue rate report for each pargana or other suitable area In this report he shall include a description of the tract reported on with special reference to its topographical divisions river and drainage system communications trade, towns and markets cultivated and irrigated area, population and crops He shall describe the character and economic condition of the proprietary body and shall state the total area held by *Thakars* and the rates payable by them He shall also furnish a map showing the division of the tract into assessment circles where feasible and describe the soil classification He shall also give a detailed statement of his method of working

out the standard rates the reasons justifying it, and the data on which the rates are based

18 —*Submission of revenue rate report* —The settlement officer shall forward the revenue rate report together with his inspection note on each *patti* to the Board of Revenue through the Commissioner of the division.

19 —*Consideration and publication of revenue rate report* —After the period for objections has expired the Board shall scrutinize the report in the light of any objections that may have been made and after making such amendment as may seem to them necessary shall sanction the classification into circles and the standard rates and shall direct the settlement officer to proceed with the assessment of the *mahals* The Board shall thereafter publish the report in the *Gazette* with their orders upon it

20 —*Assessment of timber land* —The settlement officer in assessing land used exclusively for growing timber shall apply only nominal rates

21 —*Land excluded from assessment* —The settlement officer shall exclude from assessment all *malguzari* and *tholdari* land

22 —*Allowance for improvements* —When a work substantially improving any village has been made with the aid of a loan granted under the Land Improvement Loans Act 1883 or by or at the cost of a landholder within thirty years of settlement the settlement officer may make such a deduction from the revenue as he may think fit to enable the proprietor to enjoy a reasonable profit from the improvement for a period of thirty years after the completion of the improvement

23 —*Rates of khaikars* —The rates of rent for *khaikars* shall bear the same proportion to the revenue assessed as they did at the previous settlement

24 —*Damage by wild animals* —In assessing the revenue the settlement officer shall take into account the proximity of the village to reserved forest and the likelihood of damage to crops by wild animals

25 —*Assessment of revenue free villages* —The settlement officer shall ordinarily assess the revenue on villages or parts of villages held revenue free or of which the revenue is assigned in the same manner as on villages which pay revenue to Government But the proprietor shall continue to enjoy the privilege as before the settlement.

34 —*Publication of final report* —Before the Government pass final orders on any settlement they shall publish the settlement officer s final report with the Board s opinion there on in the *Gazette*

7 —Insert the following notification *after* page 46 as appendix II and page it as 46(*a*)

REVENUE (A) DEPARTMENT

MISCELLANEOUS

September 11, 1930

No 1541/(A—197 \ —In exercise of the powers conferred by the first proviso to sub section (2) of section I of the Land Revenue Act 1901 (U P Act III of 1901), the Governor in Council is pleased to extend with effect from 1st October 1930 the following portions of the Land Revenue Act (III of 1901) as amended by the Land Revenue (Amendment—Settlement) Act 1929 (U P Act I of 1929) to the districts of Almora and Garhwal and the Naini Tal tahsil of the Naini Tal District

Section 58\ 58B 62 63C 63 O 94 and 95\ (with restrictions modifications as in original notification)

By order

T SLOAN

Secy to Govt United Provinces

RULES AND ORDERS RELATING TO THE KUMAUN DIVISION
1930 Edition

CORRECTION SLIPS FOR THE YEAR 1934

No. 1
Page 57

Substitute the following for paragraph 8 of the Schedule to Government notification no 513/VII—421 dated the 1st April, 1926 :

Government notification no 737/VII—421, dated the 12th July 1932

8 After consultation with the High Court, to invest Assistant Collectors of the second class in the Kumaun Division with the powers of a Munsif throughout the limits of the districts in which they are respectively Assistant Collectors The jurisdiction of an Assistant Collector of the second class other than tahsildar or a specially empowered naib tahsildar shall extend, subject to the provisions of section 15 of the Code of Civil Procedure 1908, to all original suits of a nature cognizable by a court of small causes under the Provincial Small Cause Courts Act 1887 of which the value does not exceed Rs 500, and the jurisdiction of an Assistant Collector who is a tahsildar or a specially empowered naib tahsildar shall extend to all original suits of a nature cognizable by a court of small cause under the Provincial Small Courts Act 1887 of which the value does not exceed Rs 100

No. 2
Page 84

After Government notification no 1534/VI—1543 1928, dated the 26th April 1929 *insert* the following

JUDICIAL DEPARTMENT

(CRIMINAL)

MISCELLANEOUS

No. I

24th April, 1931

No 1031/VI—1176 1931 —In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), as amended by the United Provinces Gambling Acts, I of 1917, V of 1919 and I of 1925, the Governor in Council is pleased to extend the provisions of sections 3 to 11 13A and 14 to 16 of the aforesaid Act to the following places in the Haldwani police circle, district Naini Tal:

(1) Kathgodam,

(2) Rambagh,

(3) Haldwani Tal,

(4) Gorakhpur, and

(5) Mukhani

No. II

20th May, 1932

No 888/VI—1872 1932 —In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), as amended by the United Provinces Public Gambling (Amendment) Acts, I of 1917, V of 1919 and I of 1925, the Governor in Council is pleased to extend the provisions of sections 3 to 11, 13A and 14 to 16 of the aforesaid Act to Bhimtal and Bhowali in the district of Naini Tal, and, under section 5 of the said Act, to appoint the Tahsildar, Naini Tal, as the officer who is authorized to exercise the power described in this section

No. III

1st February, 1934

No 19/VI—1912 1934 —In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), as amended by the United Provinces Public Gambling (Amendment) Acts, I of 1917, V of 1919, and I of 1925, the Governor in Council is pleased to extend the provisions of sections 3 to 11, 13A and 14 to 16 of the afore said Act to the area within a radius of 2 miles outside the boundaries fixed for the Ramkhet Cantonment in the Almora District.

No. IV

7th February, 1934

No 217/VI—1931 1934 —In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), as amended by the United Provinces Public Gambling (Amendment) Acts I of 1917, V of 1919, and I of 1925, the Governor in Council is pleased to extend the provisions of sections 3 to 11, 13A and 14 to 16 of the above mentioned Act to Lohaghat Bazar and the area within 2 miles radius distant from it.

No. V

10th April, 1934

No 611/VI—1930 1934 —In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), as amended by the United Provinces Public Gambling (Amendment) Acts I of 1917, V of 1919, and I of 1925, the Governor in Council is pleased to extend the provisions of sections 3 to 11, 13A and 14 to 16 of the afore-said Act to the patti Talla Tikhun, Malla Tikhun, Talla Syuneta, Mall Syuneta and Khapatya of the Baramandal Sub-division of the Almora District.

No 3

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For the existing Government notification no 55/XIV—312(24) 1925 dated the 22nd January 1931, and the Nayabad Rules made thereunder the following shall be substituted

FOREST DEPARTMENT

MISCELLANEOUS

1st August, 1931

No 612/XIV—312(24)—In continuation of notification no 679/XIV—312(24) dated the 2nd November 1933, it is hereby notified that the Governor in Council has made the following rules under section 6(b) of the Scheduled Districts Act 1874 (XIV of 1874) in supersession of those contained in notification no 55/XIV—312(24), dated the 22nd January 1931 to regulate the procedure of the revenue officers appointed in Kumaun

Nayabad and Waste Land Rules In the Kumaun Division

CHAPTER I—GENERAL RULES

1 These rules may be called the Kumaun Nayabad and Waste Land Rules They apply to the whole of Kumaun except pattis Malla and Talla Askot and also land within municipal limits

2 (a) They shall come into force from the date of notification and shall apply to applications made on or after that date Applications made previous to that date shall be dealt with in accordance with the rules previously in force

(b) Any extension or grants made contrary to these rules shall be invalid

3 The breaking of new ground for cultivation is of two kinds

(i) Genuine extension of existing cultivation, and

(ii) Nayabad grants

4 Every person cultivating land has a right to extend his cultivation in conformity with rules hereunder over adjoining unmeasured or Kusar i Bund land without asking permission of the revenue authorities and shall acquire in the extension the same status as he held in the original cultivation

5 (i) No extension or grant shall encroach on

(a) the Sal Assi or otherwise recognized or defined boundary of another village,

(b) reserved forest, class I, or

(c) land legitimately in the possession or cultivation of another person,

(d) any settlement path

(ii) No extension or grant shall approach to within 50 feet of the boundary of old reserved, class II, or communal forest

6 No extension shall exceed 5 nalis within one calendar year, nor shall a navabad grant ordinarily exceed 20 nalis

7 No extension or grant shall materially interfere with

(a) the natural right of extension or

(b) the prescriptive or easementary rights of any person other than the person making such extension or receiving such grant

8 No extension or grant shall be made within 50 feet of a public road under the control of the Public Works Department, the Forest Department, or the District Board without the permission of the District Engineer, the Divisional Forest Officer or Chairman of the District Board as the case may be

NOTE—The 50 feet shall be measured in a horizontal line from the centre of the road

9 When an extension has been cultivated a further extension of the same is permissible only after three years and within the limits laid down in rule 6

10 When a grant has been cultivated, an extension of the same is permissible only after five years and within the limits laid down by rules 6 and 9 and in no case if expressly forbidden by the terms of the grant.

11 Every extension or grant, unless made for afforestation, must be prepared for permanent cultivation and be cultivated and terraced within one year from the date of the sanctioning of the grant unless written permission of the Assistant Collector in charge of the sub-division to the contrary has first been obtained before the extension was made or the grants sanctioned. Failure to comply with this rule will make the grant liable to resumption

12 No grant or extension shall be made on the tops or on steep sides of hills, where erosion is likely to occur on the removal of the forest growth or on land on which deodar, walnut, cypress or other protected trees stand in such number as to make the grant or extension undesirable, nor shall grants ordinarily be made where the land or its immediate vicinity contains a large number of pine or oak trees

13 Extensions or grants may be made for agricultural buildings No extension or grant shall be made or used for shops or non agricultural buildings, except in the case of public bodies or charitable institutions When a navabad grant has been made specifically to build a house or cowshed, no extension shall be permitted from it, nor shall any cultivation of it be permitted

14 Grants may be made for the purpose of gardens or afforestation as well as for cultivation Where a grant is made for afforestation, it shall be made on conditions laid down under the Panchayat Forest Rules and a breach of those conditions shall render the grant liable to resumption

15 Where an extension has been made or a grant has been used contrary to these rules the Asistsant Collector in charge of the sub division may

(a) order the evacuation of the extension or grant,

(b) forbid the use of the land in future to the person who has made the illegal extension or misused the grant, and take a bond from him that he shall not so use it, or

(c) take a bond from the person holding the extension of grant that it shall be prepared for permanent cultivation and cultivated within such a time as he may fix, or

(d) exact the value of trees cut and also compensation under the Forests Act not exceeding Rs 50, or the Assistant Collector may combine the action indicated by any two or more of the above sub-clauses

16 The proceedings mentioned in rule 15 may be either a departmental proceeding, or on information given by any person interested Disobedience of an order under rule 15(a) shall be dealt with under section 188 Indian Penal Code and the value of trees exacted under rule 15(d) shall be recovered as arrears of land revenue

CHAPTER II—NAYABAD GRANTS

17 No new unmeasured or Kaisar i Hind ground shall be cleared broken for cultivation or enclosed (except as a genuine extension of cultivation) without the permission of the Deputy Commissioner, in charge Kumaun Division When such permission has been obtained, the land concerned shall be known as a navabad grant

18 Navabad grants may be made to the following persons only

(a) recorded co-sharers,

(b) recorded khaikars,

(c) persons including sirtans, who belong to the agricultural or artisan classes, and who or whose family have resided for 12 years immediately preceding the application in the village within

5 (i) No extension or grant shall encroach on

(a) the Sal Assi or otherwise recognized or defined boundary of another village,

(b) reserved forest, class I, or

(c) land legitimately in the possesssion or cultivation of another person,

(d) any settlement path

(ii) No extension or grant shall approach to within 50 feet of the boundary of old reserved, class II, or communal forest

6 No extension shall exceed 5 nalis within one calendar year, nor shall a nayabad grant ordinarily exceed 20 nalis

7 No extension or grant shall materially interfere with

(a) the natural right of extension, or

(b) the prescriptive or easementary rights of any person other than the person making such extension or receiving such grant

8 No extension or grant shall be made within 50 feet of a public road under the control of the Public Works Department, the Forest Department, or the District Board without the permission of the District Engineer, the Divisional Forest Officer or Chairman of the District Board as the case may be

NOTE—The 50 feet shall be measured in a horizontal line from the centre of the road

9 When an extension has been cultivated a further extension of the same is permissible only after three years and within the limits laid down in rule 6

10 When a grant has been cultivated, an extension of the same is permissible only after five years and within the limits laid down by rules 6 and 9 and in no case if expressly forbidden by the terms of the grant

11 Every extension or grant, unless made for afforestation, must be prepared for permanent cultivation and be cultivated and terraced within one year from the date of the sanctioning of the grant unless written permission of the Assistant Collector in charge of the sub division to the contrary has first been obtained before the extension was made or the grants sanctioned Failure to comply with this rule will make the grant liable to resumption

12 No grant or extension shall be made on the tops or on steep sides of hills, where erosion is likely to occur on the removal of the forest growth or on land on which deodar, walnut, cypress or other protected trees stand in such number as to make the grant or extension undesirable nor shall grants ordinarily be made where the land or its immediate vicinity contains a large number of pine or oak trees

13. Extensions or grants may be made for agricultural buildings. No extension or grant shall be made or used for shops or non-agricultural buildings, except in the case of public bodies or charitable institutions When a nayabad grant has been made specifically to build a house or cowshed, no extension shall be permitted from it, nor shall any cultivation of it be permitted

14 Grants may be made for the purpose of gardens or afforestation as well as for cultivation Where a grant is made for afforestation; it shall be made on conditions laid down under the Panchayat Forest Rules and a breach of those conditions shall render the grant liable to resumption

15 Where an extension has been made or a grant has been used contrary to these rules the Asistsant Collector in charge of the subdivision may

(a) order the evacuation of the extension or grant,

(b) forbid the use of the land in future to the person who has made the illegal extension or misused the grant, and take a bond from him that he shall not so use it, or

(c) take a bond from the person holding the extension of grant that it shall be prepared for permanent cultivation and cultivated within such a time as he may fix, or

(d) exact the value of trees cut and also compensation under the Forests Act not exceeding Rs 50; or the Assistant Collector may combine the action indicated by any two or more of the above subclauses

16 The proceedings mentioned in rule 15 may be either a departmental proceeding, or on information given by any person interested. Disobedience of an order under rule 15(a) shall be dealt with under section 188 Indian Penal Code, and the value of trees exacted under rule 15(d) shall be recovered as arrears of land revenue

CHAPTER II—NAYABAD GRANTS

17 No new unmeasured or Kaisar-i-Hind ground shall be cleared broken for cultivation or enclosed (except as a genuine extension of cultivation) without the permission of the Deputy Commissioner, in charge Kumaun Division When such permission has been obtained, the land concerned shall be known as a nayabad grant.

18 Nayabad grants may be made to the following persons only :

(a) recorded co sharers,

(b) recorded khatkars,

(c) persons, including sirtans, who belong to the agricultural or artisan classes, and who or whose family have resided for 12 years immediately preceding the application in the village within

whose Sal Assi or other defined boundary the land applied for lies, and

(*d*) public bodies such as the District Board, Public Works Department, etc and charitable institutions

' Recorded " shall mean recorded in the phant of the village within whose Sal Assi or other defined boundary the land applied for is situated

Exception—The Deputy Commissioner, in charge Kumaun Division, may, in special cases, and after recording his reasons in writing, make grants otherwise than in accordance with this rule

NOTE—In pakka Khaikari village grants may be made only to recorded khaikars public bodies and charitable institutions

19 If there is more than one applicant for a particular plot of land, preference shall ordinarily be given to such persons as have no land or less than 2 acres of land for cultivation

20 Grants may be made to public bodies for public purposes, such as schools, play grounds, pounds, dharamshalas, etc Such grants should usually be revenue free The procedure laid down in rules 22 to 34 shall not be followed in such cases, but the Deputy Commissioner shall make such previous inquiry, after notifying the person concerned, as to him seems necessary

21 (*i*) If the grantee is a hissedar, the grant shall be hissedari, if a khaikar, khaikari, if the grantee previously held no land in the village or was a sirtan he shall be a khaikar with respect to the grant, the land being *gaon sanjayat hissedari*

(*ii*) Similarly if a khaikar extends his cultivation according to these rules, he will acquire khaikari rights in the extension and the hissedari rights in this land will be the same as those existing at the time of the extension in the original land from which the extension was made A hissedar who extends his cultivation in accordance with those rules will acquire in the extension the same rights as he had in the land from which he made the extension

22 Any person desiring such a grant shall apply to the Assistant Collector in charge of the sub division, either in person or by post giving an accurate description of the land and stating the purpose for which he requires the land, and shall state (*a*) the area of land already held by him and (*b*) his status in respect of such land

23 The applicant shall mention the village and the *tok* in which the land is situated and shall describe as far as possible the area, extent and boundaries of the land applied for, together with such neighbouring fields (with the names of their proprietors) and landmarks as will ensure the identification of the plots

whose Sal Assi or other defined boundary the land applied for lies, and

(*d*) public bodies such as the District Board, Public Works Department etc and charitable institutions

Recorded shall mean recorded in the phant of the village within whose Sal Assi or other defined boundary the land applied for is situated

Exception—The Deputy Commissioner, in charge Kumaun Division, may in special cases and after recording his reasons in writing, make grants otherwise than in accordance with this rule

NOTE—In pakka khaikari village grants may be made only to recorded khaikars public bodies and charitable institutions

19 If there is more than one applicant for a particular plot of land preference shall ordinarily be given to such persons as have no land or less than 2 acres of land for cultivation

20 Grants may be made to public bodies for public purposes such as schools play grounds, pounds, dharamshalas etc Such grants should usually be revenue free The procedure laid down in rules 22 to 34 shall not be followed in such cases, but the Deputy Commissioner shall make such previous inquiry, after notifying the person concerned as to him seems necessary

21 (*i*) If the grantee is a hissedar the grant shall be hissedari, if a khaikar khaikari if the grantee previously held no land in the village or was a sirtan he shall be a khaikar with respect to the grant, the land being *gaon sanjayat hissedari*

(*ii*) Similarly if a khaikar extends his cultivation according to these rules he will acquire khaikari rights in the extension and the hissedari rights in this land will be the same as those existing at the time of the extension in the original land from which the extension was made A hissedar who extends his cultivation in accordance with those rules will acquire in the extension the same rights as he had in the land from which he made the extension

22 Any person desiring such a grant shall apply to the Assistant Collector in charge of the sub division, either in person or by post giving an accurate description of the land and stating the purpose for which he requires the land and shall state (*a*) the area of land already held by him and (*b*) his status in respect of such land

23 The applicant shall mention the village and the tok in which the land is situated and shall describe as far as possible the area, extent and boundaries of the land applied for, together with such neighbouring fields (with the names of their proprietors) and land marks as will ensure the identification of the plots

24 The Assistant Collector in charge of the sub division shall then depute an amin at the cost of the applicant to prepare a map, and give an accurate description and the area and the name of the tok of the land The map shall be made in the presence of as many of the hissedars and khaikars of the villages as possible, whose signatures or thumb impressions shall also be taken

25 The Assistant Collector in charge of the sub division shall then cause a proclamation to be made in the village by the patwari It shall be the duty of the patwari to notify as far as possible to all the villagers the details of the grants applied for, with its situation and area and in particular to every one owning or cultivating land in the neighbourhood of the plots applied for He shall take the signature or thumb impressions of at least one third of the recorded hissedars or khaikars of the village And where there are two factions in the village he shall take special care to ensure that the application is brought to the notice of the opposite faction to that of which the applicant is a member The refusal of any person to sign the proclamation should be attested by two independent witnesses

26 The patwari shall certify to the Assistant Collector in charge of the sub division the date on which the proclamation was served, the names of the persons to whom the proposal was explained, and the steps taken to ensure that the application was made known to each party or faction in the village

27 The patwari shall also certify the village within whose Sal Assi or other defined boundary the land applied for lies, and shall submit a report showing how many trees are growing on the land, and of what species and size these trees are He shall report whether the proposed grant will interfere with the prescriptive and easementary rights of others and shall state whether the grant is contrary to the provisions of these rules and especially to rules 5 to 8 12 and 18

28 The expense of this survey and proclamation shall be borne by the applicant

29 At any time within two months of the service in the village of the proclamation mentioned in rules 25 and 26 objection to the making of any land grant may be made by any of the following persons or associations of persons acting together namely :

(a) In a village in which there are no khaikars one third or more of the hissedars, recorded in the phant

(b) In a pukka khaikari village, one third or more of the khaikars recorded in the phant

(c) In a kachcha khaikari village

(i) if the applicant is a hissedar one third or more of the hissedars recorded in the phant

(ii) if the applicant is a khaikar or is neither hissedar nor khaikar either one third or more of the hissedars or one third or more of the khaikars recorded in the phant

NOTE—In calculating the one third of the hissedars or khaikars these shall be taken to consist of all the persons including shikmis recorded in the phants of the village within whose Sal Assi boundary the grant applied for is situated

(*d*) Any person whose prescriptive or easementary rights would be affected by the grant

(*e*) Any person whose right of extension would be materially affected by the grant

(*f*) By any person who claims that he already possesses a proprietary title to the land applied for

29 (A) Objections made under rule 29(*a*) (*b*) and (*c*) must be in writing and must be signed by each of the hissedars or khaikars making them They may be delivered personally to the Assistant Collector in charge of the sub division or sent by registered post In cases of doubt or of objections raised by the parties they shall be verified by the Assistant Collector in charge of the sub division personally or through the kanungo or patwari No hissedar or khaikar shall be deemed to be recorded unless he has actually obtained mutation

30 At the expiry of two months from the date of service in the village of the proclamation referred to in rules 25 and 26 the Assistant Collector in charge of the sub division shall consider the patwari's certificate and report submitted under rules 26 and 27 along with any objections submitted under rule 29 If, after making such summary inquiry as he may find necessary, he is of opinion that the grant is undesirable, either as contravening the provisions of rules 5 to 13 and 18 or for any other sufficient reasons he shall record his reasons in writing, and shall provisionally refuse the grant

An appeal, within one month of the notification of the decision of the Assistant Collector to the applicant, shall lie against such provisional order or refusal to the Deputy Commissioner whose orders shall be final

31 (A) If the Assistant Collector in charge of the sub division finds no such reason for refusing the grant and no objection under rule 29 has been made within the time specified therein, or if all the objections made thereunder have been rejected the Assistant Collector in charge of the sub division shall propose a summary settlement of the grant and forward the papers to the Deputy Commissioner, in charge Kumaun Division through the Deputy Commissioner for sanction This sanction is liable to be modified as a result of the decision arrived at in any suit filed under rules 32 and 33

Leases for non-agricultural purposes

42. Where an application is made for land for non-agricultural purposes (e.g. shops) the Deputy Commissioner shall cause such inquiry to be made as may to him seem necessary and if there is no good cause for refusing the application the Deputy Commissioner may, without reference to higher authority, give a lease of the land applied for, or any part of it provided that the lease be limited to the remaining period of settlement the rent fixed be not more than Rs.10 per [illegible], and no premium is to be paid

If a lease is recommended for a greater period or at a higher rent than is mentioned above, or if premium is proposed, the Deputy Commissioner shall submit his proposals to the Deputy Commissioner, in charge Kumaun Division for orders

43. Should there be more than one applicant for a lease under rule 42, a rent should be fixed and a premium paid. This premium should be put to auction

44. If the applicant for lease under rule 42 is a bona fide resident of the village within which the leased land lies the rent charged should be nominal

45. The Deputy Commissioner, in charge Kumaun Division, may from time to time prescribe such forms as may be required for the purpose of carrying out these rules

No 4

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D—RESPONSIBILITY FOR REPORTING

(1) In rule 28(1) in line 7 add the following after once in three years and not less than one third of the total number of village plants shall be checked by him in any given year

(2) Add in line 8 before the last sentence of rule 28(1)

In order to enable the Deputy Commissioner to see that this is done by each Sub divisional Officer Tahsildar and Naib Tahsildar and to facilitate his own work each such officer should maintain a note book in which will be recorded in tabular form the amount of work tested in each record and the number and nature of the mistakes discovered together with notes on any other matter of importance, e g patwaris knowledge of survey condition of the maps and any other matter to which the officer s attention may have been drawn during the course of his revenue work or to which the Deputy Commissioner may order that attention should be directed

These note books will be submitted to the Deputy Commissioner at the end of touring season not later than 15th April and will be valuable in submission of the annual statement of inspection of land records made by the said officers in form A

CHAPTER V

SETTLEMENT OF THE REVENUE

CHAPTER VI

REVISION OF ASSESSMENT AND OTHER PROCEEDINGS DURING CURRENCY OF SETTLEMENT

SECTIONS

CHAPTER VII

* * * * * *

CHAPTER VIII

COLLECTION OF REVENUE

SECTIONS

CHAPTER IV

PROCEDURE OF REVENUE COURTS AND REVENUE OFFICERS

SECTIONS

CHAPTER X

APPEALS, REFERENCES AND REVISION

CHAPTER XI

MISCELLANEOUS

(A) *Powers*

(B) *Jurisdiction of Civil Courts*

(C) *Power to make rules*

ACT NO. III OF 1901

Passed by the Lieutenant Governor N W P and Oudh in Council

(*Received the assent of the Lieut Governor of the North-Western Provinces and Oudh on the 24th October* 1901, *and of the Governor General on the* 19*th December* 1901 *and published under section* 40 *of the Indian Councils Act* 1861, *on the* 21*st December* 1901)

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO LAND REVENUE AND THE JURISDICTION OF REVENUE OFFICERS IN THE NORTH WESTERN PROVINCES AND OUDH

Nos. 632/XII—281 and 634/XII—281 dated 27th June 1901
No 2394/I—305 H dated 26th August 1904
No 1060/I—1046 dated 29th March 1905
No 53 I—1046 dated 5th January, 1906
No 1840 I—1909 dated 21st September 1909
No 1659 I—774 dated 11th August 1910
No 497/I—794 dated 6th March 1912
No 631/I—794 dated 24th March 1913

In supersession of previous notifications cited on the margin and in exercise of the powers conferred by sections 5 and 5A of the Scheduled District Act, 1874 (XIV of 1874) and with the previous sanction of the Governor General in Council, the Lieutenant Governor of the United Provinces of Agra and Oudh is pleased to extent the United Provinces Land Revenue Act, 1901 (U. P Act III of 1901) subject to restrictions and modifications specified in notification no 134/I—624 dated 19th January, 1918 * to the Almora district, to Garhwal district exclusive of Bhaim villages of the Garhwal Bhabar Estates and to the Naini Tal district exclusive of the Kashipur tahsil (whole), the Tarai tahsil (whole) and the *Bhaim* villages of the Bhabar tahsil of that district

CHAPTER I

PRELIMINARY

Title, extent and commencement

1 (1) This Act may be called the North Western Provinces and Oudh Land Revenue Act, 1901

* * * *

* See Appendix I

Definitions

4 In this Act, unless there be something repugnant in the subject or context,—

(1) 'Board" means the Board of Revenue.

(2) "Incumbrance' means a charge upon or claim against land arising out of private contract

(3) "Lambardar" means (*a*) a co-sharer of a mahal appointed under this Act to represent all or any of the co-sharers in that mahal or a mukhtar or recognized agent of such co-sharer where called a malguzar padhan or Sirgiroh, and (*b*) a ghar padhan

(4) "Mahal means—

(*a*) any local area held under a separate engagement for the payment of the land revenue provided that—

(i) if such area consists of a single village, or portion of a village, a separate record of rights has been framed for such village or portion,

(ii) if such area consists of two or more villages or portions of villages, a separate record of rights has been framed either for the entire area or for each of the villages or portions of villages included therein,

(*b*) any revenue free area for which a separate record of rights has been framed,

(*c*) for such purposes as the Local Government may determine, any grant of land made heretofore or hereafter under the waste land rules, and

(*d*) any other local areas which the Local Government may by general or special order declare to be a mahal

(5) 'Minor' means a person who, under section 3 of the Indian Majority Act, 1875, has not attained his majority

of 1875

* * * * * *

(7) "Revenue' means land revenue

(8) "Revenue Court" means all or any of the following authorities (that is to say) the Board and all Members thereof Commissioners Additional Commissioners, Collectors Assistant Collectors, Settlement Officers, Assistant Settlement Officers Record Officers and Assistant Record Officers and Tahsildars

(9) "Revenue Officer" means any officer employed under this Act in maintaining revenue records, or in the business of the land revenue

(10) "Revenue-free," when applied to land, means land whereof the revenue has either wholly or in part been released, compounded for, redeemed or assigned

(11) "Settlement" means settlement of the land revenue

* * * * * *

CHAPTER II

APPOINTMENTS AND JURISDICTION

Chief controlling revenue authority.

5 The control of all matters connected with the land revenue in the North Western Provinces and Oudh is vested in the Board, subject to the orders of the Local Government

Appointment and removal of Members of the Board

6 The Local Government with the previous sanction of the Governor General in Council, shall appoint, and may remove, the Members of the Board

Power to distribute business

7 (1) Subject to such rules or orders as the Local Government may prescribe or issue, the Board may distribute its business and make such territorial division of its jurisdiction amongst its Members as to the Board may seem fit.

(2) All orders made or decrees passed by a Member of the Board in accordance with such distribution or division shall be held to be the orders or decrees (as the case may be) of the Board

Alteration or reversal of a judicial order.

8 No decree or order in a judicial proceeding coming under the consideration of the Board on a reference under section 218 or in revision under Kumaun Rules, 1894, section 219, shall be altered or reversed without the concurrent judgment of two Members of the Board

Reference to Local Government in case of difference of opinion.

9 When the Members of the Board are equally divided in opinion as to any order to be made in the course of its non-judicial business, the question regarding which there is such division of opinion shall be referred for decision to the Local Government

matters shall be held to the Collector under this Act until the Local Government appoints a successor to the Collector so dying or disabled, and such successor takes charge of his appointment

CHAPTER III

MAINTENANCE OF MAPS AND RECORDS

(A) *Kanungos and Patwaris*

Power to form and alter patwaris circles

21 The Collector with the previous sanction of the Board, may arrange the mahals of the district in patwaris' circles, and may, from time to time, alter the number and limits of such circles

But no such arrangement or alteration shall be final unless and until it has been sanctioned by the Board

Salaries of patwaris

22 The salaries of the patwaris shall from time to time be fixed by the Collector subject to the orders of the Board

Appointment removal and dismissal of patwaris

23 (1) The Collector shall appoint a patwari to each circle, and, notwithstanding anything hereinafter contained, may, subject to rules made under section 234, order the removal or dismissal of patwaris

(2) The collector may transfer a patwari from one circle to another.

* * * * * *

Appointment of kanungos

25 One or more kanungos may subject, to rules made under section 234 be appointed in each district for the proper supervision, maintenance and correction of the prescribed registers, and for such other duties as the Board may from time to time prescribe

Amount of kanungos salaries

26 The salaries of the kanungos shall from time to time be fixed by the Board under the orders of the Local Government

Kanungos and patwaris to be public servants, and their records public records

27 Every kanungo and patwari, and every person appointed temporarily to discharge the duties of any such officer, shall be deemed to be a public servant within the meaning of the Indian Penal Code and all official records and papers kept by any such officer shall be held to be public records and the property of Government

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(B) Maps

Maintenance of map and field book

28 The Collector shall, in accordance with rules made under section 234, maintain a map and field book of each village in his district, and shall cause annually, or at such longer intervals as the Board may prescribe, to be recorded therein all changes in the boundaries of each village, mahal or field and shall correct any errors which are shown to have been made in such map or field book

Obligations of owners as to boundary marks

29 All owners of villages, mahals or fields are bound to maintain and keep in repair, at their own cost, the permanent boundary marks lawfully erected thereon, and the Collector may at any time order such owners—

(a) to erect proper boundary marks on such villages, mahals or fields,

(b) to repair or renew in such form and material as he may prescribe all boundary marks lawfully erected thereon

If such order is not complied with within thirty days from the communication thereof, the Collector shall cause such boundary marks to be erected, repaired or renewed, and shall recover the charges incurred from the owners concerned in such proportion as he thinks fit

Explanation—The term "owners" in this and the following section includes also under-proprietors, lessees, mortgagees or other persons in possession of the land referred to

Penalty for injury to, or removal of marks

30 The Collector may order any person convicted before him of wilfully erasing, removing or damaging a boundary or survey mark to pay such sum, not exceeding fifty rupees, for each mark so erased, removed or damaged as may be necessary to restore it, and to reward the informer through whom the conviction was obtained When such sum cannot be recovered, or if the offender cannot be discovered, the Collector shall restore the mark and recover the cost thereof from such of the owners of the conterminous villages, mahals or fields as he thinks fit

(C) Registers

31 The Collector shall prepare and maintain—

Registers of revenue-paying and revenue-free mahals

(a) a list of all revenue paying mahals, specifying the revenue assessed on each and the lambardar or other person through whom it is payable;

(b) a list of revenue free mahals, specifying the authority and conditions under which they are exempt from the payment of revenue

* * * * * *

The annual registers

33 The Collector shall maintain a record-of rights and registers in accordance with the rules made under section 234 of this Act No change or transaction affecting the registers prescribed by such rules shall be recorded without the order of the Collector or as hereinafter provided of the Tahsildar or a peshkar invested with the powers of a Tahsildar

* * * * * *

Report of succession or transfer of possession.

34 (1) Every person obtaining possession by succession or transfer of any proprietary or other right in a mahal or part of a mahal or the profits thereof, or in any specific area therein, which is required to be recorded in the registers maintained under section 33 shall report such succession or transfer to the Tahsildar or peshkar of the tahsil in which the mahal or any part thereof is situated

(2) In the case of a succession or transfer, other than a mortgage of lease the report shall be made immediately after it has taken place

(3) In the case of a mortgage or lease the report shall be made immediately after the mortgagee or lessee has obtained possession thereunder

(4) If the person so succeeding or otherwise obtaining possession is a minor or otherwise disqualified, the guardian or other person who has charge of his property shall make the report required by this section

(5) No revenue court shall entertain a suit or application by the person so succeeding or otherwise obtaining possession until such person has made the report required by the section

Procedure on report

35 The Tahsildar or a peshkar exercising the powers of a Tahsildar on receiving such report or upon the facts coming otherwise to his knowledge shall make such inquiry as appears necessary and in undisputed cases if the succession or transfer appears to have taken place shall record the same in the prescribed registers if the succession or transfer is disputed, the Tahsildar or peshkar shall refer the case to the Collector who shall dispose of it after deciding the dispute in accordance with the provisions of section 40

* * * * * *

37. (1) The Local Government may prescribe proper fees for mutations in the registers

Power to prescribe fees for mutation

Provided that no fee for a single mutation shall exceed one hundred rupees

(2) Such fees shall be levied from the person in whose favour the mutation is made and shall be expended in such manner as the Local Government thinks fit

38 Any person neglecting to make the report required by section 34 within six months from the date of obtaining possession under a mortgage or lease or from the date of the succession or other transfer shall be liable to a fine not exceeding five times the amount of the fee which would otherwise have been payable under section 37 or when no fee is leviable then not exceeding such amount as the Board may by rule prescribe

Fine for neglect to report

39 All transfers and changes affecting interests in land other than those referred to in section 34 shall be recorded according to rules made under section 234

Record of transfers of non proprietary interests in land

(2) No division of a holding occupied by two or more tenants, and no distribution of the rent payable in respect thereof, shall be recorded, unless the consent of the landholder and of all the tenants concerned has been attested before a revenue court or the kanungo

(3) All disputed cases shall be reported to the Tahsildar, who shall make such inquiry as appears necessary and shall submit his proceedings to the Collector, who after such further inquiry as may be necessary, shall pass orders in accordance with the customs regulating tenures in Kumaun and, if necessary, cause the prescribed registers to be amended

40 (1) All disputes regarding entries in the prescribed registers shall be decided on the basis of possession

Settlement of disputes as to entries in annual registers

(2) If in the course of inquiry into a dispute under this section the Collector is unable to satisfy himself as to which party is in possession, he shall ascertain by summary inquiry who is the person best entitled to the property and shall put such person in possession

(3) No order as to possession passed under this section shall debar any person from establishing his right to the property in any civil or revenue court having jurisdiction

Settlement of boundary disputes.

41 (1) All disputes regarding boundaries in measured lands shall be decided as far as possible on the basis of existing survey maps, but if this is not possible, the boundaries shall be fixed on the basis of actual possession

(2) If, in the course of an inquiry into a dispute under this section, the Collector is unable to satisfy himself as to which party is in possession or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupants of the property within a period of three months previous to the commencement of the inquiry, the Collector—

(a) in the first case shall ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession

(b) in the second case shall put the person so dispossessed in possession

and shall then fix the boundary accordingly

* * * * * *

Presumption to entries and decisions binding on revenue courts

44 All entries in the prescribed registers made under section 33 shall be presumed to be true until the contrary is proved

Appointment of lambardars

45 (1) If during the currency of a settlement the office of lambardar in any mahal or part of a mahal becomes vacant or if at any time the Collector decides that one or more additional lambardars should be appointed he shall make such appointment in accordance with the rules and customs in force in Kumaun

(2) If no nomination is made within one month from the issue of the notice or if the nominee is not qualified or refuses to act, the Collector may attach the mahal or part thereof, and hold it under direct management until a qualified nominee is appointed

The collections of the mahal or part thereof so attached shall be applied to the payment of the revenue the cost of management and any expenses with which the mahal or part thereof is chargeable and any surplus shall be divided amongst the recorded co sharers in proportion to their respective shares at such times as the profits are ordinarily divisible

Obligation to furnish information necessary for the preparation of records

46 Any person whose rights, interests or liabilities are required by any enactment for the time being in force, or by any rule made under any such enactment, to be entered in any official register by a kanungo or patwari, shall be bound to furnish on the requisition of the kanungo or patwari or of any revenue officer engaged in compiling the register all information necessary for the correct compilation thereof

Inspection of records

47 All maps field books and registers kept under this Act shall be open to public inspection at such hours and on such conditions as to fees or otherwise as the Local Government may prescribe

CHAPTER IV

Revision of Maps and Records

Notification of record operations

48 If the Local Government thinks that, in any district or other local area a general or partial revision of the records or a re survey, or both, should be made, it shall publish a notification to that effect

Effect of notification

and every such local area shall be held to be under record or survey operations or both, as the case may be from the date of the notification until the issue of another notification declaring the operations to be closed therein

Record officers

49 The Local Government may appoint an officer, hereinafter called the record officer to be in charge of the record operations or the survey, or both as the case may be in any local area and as many assistant record officers as to it may seem fit, and such officers shall exercise all the powers conferred on them by this Act so long as such local area is under record or survey operations as the case may be

Power of record officer as to erection of boundary marks

50 When any local area is under survey operations the record officer may issue a proclamation directing all owners of villages mahals and fields to erect, within fifteen days, such boundary marks as he may think necessary to define the limits of their villages mahals or fields, and, in default of their compliance within the time specified in the proclamation, he may cause such boundary marks to be erected, and the Collector shall recover the cost of their erection from the owners

Explanation—The term "owners" in this section includes also under-proprietors lessees, mortgagees, or other persons in possession of the land referred to

Decision of disputes

51 In case of any dispute concerning any boundaries the record officer shall decide such dispute in the manner prescribed in section 41

Records to be prepared in re survey

52 When any local area is under survey operations the record officer shall prepare for each village therein a map and field book which shall thereafter be maintained by the Collector as provided by section 28 instead of the map and field book previously existing

Preparation of new record of rights

53 When any local area is under record operations, the record officer shall frame for each mahal therein a record containing such registers as the Local Government may direct and the record or portion thereof so framed shall thereafter be maintained by the Collector instead of the record or portion of the record previously maintained under section 33

Attestation of entries and decision of disputes

54 All undisputed entries in the record of rights shall be attested by the parties interested, and all disputes regarding such entries, whether taken up by the record officer of his own motion or upon application by any party interested, shall be disposed of by him in accordance with sections 40 and 41 and the rules in force in Kumaun

* * * * *

Cesses payable as rent to be recorded in N W P

56 In the North Western Provinces all cesses which are payable by tenants on account of the occupation of land and which are of the nature of rent payable in addition to the rent of tenants, or in lieu of which proprietary rights may be assigned under section 78 clause (b) shall be recorded by the Record Officer under the appellations by which they are known and no cesses not so recorded shall be recoverable in any Civil or Revenue Court

Presumption as to entries

57 All entries in the record-of-rights prepared in accordance with the provisions of this Chapter shall be presumed to be true until the contrary is proved and all decisions under this Chapter in cases of dispute shall, subject to the provisions of sub section (3) of section 40 be binding on all

Revenue Courts in respect of the subject matter of such disputes, but no such entry or decision shall affect the right of any person to claim and establish in the Civil Court any proprietary right in land which requires to be recorded in the registers which the Collector is required to maintain under the rules in force in Kumaun

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CHAPTER V

SETTLEMENT OF THE REVENUE

Assessment of revenue

58 (1) All land, to whatever purpose applied and wherever situate, is liable to the payment of revenue to the Government, except such land as has been wholly exempted from such liability by special grant of, or contract with, the Government or by the provisions of any law for the time being in force

(2) Revenue may be assessed on land notwithstanding that the revenue, by reason of its having been assigned released compounded for or redeemed, is not payable to the Government

Saving of liability for revenue

(3) No length of occupancy of any land, nor any grant of land made by the proprietor, shall release such land from the liability to pay revenue

Notification as to settlement

Settlement to be deemed in progress until closing notified

59 Whenever the Local Government thinks that any district or other local area liable to be brought under settlement should be so brought, it shall publish a notification to that effect, and every such local area shall be held to be under settlement from the date of the notification until the issue of another notification declaring settlement operations to be closed therein

Appointment and powers of Settlement Officer

60 The Local Government may appoint an officer, hereinafter called the Settlement Officer, to be in charge of the settlement of any district or other local area and as many Assistant Settlement Officers as to it may seem fit, and such officers shall, while so employed, exercise the powers conferred upon them by this Act so long as such local area is under settlement

Transfer of duties of Collector to Settlement Officer

61. When a local area is under settlement, the duty of maintaining the maps and field-books, and preparing the record-of-rights and registers maintained by the Collector under section 33, may be transferred under orders of the Board from the Collector to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Collector by Chapter III

Government to issue rules as to mode of assessment

62 The Local Government shall, in accordance with general principles sanctioned by the Governor General in Council, make rules for the guidance of the Settlement Officer in assessing the revenue *

* * * * *

Declaration of assessment

64 After the receipt of, and subject to, the orders of the Board on such proposals, the Settlement Officer shall declare the assessment of each mahal to the person with whom the settlement thereof is to be made

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*No $\frac{1764}{1-1-7\ F}$ dated the 8th May, 1902

It is hereby notified that the Local Government, in exercise of the powers conferred by section 62 of the North Western Provinces and Oudh Land Revenue Act, III of 1901, has made the following rules under the said Act

RULES

Under section 62, North Western Provinces and Oudh Act, No III of 1901

1 With reference to the definition of 'Revenue free' in section 3 (10), North Western Provinces and Oudh Act III of 1901, a mahal is partly revenue free when either (*a*) a portion of the full demand is remitted on account of the mahal, or (*b*) a specific area comprised within the mahal is held revenue free

2 Revenue free mahals of which the land revenue has been wholly assigned or which are only partly revenue free shall be assessed in the same manner as mahals which pay full revenue

3 Revenue free mahals of which the land revenue has been wholly released, compounded for or redeemed, shall ordinarily be assessed at exactly or approximately 50 per cent of the assets

4 Where specific revenue free areas are included in a mahal the assessment shall be worked out for the entire mahal and the portion of such assessment distributed upon the revenue free areas will be separately stated

Provided that the Settlement Officer may, at his discretion, demarcate and assess as a separate mahal any such revenue free areas

5 Where a mahal previously held revenue free is resumed and assessed by the Settlement Officer, and in his opinion the immediate enforcement of the full demand would cause hardship he may propose that the full demand shall be reached by progressive stages

If any mahal comprises two or more villages or portions of villages the Settlement Officer shall declare the assessment of each such village or portion of village and also the aggregate amount of the assessment of the whole mahal

Such declaration shall be made at a time and place to be notified by the Settlement Officer

With whom settlement to be made

65 (1) Subject to the provisions of section 75, the settlement shall be made—

(a) in the case of taluqdari mahal, with the taluqdar;

(b) in the case of other mahals with the proprietor of the mahal or when there are two or more proprietors, with the lambardars, unless for special reasons the Settlement Officer decides to make the settlement with all the proprietors

(2) If any taluqdar or other proprietor with whom settlement would otherwise have been made—

(a) has transferred possession of his mahal or share to a mortgagee, the settlement may be made with such mortgagee,

(b) is a lunatic minor or other person incapable of making a contract, the settlement shall be made on his behalf with his legal representative

Effect of agreement to assessment declared

66 If the persons entitled to settlement agree to the assessment so declared, they and those whom they represent shall be liable to pay such assessment—

(a) if the term of the former settlement has not expired, from the date on which it expires

(b) if such term has expired, from the date of such agreement or from such subsequent date as the Board may direct

Distribution of assessment

and in mahals in which the land or part of the land is held in severalty, the Settlement Officer shall distribute such assessment on the land so held

Enforcement of custom as to re distribution of land and adjustment of revenue shares

67 In any mahal where by the established custom the land or the amount of revenue payable by each sharer is subject to periodical redistribution or readjustment the Settlement Officer may, on application of the co sharers, enforce such redistribution or re adjustment according to such established custom

Exclusion of person refusing or failing to accept settlement

68 If the person to be settled with refuses to accept the assessment declared by the Settlement Officer or fails to accept such assessment within thirty days from the date of declaration by the Settlement Officer under section 64 the Settlement Officer shall report the case through the Commissioner to the Board

and the Board may direct that the person so refusing or failing be excluded from the settlement for such term not exceeding fifteen years from the date of such direction, as the Board thinks fit

and the Collector may with the previous sanction of the Board either farm the mahal or hold it under direct management during such term or any part thereof and shall pay to the person so excluded such annual allowance as the Settlement Officer or Collector may determine as reasonable

* * * * *

Offer of settlement to excluded proprietor

71 When the term fixed under section 68 expires the Collector shall offer settlement of the mahal to the person then entitled to settlement at such assessments as the Board may direct for the remainder of the term of settlement of the local area in which the mahal is situated If such person refuses to accept the offer he may with the sanction of the Board and subject to the provisions of section 68 as far as they are applicable be excluded from settlement for such period not exceeding the remainder of the term of the settlement of the local area as the Board may direct

Procedure in case of some of several proprietors refusing assessment

72 If in a mahal in which the land or a part of the land is held in severalty the Settlement Officer has decided to make the settlement with all the proprietors under section 65 any co sharer refuses or fails within thirty days from the date of the declaration by the Settlement Officer under section 64 to accept the assessment so declared the Settlement Officer may transfer the share of the person so refusing or failing for a term not exceeding fifteen years to all or any of the remaining co sharers in the mahal who may be willing to accept the transfer

If no co sharer accepts such transfer the entire mahal shall be dealt with under section 68 as if all the co sharers had refused or failed to accept the assessment

Offer of share to co-sharer whose share has been transferred.

73. When the term fixed under section 72 expires, if the co-sharer whose share has been transferred then accepts the assessment declared by the Settlement Officer, the Collector shall put such co-sharer in possession of his share.

If such co-sharer does not so accept, the transfer shall be maintained for the remainder of the term of the settlement of the mahal.

* * * * *

Power to N. W. P. to direct which of several parties having separate and different interests shall be admitted to settlement, and to prescribe distribution of profits.

75. In any mahal in the North-Western Provinces whenever several persons possess separate heritable and transferable proprietary interests, such interests being of different kinds, the Settlement Officer shall under the rules for the time being in force, determine—

(a) which of such persons shall be admitted to engage for the payment of the revenue, due provision being made for securing the rights of the others; and

(b) the manner and proportion in which the net profits of the mahal shall be allotted to the several persons possessing separate interests as aforesaid for the term of the settlement.

* * * * *

Power in N. W. P. to make arrangements for the benefit of persons possessing rights which do not entitle them to settlement.

78. If in any mahal in the North-Western Provinces there exist persons possessing proprietary rights therein which are not of such a nature as to entitle their possessors to settlement the Settlement Officer may make such arrangements as shall secure such persons in possession of their existing rights, or of an equivalent thereto.

This may be done—

(a) by the formation of a sub-settlement on behalf of the proprietors with such persons for any lands actually in their possession, or

(b) in mahals held as joint undivided property and when the said rights are rights to receive from the tenants any money payment or portion of the agricultural produce, by assigning in lieu thereof the proprietary right in a certain portion of the

Exclusion of person refusing or failing to accept settlement

68 If the person to be settled with refuses to accept the assessment declared by the Settlement Officer, or fails to accept such assessment within thirty days from the date of declaration by the Settlement Officer under section 64 the Settlement Officer shall report the case through the Commissioner to the Board

and the Board may direct that the person so refusing or failing be excluded from the settlement for such term not exceeding fifteen years from the date of such direction as the Board thinks fit,

and the Collector may with the previous sanction of the Board either farm the mahal or hold it under direct management during such term or any part thereof and shall pay to the person so excluded such annual allowance as the Settlement Officer or Collector may determine as reasonable

* * * * *

Offer of settlement to excluded proprietor

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Procedure in case of some of several proprietors refusing assessment

72 If in a mahal in which the land or a part of the land is held in severalty the Settlement Officer has decided to make the settlement with all the proprietors under section 65 any co sharer refuses or fails within thirty days from the date of the declaration by the Settlement Officer under section 64 to accept the assessment so declared the Settlement Officer may transfer the share of the person so refusing or failing for a term not exceeding fifteen years to all or any of the remaining co sharers in the mahal who may be willing to accept the transfer

If no co sharer accepts such transfer the entire mahal shall be dealt with under section 68 as if all the co sharers had refused or failed to accept the assessment

[illegible]

Of [illegible] shall be [illegible]

[illegible]

If [illegible]

• • • • •

[illegible]

Power to [illegible] P. to [illegible] which of [illegible] [illegible] and [illegible] [illegible] [illegible] [illegible]

(2) [illegible]

[illegible]

• • • • •

[illegible]

Power [illegible] P to [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

(1) [illegible]

(2) [illegible]

Confirmation of settlement and revision of assessment

94 (1) No settlement under this chapter shall be final until it has been confirmed by the Local Government

Period for which settlement is to be made

(2) The Local Government shall, when confirming the settlement fix the term thereof

Revision of assessment before confirmation

(3) Any assessment may be revised, if the Local Government so directs at any time before the settlement is confirmed and in such case the revised assessment shall be declared, and the provisions of sections 64 to 78 (both inclusive) shall apply

Tenure of land under expired settlement until new settlement is made

95 All persons with whom a settlement of land has been made shall, if they continue to hold the land after the term of such settlement has expired hold upon the condition of such settlement until a new settlement is made

CHAPTER VI

REVISION OF ASSESSMENT AND OTHER PROCEEDINGS DURING CURRENCY OF SETTLEMENT

Short term settlements

96 When the term of settlement fixed for any mahal or class of mahals is less than that fixed for the local area in which they are situated and such term expires, the Collector shall assess and settle such mahals in accordance with rules made under section 234

Powers to invest any officer with powers of a Settlement Officer

97 At any time during the currency of settlement the Local Government may invest any officer with the powers of a Settlement Officer under Chapter V within such limits with such restrictions and for such period as it thinks fit but not so as to enable him to enhance the revenue of a mahal

Annual inquiry as to revenue free grants

98 The Collector shall inquire annually into the cases of all land released conditionally or for a term from the payment of revenue

If the condition is broken he shall report the case to the Commissioner for orders

and if the term has expired or (where the grant is for the life of the grantee) if the grantee has died he shall assess the land and report his proceedings to the Commissioner for sanction

99 (1) Land added by alluvion to a mahal may be assessed and settled by the Collector in accordance with rules made under section 211.

Settlement of land added by alluvion and revision of assessment when culturable area reduced by fluvial action.

(2) When the culturable area of any mahal has been diminished by fluvial action the Collector may, in the case of a mahal under permanent settlement, grant suspension of revenue, and in the case of a mahal not under permanent settlement revise the assessment

* * * * *

102 (1) For the purpose of making settlements or revising assessments under sections 96, 98 and 99 the Collector shall have the powers of a Settlement Officer

Collector to have powers of a Settlement Officer

(2) No settlement, revision of assessment or suspension of revenue made under the foregoing sections of this Chapter shall be final until it has been sanctioned by the Commissioner

103 If during the currency of a settlement the proprietary possession of any specific area other than a definite share in a mahal is transferred the Collector may determine the proportion of the revenue payable thereon

Power to determine revenue of specific areas transferred during settlement

* * * * *

105 When the record or settlement operations are closed by notification under section 48 or section 59, all applications and proceedings then pending before the Record or Settlement Officer shall be transferred to the Collector who shall have the powers of a Record or Settlement Officer for the disposal thereof

Applications and proceedings pending before Record or Settlement Officer when operations are closed

CHAPTER VII

* * * * *

CHAPTER VIII

COLLECTION OF REVENUE

141 In the case of every mahal the revenue assessed thereon shall be the first charge on the entire mahals, and on the rents, profits or produce thereof

Revenue the first charge on a mahal

The rents profits or produce of a mahal shall not be applied in satisfaction of a decree or order of any Civil Court until all arrears of revenue due in respect of the mahal have been paid

Responsibility for revenue

142 All the proprietors of a mahal are jointly and severally responsible to Government for the revenue for the time being assessed thereon and all persons succeeding to proprietary possession therein otherwise than by purchase under section 160 shall be responsible for all arrears of revenue due at the time of their succession

Explanation— Proprietor in this Chapter means a person in proprietary possession for his own benefit and includes a mortgagee and a lessee of proprietary rights

Rules as to payment of revenue arrears and defaulters

143 The revenue shall be paid in such instalments to such persons and at such times and places as may be prescribed by rules made under section 234 and any sum not so paid becomes an arrear of revenue and the persons responsible for it whether as co sharers or as lambardars become defaulters

Interest not chargeable

No interest shall be demanded on any arrear of revenue

Payment through lambardars

144 The revenue shall be paid through the lambardar who subject to rules made under section 234 shall be remunerated by such fees, to be paid by the other proprietors not exceeding 5 per cent on the revenue payable in respect of their shares as the Board may prescribe

Certified account to be evidence as to arrear

145 A statement of account certified by the Tahsildar shall for the purposes of this Chapter be conclusive evidence of the existence of the arrear of its amount and of the person who is the defaulter

Processes for recovery of revenue

146 An arrear of revenue may be recovered by one or more of the following processes —

(*a*) by serving a writ of demand or a citation to appear on any of the defaulters
(*b*) by arrest and detention of his person
(*c*) by attachment and sale of his movable property
(*d*) by attachment of the specific area share patti or mahal in respect of which the arrear is due

(e) by transfer of such share or patti to a solvent co-sharer in the mahal,

(f) by annulment of the settlement of such patti or of the whole mahal,

(g) by sale of such specific area or patti or of the whole mahal,

(h) by sale of other immovable property of the defaulter

Writ of demand and citation to appear

147 When an arrear of revenue becomes due, a writ of demand calling on the defaulter to pay the amount within a time therein stated or a citation to appear, may issue

Arrest and detention

148 The defaulter may be arrested and detained in custody for fifteen days, unless the arrears, and the costs of arrest and detention are sooner paid

Provided that no taluqdar no person exempted from *personal attendance in the Civil Courts and no female, shall* be subject to arrest or detention in custody under this section

Attachment and sale of moveable property

149 The Collector may, whether the defaulter has been arrested or not attach and sell his moveable property

Every attachment and sale ordered under this section shall be made according to the law in force for the time being for the attachment and sale of moveable property under the decree of a Civil Court In addition to the particulars mentioned in clauses (a) to (n) of section 266 of the Code of Civil Procedure articles set aside exclusively for the use of religious endowments shall be exempt from attachment and sale under this section The costs of the attachment and sale shall be added to the arrear of revenue and shall be recoverable by the same procedure

Attachment of land

150 The Collector may in addition to or instead of any of the other processes hereinbefore specified attach and take under his own management any specific area share patti or mahal in respect of which an arrear is due but no land shall be held under attachment for the same arrear for a term exceeding three years from the first day of July next following the attachment provided that if the arrear is sooner liquidated the land shall be released and the surplus receipts (if any) made over to the defaulter or his legal representative

Powers and obligations of manager

151 While any land is so held under direct management the Collector shall be bound by any engagement which at the time of attachment existed between the defaulter and the inferior proprietors under proprietors or tenants and shall be entitled

to manage the property so attached, and to receive all rents and profits accruing therefrom. The collections of the property so attached shall be applied to the payment of any instalment of revenue which may become due after attachment, and of the cost of attachment and management, and any surplus shall be applied to discharging the arrear on account of which the attachment was made.

Transfer of defaulter's share.

152. When the arrear is due in respect of a share or patti of a mahal, the Collector may, in addition to or instead of any of the processes hereinbefore specified, with the previous sanction of the Commissioner, transfer such share or patti for a term not exceeding fifteen years from the first day of July next after the date of the sanction, to all or any of the co-sharers of the mahal other than the proprietors of such share or patti, on condition of their paying the arrear, and on such terms as the Commissioner in each case may prescribe. Such transfer shall not affect the joint and several liability of the co-sharers of the mahal in which it is enforced.

When the term of transfer has expired, the share or patti shall be restored to the proprietors thereof free of any claim on the part of Government or the transferee for any arrear in respect of such share or patti.

When settlement may be annulled.

153. When the Collector is of opinion that the processes hereinbefore specified are not sufficient for the recovery of such arrear, he may, in addition to or instead of, all or any of such processes, report the matter, and the Board or, in the case of a taluqa or part of a taluqa in Oudh, the Local Government, may thereupon order the existing settlement of the patti or mahal in respect of which the arrear is due to be annulled.

The provisions of this section shall not be put in force for the recovery of any arrear of revenue which may have accrued on land—

(a) while under attachment,

(b) while under the charge of the Court of Wards, or

(c) which is permanently settled.

Management during annulment.

154. When the settlement of any land has been annulled, the Collector may, with the previous sanction of the Commissioner, either manage the land himself or he may let it in farm for such term and on such conditions as may be sanctioned by the Commissioner.

Provided that no land may be so managed or let for a term exceeding fifteen years from the first day of July next after the date of such annulment

All contracts relating to such land previously made by the defaulter, or any person through whom he claims and all grants liable to resumption under the law for the time being in force shall become voidable at the option of the Collector or the farmer

Proclamation of attachment or annulment of settlement

155 When the Collector attaches any land under section 150, or transfers it under section 152, or when the settlement of any land has been annulled under section 153, he shall issue a proclamation thereof

Payments to defaulter thereafter or in anticipation of due date not to discharge payer

156 No payment on account of rent, or any other asset of the land, made after the date of such proclamation or in anticipation of due date, to any person other than the Collector, the transferee or the farmer shall relieve him from liability for payment to the Collector, the transferee or the farmer as the case may be

Recovery of balance due by farmer

157 When any land has been let in farm under section 154 or section 159, any sum due by the farmer under his lease may be recovered from him or his surety (if any) as if it were an arrear of revenue

Joint responsibility for revenue suspended during annulment

158 When the settlement of any patti is annulled under section 153, the joint responsibility of the co sharers of the mahal for the revenue of such patti shall be in abeyance from the date of such annulment until a new settlement of such patti is made under section 159

Settlement on expiry of period for which land is framed or taken under management

159 When the period for which any land has been managed or farmed under section 154 has expired, the Collector shall offer to the person entitled to settlement under section 65 a new settlement on such conditions as the Board, or, in the case of a taluqa or part of a taluqa, the Local Government, may direct for the remainder of the term of the original settlement

If such offer is refused, the Collector may, with the sanction of the Commissioner, deal with the land for the remainder of the term of the original settlement in accordance with the provisions of sections 68 to 73 (inclusive) so far as they are applicable

Sale of defaulter's specific area, patti or mahal

160 When the Collector is of opinion that the other processes hereinbefore specified are not sufficient for the recovery of an arrear, he may, in addition to, or instead of, all or any of such other processes, with the previous sanction of the Board or, in the case of a taluqa or part of a taluqa in Oudh, the Local Government, sell by auction the specific area, patti or mahal in respect of which such arrear is due

Provided that no specific area, patti or mahal shall be sold for any arrear which may have accrued while it was—

(a) under the management of the Court of Wards,

(b) under direct management by the Collector, or

(c) in farm under the provisions of this Act

Land to be sold free of incumbrances.

161 (1) Land sold under the last preceding section shall be sold free of all incumbrances, and all grants liable to resumption under the law for the time being in force, and all contracts previously made by any person other than the purchaser in respect of such land shall become voidable at the option of the purchaser at the auction sale

(2) Nothing in sub section (1) applies—

(a) in mahals permanently settled, to lands held under written leases duly registered, granted in good faith at fair rents, and for specified areas, by a former proprietor for terms not exceeding twenty years,

(b) in all mahals to lands held under *bona fide* leases at fair rents, temporary or perpetual, for the erection of dwelling houses or manufactories or for mines, gardens, tanks canals places of worship, burying grounds, such lands continuing to be used for the purposes specified in such leases

(3) Notwithstanding anything contained in sub section (1) the Board with the sanction of the Local Government, may, at any time before the sale has been made, direct that it be made subject to such interest or rights in land created by the proprietor in possession thereof, or any person through whom he claims, as it thinks fit

162 (1) If an arrear cannot be recovered by any of the above processes and the defaulter owns or is in possession of any other mahâls, or any share in any other mahâl or any other immoveable property, the Collector may proceed against such mahâl or share, or other immoveable property as if it were the land on account of which the revenue is due, under the provision of this Act

Power to proceed against interest of defaulter in property other than that in respect of which default is made

Provided that no interests save those of the defaulter alone shall be affected by such process and when such property is sold the provisions of section 161 shall not apply to such sale.

(2) Sums of money recoverable as arrears of revenue, but not due in respect of any specific land may be recovered by process under this section against any immoveable property of the defaulter

163 When the sale of any land or other immoveable property has been sanctioned under section 160 or section 162 the Collector shall issue a proclamation of the intended sale specifying the land to be sold and the revenue (if any) assessed thereon, the arrears for which it is to be sold the time and place of sale whether or not the land is to be sold free of incumbrances under section 161 and any other particulars the Collector may think necessary

Proclamation of sale

A copy of the proclamation shall be served on the defaulter

164 Every sale under this Chapter shall be made either by the Collector in person or by an Assistant Collector specially appointed by him in this behalf.

Sale when and by whom to be made

No such sale shall take place on a Sunday or other authorized holiday, or until after the expiration of at least thirty days from the date on which the proclamation thereof was issued

The Collector may from time to time postpone the sale

165 No officer having any duty to perform in connection with any such sale and no persons employed by or subordinate to such officer shall either directly or indirectly bid for, acquire, or attempt to acquire except on behalf of the Government of the Court of Wards the property sold of any interest therein

Prohibition to bid for or acquire the property sold.

166 If the defaulter pay the arrear in respect of which the land is to be sold, at any time before the day fixed for the sale, to the person appointed under section 143 to receive payment of the revenue assessed on such land, or to the Collector, or the Assistant Collector in charge of the sub-division in which the land is situated, the sale shall be stayed

When sale may be stayed

167 The person declared to be the purchaser shall be required to deposit immediately twenty-five per cent on the amount of his bid, and, in default of such deposit the land shall forthwith be again put up and sold, and such person shall be liable for the expenses attending the first sale and any deficiency of price which may occur on the re-sale, which may be recovered from him by the Collector as if the same were an arrear of revenue

Deposit by purchaser, Re-sale in default of deposit

168 The full amount of purchase money shall be paid by the purchaser at the Collector's office on or before the fifteenth day from the date of the sale

Purchase money when to be paid.

And if the purchase money is not paid the deposit, after the expenses of the sale have been defrayed therefrom shall be forfeited to Government, and the property shall be re sold and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold

Effect of default

169 If the proceeds of the sale which is eventually made are less than the price bid by such defaulting purchaser the difference shall be recoverable from him as if it were an arrear of revenue

Liability of purchaser for loss by re-sale

170 No sale after postponement under section 164 and no re sale under section 167 in default of payment of the purchase money, shall be made until a fresh proclamation has been issued as prescribed for the original sale

Proclamation before re sale

171 Every sale of land or other immoveable property under this Act shall be reported by the Collector to the Commissioner

Sale to be reported to Commissioner

172 (1) Any person whose land or other immoveable property has been sold under this Act may, at any time within thirty days from the date of sale apply to have

Application to set aside sale on deposit of arrear, etc

the sale set aside on his depositing in the Collector's office—

(a) for payment to the purchaser, a sum equal to five per cent of the purchase money, and

(b) for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may since the date of such proclamation of sale, have been paid on that account, and

(c) the costs of the sale

If such deposit is made within thirty days the Collector shall pass an order setting aside the sale

Provided that if a person applies under section 173 to set aside such sale he shall not be entitled to make an application under this section

Provided also that if the land has been sold free of incumbrances under section 161 the incumbrances shall be revived as soon as the sale is set aside under this section

(2) Every application to set aside a sale under this section, and the final order passed thereon shall be immediately reported by the Collector to the Commissioner

Application to set aside sale for irregularity, etc

173 At any time within thirty days from the date of the sale application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it, but no sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of such irregularity or mistake

Order confirming or setting aside sale

174 On the expiration of thirty days from the date of the sale if no such application as is mentioned in section 172 or 173 has been made or if such application has been made and rejected the Commissioner shall pass an order confirming the sale

and if such application under section 173 is made and allowed the Commissioner shall pass an order setting aside the sale

Every order under this section shall be final

Bar of claims founded on irregularity or mistake

175 If no application under section 173 is made within the time allowed therefor, all claims on the ground of irregularity or mistake in publishing or conducting the sale shall be barred

Nothing herein contained shall bar the institution of a suit in the Civil Court for the purpose of setting aside a sale on the ground of fraud

Refund of purchase money when sale set as de

176 Whenever the sale of any land or other immoveable property is set aside under section 174 the purchaser shall be entitled to receive back his purchase-money, with intere t at such rate not exceeding six per cent per annum, or without interest, as the Commissioner thinks fit

Purchaser to be put in possession Certificate of pur hase

177 After a sale of land or other immoveable property under this Act has been confirmed in the manner aforesaid the Collector shall put the person declared to be purchaser into possession of such property and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such property but need not be registered as a conveyance except as provided by section 89 of the Registration Act 1877

1877 If land has been sold under section 160 on account of an arrear of revenue due in respect thereof the certificate shall also state that the purchaser has purchased the land to which the certificate refers free of every incumbrance other than the leases mentioned in sub section (2) of section 161 and the interests or rights specified by the Board under sub-section (3) of section 161

Bar of suit against certified purchaser

178 The certificate shall state the name of the person declared at the time of sale to be the actual purchaser, and any suit brought or application made in a Civil or Revenue Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser though by agreement the name of the certified purchaser was used, shall be dismissed with costs

Application of proceeds of sale

179 When a sale of land under this Act has been confirmed the proceeds of the sale shall be applied in the first place to the payment of any arrears, including costs incurred for the recovery thereof due to the Government from the defaulter at the date of the confirmation of sale whether the arrears are of revenue or of sums recoverable as arrears of revenue and in the second place if the sale took place for the recovery of an amount recoverable as an arrear of revenue, but not due to Government to be payment of that amount including costs as aforesaid

and the surplus (if any) shall be paid to the person whose land has been sold,

or, if the land sold was held in shares then to the co-sharers collectively or, according to the amount of their recorded interests at the discretion of the Collector

Surplus not to be paid to creditors nor retained by Government except under order of Court

180 Such surplus shall not except under an order of a Civil or Revenue Court be paid to any creditor of the person whose land has been sold nor shall it (except under a like order) be retained by the Collector

Liability of purchaser for revenue

181 The person named in the certificate of title as purchaser of any land shall be liable for all instalments of revenue becoming due in respect of such land after the date of the confirmation of the sale

Pre-emption by co-sharers

182 When any land sold under section 160 or 162 is a portion of a mahál any recorded co-sharer in the mahál other than the person whose land has been sold may if the lot has been knocked down to a stranger claim to take the said land at the sum last bid

Provided that the said demand of pre-emption be made on the day of sale and before the officer conducting the sale has left the office or the day and provided that the claimant fulfills all the other conditions of the sale

Provided also that in Oudh a demand or pre-emption may be made by a proprietor or under proprietor subject to the same conditions as in section 15 of the Oudh Rent Act 1886 XX 1866

Payment under protest and suit for recovery

183 Whenever proceedings are taken under this Chapter against any person for the recovery of any arrear of revenue he may pay the amount claimed under protest to the officer taking such proceedings and upon such payment the proceedings shall be stayed and the person against whom such proceedings were taken may sue the Government in the Civil Court for the amount so paid

and in such suit the plaintiff may notwithstanding anything contained in section 145 give evidence of the amount (if any) which he alleges to be due from him

No protest under this section shall enable the person making the same to sue in the Civil Court unless it is made at the time of payment in writing and signed by such person or by an agent duly authorized in his behalf

184 Any lambardar who has paid an arrear of revenue due on account of the share of any co-sharer whom he represents may within six months from the date of such payment, apply in writing to the Collector to recover such arrear, together with any fees due under section 144 on his behalf, as if it were an arrear of revenue payable to Government

Recovery of arrears due from co sharers paid by a lambardar

The Collector shall, on receipt of such application, satisfy himself that the amount claimed is due to the lambardar, and may then, subject to rules made under section 234 proceed to recover, as if it were an arrear of revenue, such amount, with costs and interests, from the said co sharer or any person in possession of his share

The Collector shall not be made a defendant to any suit in respect of an amount for the recovery of which an order has been passed under this section

No appeal shall lie from any order of Collector under this section but nothing herein contained and no order passed under this section shall debar a lambardar or a co-sharer from maintaining a suit under the Kumaun Tenancy Rules notified in G O no 137/1—626 of the 19th January 1918

* * * * *

188 The provisions of this Act with regard to the recovery of arrears of revenue, shall apply to all arrears of revenue and sums of money recoverable as arrears of revenue due at the commencement of this Act

Provisions applied to arrears due at commencement of Act

CHAPTER IX

PROCEDURE OF REVENUE COURTS AND REVENUE OFFICERS

189 A Commissioner may hold his Court at any place within his division

Places for holding Court

An Additional Commissioner may be hold his Court at any place within the division or divisions to which he is appointed

A Collector an Assistant Collector (whether in charge or not of a sub division of a district) a Record Officer an Assistant Record Officer, a Settlement Officer, or an Assistant Settlement Officer may hold his Court at any place within the district to which he is appointed

A Tahsildar may hold his Court at any place within his tahsil

190. The Collector, Settlement Officer, Record Officer, and their assistants, subordinates, servants, agents and workmen may enter upon and survey land and demarcate boundaries and do all acts necessary for any purpose connected with their duties, under this or any other Act.

Power to enter upon and survey land.

191 The Board or a Commissioner, may transfer any case or class of cases, whether judicial or non judicial, from any subordinate Revenue Court or Revenue Officer to any other such court or officer competent to deal therewith or to itself or himself

Power of Board or Commissioner to transfer cases

192 The Collector, an Assistant Collector in charge of a sub division of a district, a Tahsildar, a Record Officer or a Settlement Officer may make over any case or class of cases arising under the provisions of this Act or otherwise, for enquiry or decision, from his own file to any of his subordinates competent to deal with such case or class of cases, or may withdraw any case or class of cases from any Revenue Officer subordinate to him and may deal with such case or class of cases himself or refer the same for disposal to any other such Revenue Officer competent to deal there with

Power to transfer cases to and from subordinates

193 Any Revenue Court may summon any person whose attendance it considers necessary for the purpose of any investigation suit or other business before it

Power to summon persons to give evidence and produce documents

All persons so summoned shall be bound to attend either in person or by an authorised agent as such Court may direct, and to state the truth upon any subject respecting which they are examined or make statements

and to produce such documents and other things as may be required

Provided that persons exempt from personal attendance in the Civil Court under sections 132 and 133 of the Code of Civil Procedure 1908 shall subject to the provisions of those sections be exempt from personal attendance under this section

194 If any person or whom a summons to give evidence or produce a document has been served fails to comply with the summons the officer by whom the summons has been issued may exercise the powers conferred on Civil Courts by

Procedure in case of non-compliance with summons

Recovery of arrears due from co-sharers paid by a lambardar

184 Any lambardar who has paid an arrear of revenue due on account of the share of any co-sharer whom he represents may within six months from the date of such payment, apply in writing to the Collector to recover such arrear, together with any fees due under section 144 on his behalf as if it were an arrear of revenue payable to Government

The Collector shall, on receipt of such application satisfy himself that the amount claimed is due to the lambardar, and may then, subject to rules made under section 234, proceed to recover, as if it were an arrear of revenue, such amount, with costs and interests from the said co sharer or any person in possession of his share

The Collector shall not be made a defendant to any suit in respect of an amount for the recovery of which an order has been passed under this section

No appeal shall lie from any order of Collector under this section but nothing herein contained, and no order passed under this section shall debar a lambardar or a co-sharer from maintaining a suit under the Kumaun Tenancy Rules notified in G O no 137/1—626 of the 19th January, 1918

* * * * *

Provisions applied to arrears due at commencement of Act

188 The provisions of this Act with regard to the recovery of arrears of revenue, shall apply to all arrears of revenue and sums of money recoverable as arrears of revenue due at the commencement of this Act

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CHAPTER IX

Procedure of Revenue Courts and Revenue Officers

Place for holding Court

189 A Commissioner may hold his Court at any place within his division

An Additional Commissioner may be hold his Court at any place within the division or divisions to which he is appointed

A Collector an Assistant Collector (whether in charge or not of a sub division of a district) a Record Officer, an Assistant Record Officer, a Settlement Officer or an Assistant Settlement Officer may hold his Court at any place wthin the district to which he is appointed

A Tahsildar may hold his Court at any place within his tahsil

190 The Collector, Settlement Officer Record Officer, and their assistants, subordinates servants, agents and workmen may enter upon and survey land and demarcate boundaries and do all acts necessary for any purpose connected with their duties under this or any other Act.

Power to enter upon and survey land

191 The Board or a Commissioner may transfer any case or class of cases, whether judicial or non judicial, from any subordinate Revenue Court or Revenue Officer to any other such court or officer competent to deal therewith or to itself or himself

Power of Board or Commissioner to transfer cases

192 The Collector, an Assistant Collector in charge of a sub division of a district, a Tahsildar a Record Officer or a Settlement Officer may make over any case or class of cases arising under the provisions of this Act or otherwise for enquiry or decision from his own file to any of his subordinates competent to deal with such case or class of cases or may withdraw any case or class of cases from any Revenue Officer subordinate to him and may deal with such case or class of cases himself or refer the same for disposal to any other such Revenue Officer competent to deal there with

Power to transfer cases to and from subordinates

193 Any Revenue Court may summon any person whose attendance it considers necessary for the purpose of any investigation suit or other business before it

Power to summon persons to give evidence and produce documents

All persons so summoned shall be bound to attend either in person or by an authorised agent as such Court may direct, and to state the truth upon any subject respecting which they are examined or make statements

and to produce such documents and other things as may be required

Provided that persons exempt from personal attendance in the Civil Court under sections 132 and 133 of the Code of Civil Procedure 1908 shall subject to the provisions of those sections be exempt from personal attendance under this section

194 If any person or whom a summons to give evidence or produce a document has been served fails to comply with the summons the officer by whom the summons has been issued may exercise the powers conferred on Civil Courts by

Procedure in case of non-compliance with summons

the rules in order XVI of the first schedule of the Code of Civil Procedure, 1908, as in force under the provisions of the Kumaun Tenancy Rules

Summons to be in writing signed, and sealed

195 Every summons shall be in writing in duplicate, and shall be signed and sealed by the officer issuing it, or by such person as he empowers in this behalf,

Mode of serving summons

and shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence

Service in district other than that of issue

and if such person resides in another district, the summons may be sent by post to the Collector of that district for service

Mode of serving notices

196 Every notice under this Act may be served either by tendering, delivering or sending a copy thereof by post in a cover registered under the Indian Post Office Act 1898, to the person on whom it is to be served, or if such person is a proprietor of land, to his agent,

or by affixing a copy thereof at some place of public resort on or adjacent to the land to which such notice refers

Mode of issuing proclamation

197 Whenever a proclamation is issued under this Act copies thereof shall be posted in the Court house of the officer issuing it, at the headquarters of the tahsil within which the land to which it refers is situated and at some place of public resort on or adjacent, to the land to which it refers and if the officer issuing it so direct the proclamation shall be further published by beat of drum on or near the land to which it refers

Notice and proclamation not void for error

198 No notice or proclamation shall be deemed void on account of any error in the name or designation of any person in the description of any land referred to therein, unless such error has produced substantial injustice

Procedure for procuring attendance of witnesses

199 If in any proceeding of a judicial nature pending before any Revenue Court, either party desire the attendance of witness, he shall follow the procedure prescribed by

Order XVI of the first schedule of the Code of Civil Procedure, 1908, as in force under the provisions of the Kumaun Tenancy Rules

Hearing in absence of party

200 Whenever any party to such proceeding neglects to attend on the day specified in the summons the case may be heard and determined in his absence

No appeal from orders passed *ex parte* or by default

201 No appeal shall lie from an order passed under section 200 *ex parte* or by default

Re hearing on proof of good cause for non appearance

But in all such cases if the party against whom judgment has been given appears either in person or by agent (if a plaintiff within 15 days from the date of such order, and if a defendent within fifteen days after such order has been communicated to him, or after any process for enforcing the judgment has been executed or at an earlier period) and shows good cause for his non appearance, and satisfies the officer making the order that there has been a failure of justice, such officer may upon such terms as to costs or otherwise as he thinks proper revive the case and alter or rescind the order according to the justice of the case

Order not to be altered without summons to adverse party

Provided that no such order shall be reversed or altered without previously summoning the party in whose favour judgment has been given, to appear and be heard in support of it

Correction of error or omission

202 Any court or officer by whom an order has been passed in any proceeding under this Act may within ninety days of such order either of his own motion or on the application of a party, correct any error or omission not effecting a material part of the case, after such notice to the parties as may be necessary

Power to refer disputes to arbitration

203 The Board, a Commissioner, a Collector, an Assistant Collector, of the first class a Record Officer, or an Assistant Record Officer a Settlement Officer, or an Assistant Settlement Officer may, with the consent of the parties, by order refer any dispute before it or him to arbitration

Limitation of appeals

214 (1) No appeal to the Collector, Record Officer or Settlement Officer shall be brought after the expiration of thirty days from the date of the order complained of

(1) No appeal or second appeal to the Commissioner shall be brought after the expiration of sixty days from the date of the order complained of, unless otherwise specially provided in this Act

Appeal against order admitting an appeal

215 No appeal shall lie against an order admitting an appeal on the grounds specified in section 5 of the Indian Limitation Act, 1887

Powers of appellate courts

216 (1) The appellate court may either admit or summarily reject the appeal

(2) If it admits the appeal it may reverse, vary, or confirm the order appealed against,

or may direct such further investigation to be made or such additional evidence to be taken as it may think necessary,

or it may itself take additional evidence,

or it may remand the case for disposal with such directions as it thinks fit

Power to suspend execution of order of lower court

When an appeal is admitted the appellate court may pending the result of the appeal, direct the execution of the order of the Lower Court to be stayed

Power of Commissioner etc, to call for records and proceedings and reference to Board

218 The Commissioner the Collector, the Record Officer, or Settlement Officer may call for and examine the record of any case decided or proceedings held by any officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of the order passed and as to the regularity of the proceedings,

and, if he is of opinion that the proceedings taken or order passed by such subordinate officer should be varied, cancelled, or reversed he shall refer the case with his opinion thereon for the orders of the Board,

and the Board shall thereupon pass such orders as it thinks fit

Power of Board to call for files of subordinate officers and to revise orders

219 The Board may call for the record of any non-judicial proceedings held by any officer subordinate to it and may pass thereon such orders as it thinks fit

The Board may call for the record of any case of a judicial nature if the officer by whom the case was decided appears to have exercised a jurisdiction not vested in him by law or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of his jurisdiction illegally or with substantial irregularity and may pass such orders in the case as it thinks fit

Power of Board to review and alter its orders and decrees

220 (1) The Board may review and may rescind, alter or confirm any order made by itself or by any of its Members in the course of its non judicial business

(2) No decree or order passed judicially by it or by any of its Members shall be so reviewed except on the application of a party to the case made within a period of ninety days from the passing of the decree or order or made after such period if the applicant satisfies the Board that he had sufficient cause for not making the applicantion within such period

Members not empowered to alter each other s orders

(3) A single member vested with all or any of the powers of the Board shall not have power to alter or reverse a decree or order passed by the Board or by any Member other than himself

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CHAPTER XI

MISCELLANEOUS

(A) *Powers*

Conferring of powers

221 In conferring powers under this Act the Local Government may empower persons by name, or classes of officials generally by their official titles and may vary or cancel any such order

Powers of officers transferred to another district

222 Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any district in the North Western Provinces or Oudh is tranferred to an equal or higher office of the same nature in any other district in the said provinces he shall unless the Local Government otherwise directs be held to be invested with the same powers under this Act in the district to which he is transferred

Investment of Assistant Collector with powers of Collector

223 The Local Government may confer on any Assistant Collector of the first class all or any of the powers of a Collector, and all powers so conferred shall be exercised subject to the control of the Collector of the district

Conferring of powers on Tahsildars and Naib Tahsildars

224 The Local Government may confer on any Tahsildar all or any of the powers of an Assistant Collector of the second class and on any Peshkar all or any of the powers of a Tahsildar

Collector to have all powers of an Assistant Collector

225 The Collector may exercise all or any of the powers of an Assistant Collector under this or any other Act for the time being in force

Investing of Settlement Officers with powers of Collector and Assistant Collector

226 The Local Government may invest any officer in charge of a settlement with all or any of the powers of a Collector under this or any other Act for the time being in force and any Assistant Settlement Officer with all or any of the powers conferrable on an Assistant Collector under this or any other Act for the time being in force within such limits and with such restrictions and for such period as it thinks fit

Powers of an Assistant Collector in charge of a Sub division

227 An Assistant Collector in charge of a Sub Division of a district shall as such having the following powers

* * * * *

(2) to call on owners to erect or repair boundary marks and in default to erect or repair and charge the cost to owners under section 29

(3) to fine for injuries to boundary or survey marks and in certain case apportion the charges of repairing boundary or survey marks under section 30

(4) to order alterations in the annual registers under section 33

(5) to enquire into and decide cases of reported transfers under sections 35 and 39

* * * * *

(7) to levy fees for mutations under section 37 and fines under section 38

(8) to decide disputes and to pass orders under sections 40 and 41

(9) to appoint lambardars duly nominated under section 45,

(10) to make settlement, under section 96,

(11) to report on revenue free holdings and to assess them to revenue under section 98

(12) to assess alluvial lands and revise assessments under section 99

(13) to dispose of such of the applications or proceedings referred to in section 105 as may be made over to him by the Collector

* * * * *

(16) to attach and sell movable property of defaulters under section 149

* * * * *

(18) to exercise any other jurisdiction or authority which by this Act is extended to Kumaun is expressly conferred on Assistant Collectors

Powers of an Assistant Collector of first class not in charge of sub division

228 An Assistant Collector of first class not in charge of a sub division of a district shall exercise all or any of the powers conferred on an Assistant Collector of the first class in charge of a sub division in such cases or classes of cases as the Collector may from time to time refer to him for disposal

Power of Assistant Collectors of second class

229 Assistant Collector of the second class shall have power to investigate and report on such cases as the Collector or Assistant Collector in charge of a Sub Division of a district may from time to time commit to them for investigation and report

Power of Assistant Record Officer

230 An Assistant Record Officer may subject to the control of the Record Officer exercise all or any of the powers conferred by this Act on Record Officers

Special powers of Assistant Settlement Officer

231 An Assistant Settlement Officer when specially empowered by the Local Government shall have power—

* * * * *

(2) to declare assessments under section 64

(3) to report regarding exclusion of proprietors from settlement for refusal to engage under section 68 and to transfer shares under section 72

(4) to determine which of several parties having separate and different interests shall be admitted to settlement and to prescribe distribution of profits under section 75,

* * * * *

(6) to make arrangements for securing the rights of persons not entitled to settlement, under section 78,

* * * * *

(8) to determine and record matters refered to in sections 84 and 85

* * * * *

(10) to inquire into and assess revenue free land under section 92

(11) to decide claims to hold land revenue free under section 93

Powers of Assistant Settlement Officers

232 All other powers conferred on Settlement Officers by this Act shall be exercised by Assistant Settlement Officers under such restrictions as the officer in charge of a settlement may from time to time impose

(B) Jurisdiction of Civil Courts

Matters excepted from cognizance of Civil Courts

233 No person shall institute any suit or other proceeding in the Civil Court with respect to any of the following matters

(a) The arrangement of patwaris circles

(b) claims by any person to any of the offices mentioned in sections 23 25 or 45 or to any emolument or fees appertaining to such office or in respect of any injury caused by his exclusion therefrom or claims by any person to nominate persons to such offices

(c) the liability of any land not excepted under the provisions of section 58 to be assessed to the payment of revenue or to be notified as under settlement or record operations

(d) the formation of the record of rights or the preparation signing or attestation of any of the documents contained therein or the preparation of the annual registers

(e) the claim of any person to engage for the payment of revenue, or

the validity of any engagement with Government for the payment of revenue, or

the amount of revenue cess or rate assessed or to be assessed, or distributed or to be distributed on any mahal, or portion of a mahal or specific area under this or any other Act for the time being in force, or

the amount to be paid to a proprietor by an inferior proprietor when that amount has been fixed by the Settlement Officer, or

the declaration of assessment, under section 64 or the term of any settlement,

(f) any claims connected with, or arising out of, any process enforced on account of neglect or refusal to accept the assessment or terms of sub-settlement proposed by the Settlement Officer

(g) any matters provided for in sections 75 to 78 (both inclusive),

(h) the preparation of the record referred to in sections 84 and 85,

* * * * *

(i) any matters provided for in section 92 93 and 98

(k) partition or union of mahals except as provided in rules made for Kumaun under section 6 or the Scheduled District Act XIV of 1874

(l) claims to set aside a sale for arrear of revenue except on the ground of fraud under section 175,

(m) claims connected with or arising out of the collection of revenue (other than claims under section 183) or any process enforced on account of an arrear of revenue

or on account of any sum which is by this or any other Act realizable as revenue

(n) grants of unmeasured or unassessed waste lands

(C) Power to make rules

Power of Board to make rules

231 (1) The Board may from time to time subject to the sanction of the Local Government make rules consistent with this Act—

(a) prescribing the duties of Tahsildars and peshkars, and regulating their postings and transfers and their appointment in temporary vacancies;

(*b*) regulating the appointment of kanungos, and patwaris, their salaries, qualifications, duties, removal, punishment, suspension and dismissal,

(*c*) regulating the extent to which preference may be given in the appointment of kanungos to persons of families in which the office of kanungo is hereditary,

(*d*) prescribing the form contents, method or preparation, attestation and maintenance of the record-of rights and other records, maps, field books, registers, and lists made or kept under this Act,

(*e*) regulating the imposition of fines under section 38, for failure to notify successions and transfers,

* * * * *

(*g*) prescribing the manner in which Settlement Officers shall report proposals of assessment for the mahals of any area,

(*h*) regulating the distribution of assessments,

85,

(*i*) directing with regard to what matters the Settlement Officer is to ascertain and record the village custom under section 84 and what matters are to be determined and recorded, under section 85,

(*f*) for the guidance of Collectors and Settlement Officers in fixing rents under this Act,

(*k*) regulating the assessment of resumed revenue-free grants of land gained by alluvion, or the reduction of the assessment or the suspension of revenue of mahal in consequence of fluvial action,

(*l*) for the guidance of Collectors in making settlement, under section 96,

* * * * *

(*o*) regulating the instalments in which, and the persons places, and times to whom and at which, the revenue shall be paid,

(*p*) providing for the payment of the revenue through lambardars, and for their remuneraton,

(q) regulating the issue of writs of demand and citations to appear, under section 147, and the exercise of powers of arrest and detention in custody, under section 148, and directing by what officers or class of officers such process shall be issued or powers exercised and fixing the costs to be recovered from defaulters,

(r) regulating the method of attachment and sale of moveable property, under section 149,

(s) regulating the procedure to be adopted when a share or patti is transferred the settlement of a patti or mahal is annulled or any immoveable property is attached and sold,

* * * * *

(v) regulating the costs which may be recovered in, or in respect of any proceeding under this Act,

(w) regulating the procedure to be followed by any officer (or other person) who under any provision of this Act is required or empowered to take action in any matter and

(x) generally for the guidance of all persons in all proceedings under this Act and for carrying out the provisions of this Act

* * * * *

(2) The Commissioner may from time to time subject to the approval of the Board and the sanction of the Local Government make rules consistent with this Act regulating the appointment duties and dismissal of lambardars

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APPENDIX I

MISCELLANEOUS

REVENUE DEPARTMENT

The 19th January 1918

No 134/1—624 —In supersession of notification no 631 I—794 dated the 24th March 1913 and in exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act 1874 (XIV of 1874) and with the previous sanction of the Governor General in Council the Lieutenant-Governor of the United Provinces of Agra and Oudh is pleased to extend the United Provinces Land Revenue Act 1901 (United Provinces Act III of 1901) to the Almora district to the Garhwal District exclusive of the *Lham* village of the

Garhwal Bhabar estates and to the Naini Tal district exclusive of the Kashipur tahsil (whole) the Tarai tahsil (whole) and the *khams* villages of the Bhabar tahsil of that district and to direct that the said Act as so extended shall be subject to the following restrictions and modifications namely

1 The following portions of the said Act shall be deemed to have been omitted

In section I sub sections 2 and 3 sections 2 and 3 in section 4 *clauses* (6) (12), (13) (14) and (15) in section 8 the words on appeal in section 25 the words as hereinafter provided and the whole of sub section 2 except the first eleven words sections 24 32 36 42 43 55 and 63 in section 68 the proviso sections 69 and 70 in section 72 the words and figures The co shares accepting the transfer shall pay to the proprietor any annual allowance to which he is entitled under section 74 sections 74 76 77 79 to 83 87 to 91 100 101 104 106 to 140 185 to 187 in section 210 clause (*c*) of sub section (1) and the words and a partition proceeding under section 114 in sub section (2) in section 212 the words or to the board as the case may be and clause (*a*) section 213 in section 214 sub section (3) in section 219 the words in which no appeal lies to the Board in section 227 clause (1) (6) (14) (15) (17) in section 231 clauses (1) (5) (7) and (9) in section 233 clause ( ) in section 234 clause (*f*) the words and in making remission suspension or reduction of rent under section 101 in clause (*l*) clauses (*m*) (*n*) (*t*) and (*u*) and the first and the second schedules

2 The following modifications shall be deemed to have been made in the said Act

(1) In section 4 for clause (3) *substitute* lambardar means—

(*a*) a co sharer of a mahal appointed under this Act to represent all or any of the co sharers in that mahal or a mukhtar or recognized agent of such co sharer whether called a malguzar pradhan or sirgiroh and

(*b*) a ghar pradhan

(*b*) In section 17 *for* the words naib tahsildars' *substitute* the word *Peshkars*

(*c*) In section 25 *for* the word annual *substitute* the word prescribed

(*d*) For section 33 *substitute* The Collector shall maintain a record of rights and registers in accordance with the rules made under section 34

of this Act No change or transaction affecting the registers prescribed by such rules shall be recorded without the order of the Collector or, as hereinafter provided, of the tahsildar or a peshkar invested with the powers of a tahsildar."

(*e*) In section 34 sub section (1) *for* the words "prescribed by clauses (*a*) to (*d*) of section 32," *substitute* the words "maintained under section 33," and for the words "to the tahsildar" *substitute* the words ' to the tahsildar or peshkar "

(*f*) For section 25, *substitute* "The tahsildar or a peshkar exercising the powers of a tahsildar on receiving such report or upon the facts coming otherwise to his knowledge shall make such inquiry as appears necessary and in undisputed cases if the succession or transfer appears to have taken place, shall record the same in the prescribed registers; if the succession or transfer is disputed the tahsildar or peshkar shall refer the case to the Collector, who shall dispose of it after deciding the dispute in accordance with the provision of section 40

(*g*) In section 38 *for* the words "three months" *substitute* the words "six months "

(*h*) In section 39 sub section (3) *for* the words 'shall subject to the provisions" to the end of the sub section *substitute* the words shall pass orders in accordance with the customs regulating tenures in Kumaun and if necessary cause the prescribed registers to be amended '

(*i*) section 40 sub section (1), for the word "annual" *substitute* the word prescribed "

(*j*) In section 41, sub section (1), *after* the words "All disputes regarding boundaries" *add* the words "in measured lands "

(*k*) For section 44 *substitute* "All entries in the prescribed registers made under section 33 shall be presumed to be true until the contrary is proved"

(*l*) In section 45, sub section (1), *for* the words "he shall issue" to the end of the sub section *substitute* the words "he shall make such appointment in accordance with the rules and customs in force in Kumaun "

(m) In section 53, for the words and figures "containing the registers enumerated in section 32 or such of them" *substitute* "containing such registers"

(n) In section 54, for the words and figures "the provisions of sections 40, 41, 42 and 43" *substitute* the words and figures "with sections 40 and 41 and the rules in force in Kumaun"

(o) In section 57, for the words "any interest in land" to the end of the section, *substitute* the words "any proprietary right in land which requires to be recorded in the registers which the Collector is required to maintain under the rules in force in Kumaun"

(p) In section 61, *for* the words "annual registers" *substitute* the words and figures "record of rights and registers maintained by the Collector under section 33"

(q) In section 68 *for* the words "any annual allowance to which he may be entitled under section 74," *substitute* the words "such annual allowance as the Settlement Officer or Collector may determine as reasonable"

(r) In section 94 sub section (3), *for* the figures "79" *substitute* the figures "78"

(s) In section 159, *for* the figures "74" *substitute* the figures "73"

(t) In section 191 *add* at the end the words "or to itself or himself"

(u) In section 193 *for* the words "sections 640 and 641 of the Code of Civil Procedure" *read* "sections 132 and 133 of the Code of Civil Procedure, 1908"

(v) In section 194, *for* section 174 of the Code of Civil Procedure" *read* "the rules in order XVI of the first schedule of the Code of Civil Procedure, 1908, as in force under the provisions of the Kumaun Tenancy Rules"

(w) In section 199, *for* "the Code of Civil Procedure, sections 160, 161 and 162," *read* "Order XVI of the first schedule of the Code of Civil Procedure 1908, as in force under the provisions of the Kumaun Tenancy Rules"

(*x*) In section 201, *for* sections 507 to 521," *read* ' section 89 and the second schedule "

(*y*) *Substitute* the following *for* section 210, sub section (1), "210 (1) Save as otherwise provided in this Act, or as provided by any other rule or enactment for the time being in force appeals shall lie under this Act as follows —'

(*z*) In section 221, *for* the words "Naib Tahsildar ' *substitute* the word "Peshkar '

(*aa*) In section 227, clause (8), *for* the word and figures "to 13,' *substitute* the word and figures and 41" and in clause (18) *after* the words by this Act" *add* the words ' as extended to Kumaun '

(*bb*) In section 233, in clause (*g*) *for* the figures 83" *substitute the figures* 78 *in clause (h) for* the words and figures section 111 and 112' *substitute* the words Rules made for Kumaun under section 6 of the Scheduled Districts Act, XIV of 1874 , and *add* a new clause (*n*)—

(*n*) Grants of unmeasured or unassessed waste lands "

(*cc*) In section 234, clause (*a*) *for* the words Naib Tahsildars" *substitute* the word 'Peshkar , and to this section which should be numbered sub section (1) *add* a new sub section (*2*) as follows

' (2) The Commissioner may from time to time subject to the approval of the Board and the sanction of the Local Government make rules consistent with this Act regulating the appointment, duties and dismissal of Lumbardars

S P O DONNELL,

Chief Secretary

NOTE.—Printed for reference only The amendments have been incorporated in the Act as printed above

PART I

Rules regarding Criminal, Civil and Revenue Courts and Police and for arranging out imperfect partition

Kumaun rules, 1922

Notification no /XXIV—1

Dated Naini Tal the January 1922

In exercise of the power conferred by section 6 of the Scheduled Districts Act, 1874, and in supersession of all previous orders on the subject His Excellency the Governor in Council of the United Provinces of Agra and Oudh is pleased to make the following rules, to have effect from 1st April, 1922 for the administration of justice and for regulating procedure in the Kumaun division which division corresponds to the scheduled districts described in the said Scheduled Districts Act as the Province of Kumaun and Garhwal and the Tarai parganas

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CHAPTER I

PRELIMINARY

*Rescinded under notification no 1314/VI—48 dated March 26 1914

PART I

Rules regarding Criminal, Civil and Revenue Courts and Police and for arranging out imperfect partition

Kumaun rules, 1922

Notification no /XXIV—1

Dated Naini Tal the January, 1922

In exercise of the power conferred by section 6 of the Scheduled Districts Act, 1874, and in supersession of all previous orders on the subject, His Excellency the Governor in Council of the United Provinces of Agra and Oudh is pleased to make the following rules, to have effect from 1st April, 1922 for the administration of justice, and for regulating procedure in the Kumaun division which division corresponds to the scheduled districts described in the said Scheduled Districts Act as the Province of Kumaun and Garhwal and the Tarai parganas

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*Rescinded under notification no 1314/VI—48 dated March 26 1914

CHAPTER IV

CIVIL COURTS

Special Rules

CHAPTER V

PROCEDURE IN IMPERFECT PARTITIONS

CHAPTER VI

POLICE

*Inserted by notification No. 513/VII—[illegible] dated April [illegible]

CHAPTER I

PRELIMINARY

1 In these rules, unless there is something repugnant in the subject or context,—

Definitions

(1) 'Government'' means the Governor in Council, United Provinces of Agra and Oudh

(2) ''Board' means the Board of Revenue of the United Provinces of Agra and Oudh

(3) ''Commissioner'' means the Commissioner of the Kumaun Division' and

(4) value used with reference to a suit, means the amount or value of the subject matter of the suit

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CHAPTER II

GOVERNMENT, UNITED PROVINCES

MISCELLANEOUS

Judicial (Criminal) department

The 26th March 1914

No 1314/VI—48 1914 —Whereas it is advisable to alter the existing arrangements for the administration of criminal justice in the district of Pilibhit and in the Kumaun Division which division corresponds to the scheduled districts described in the Scheduled Districts Act 1874 as the province of Kumaun and Garhwal and the Tarai parganas now in exercise of the several powers conferred by the enactments specified in the third column of the schedule appended hereto and with the previous sanction of the Governor General in Council where such sanction is required by any of the said enactments and in supersession or modification as the case may be of all previous rules notifications or orders so far as they are inconsistent with the said schedule in particular of notifications no 628/VII—5C93 dated the 27th June 1891 and no 1095/VI—599 dated the 28th March 1913 and with effect from the first day of April 1914 the Lieutenant Governor of the

United Provinces of Agra and Oudh is pleased to do the Acts specified in the second column of the said schedule.—

Schedule

Serial no.	Acts	Enactments
1	To rescind Chapter II, being the chapter entitled Criminal Justice of the Kumuan Rules, 1894, but to direct that the High Court of Judicature for the North Western Provinces shall continue to be the High Court for the Kumaun Division for all purposes of the Code of Criminal Procedure, 1898	Section 6 of Act XIV of 1874 and section 21 of Act X of 1897
2	To exclude the district of Pilibhit from the limits of Bareilly Sessions division and Pilibhit from the places of sitting of Bareilly Sessions Court and to create a new sessions division to be called the Kumaun Sessions division and to consist of the districts of Almora, Garhwal, Naini Tal and Pilibhit	Section 7(2) of Act V of 1898
3	To establish Court of Sessions for the Kumaun Sessions division, to be called the Kumaun Sessions Court	Section 9(1) of Act V of 1898
4	— — — —	Section 9(2) of Act V of 1898
5	To appoint the Subordinate Judge at Pilibhit, an Assistant Sessions Judge to exercise jurisdiction in the Kumaun Sessions Court	Section 9(3) and (4) of Act V of 1898 and section 15 of Act X of 1897
6	To appoint the Deputy Commissioners of the Almora, Garhwal and Naini Tal Districts, District Magistrates of their respective districts	Section 10(1) of Act V of 1898

S. P. O'DONNELL,
Secretary.

CHAPTER III

REVENUE COURTS

General and special rules

Classes of Courts

5 There shall be the following classes of Courts, namely —

REVENUE COURTS

(1) the Court of the Commissioner

(2) the Court of the Deputy Commissioner

(3) the Court of the Assistant Collector of the first class

(4) the Court of the Assistant Collector of the second class or

(5) the Court of the Tahsildar

General subordination of Courts

6 In the performance of their duties, Deputy Commissioners shall be subordinate to, and subject to the direction and control of, the Commissioner and Assistant Collectors or Tahsildars shall be subordinate to, and subject to the direction and control of the Deputy Commissioners to whose districts they are respectively appointed

Vesting and conferment of power

7 (1) Every person appointed by the Government to be or to act as Commissioner shall have the powers of the Court of the Commissioner

(2) Every person appointed by the Government to be or to act as a Deputy Commissioner, an Assistant Collector of the first class, an Assistant Collector of the second class or a Tahsildar, shall, in the district or tahsil to which he may from time to time be posted have the powers of a Court of a Deputy Commissioner of an Assistant Collector of the first class of an Assistant Collector of the second class or of a Tahsildar as the case may be

(3) The Government may confer upon any person all or any of the powers of a court of any of the classes mentioned in rule 5 and may withdraw or suspend the exercise of any powers so conferred

Chief controlling revenue authority

8 All courts of revenue are subordinate to the Board, which is subject to the Government, the chief controlling revenue authority in all matters connected with the Land

Revenue

Collector of the district

9 The Deputy Commissioner shall be deemed to be the Collector of the district

Vesting of powers in Tahsildars

10 Every person appointed by the Government to be or to act as a tahsildar shall in the tahsil to which he may from time to time be posted have the powers of an Assistant Collector of the second class under the United Provinces Land Revenue Act, III of 1901, and under this Part

Place of sitting of courts

11 A court may sit at any place within the local limits of its jurisdiction or in the case of an Assistant Collector or Tahsildar at any place within the limits of the district to which he is appointed

Courts not to try suits in which they are interested

12 (1) The presiding officer of a court shall not try any suit, proceeding or appeal to which he is a party or in which he is personally interested

(2) The presiding officer of an appellate court shall not try an appeal against a decree or order passed by himself in another capacity

(3) When any such suit, proceeding or appeal as is referred to in sub rule (1) or sub rule (2) comes before any such officer other than the Commissioner, the officer shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference

(4) The superior court shall thereupon dispose of the case under section 24 of the Code of Civil Procedure

(5) When any such appeal or other proceeding as is referred to in sub rule (1) or (2) comes before the Commissioner, he shall forthwith transmit the record of the case to the Government for orders with a report of the circumstances attending the reference

Power of Deputy Commissioner to distribute business.

13 Notwithstanding anything in the Code of Civil Procedure, the Deputy Commissioner may, by order in writing, direct that any business cognizable by him and the courts subordinate to him shall be distributed among those courts in such manner as he thinks fit

Provided that a direction given under this rule shall not empower any court to exercise any power or deal with any business beyond the limits of its proper jurisdiction

Report to Commissioner for sanction in certain cases

14 The Deputy Commissioner shall report for the sanction of the Commissioner proposals in the following cases, namely —

(1) for the appointment of thokdars,
(2) for the grant of Nayabad land, and
(3) for the assessment of alluvial and of resumed revenue free grants

Report of sanctioned assessments to Board

15 In the cases referred to in rule 14, clauses (3), the Commissioner shall report the sanctioned assessment to the Board

Certain decisions to be according to Native law

16 (1) Where in any suit or other proceeding it is necessary for a court to decide any question regarding succession special property of females betrothal marriage divorce dower adoption guardianship minority bastardy, family relations wills legacies gifts partitions or any religious usage or institution the rule of decision shall be (a) any custom applicable to the parties which is not contrary to justice equity or good conscience and has not been by any enactment altered or abolished and has not been declared to be void by any competent authority (b) the Muhammadan law in cases where the parties are Muhammadans and the Hindu Law in cases where the parties are Hindus except in so far as such law has by legislative enactment been altered or abolished or has been modified by any such custom as is above referred to

(2) In cases not provided for by sub rule (1) or by any other law for the time being in force the Court shall act according to justice equity and good conscience

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CHAPTER IV

No 513 VII—421

April 1 1926

Whereas it is advisable to alter the existing arrangements for the administration of civil justice in the Kumaun revenue division (which division corresponds to the scheduled districts described in the Scheduled Districts Act 1874 as the province of Kumaun and Garhwal and the Tarai parganas and is hereinafter called the Kumaun Division) and in pursuance of such alterations to modify the arrangements for the administration of civil justice in the district of Pilibhit made by notification no 445/VII—48 of 1914 Judicial (Civil) department dated March 26 1914 now in exercise of the several

powers conferred by the enactments specified in the third column of the schedule appended hereto, and in supersession or modification, as the case may be, of all previous rules, notifications or orders on the subject so far as they are inconsistent with the said schedule in particular of notifications no 628/VII—569 B, dated June 27, 1894, no 405/VII—83, dated March 28, 1913 and no 445/VII—48, dated March 26, 1914, and with effect from the 1st day of April, 1926 (except as far as the contrary is prescribed in the qualification appended hereto after the said schedule), the Governor of the United Provinces in Council is pleased to do the acts specified in the second column of the said schedule —

Schedule

Acts	Enactments
1 To rescind chapter II (so far as it applies to	Section 6 Act XIV of 1874 and section 21 of Act X of 1897
2 [illegible] tions namely (i) For the word Oudh where it first occurs shall be substituted the words the Kumaun Division (ii) Clauses (c) and (e) shall be omitted (iii) For clause (f) which shall be re lettered (c) the following shall be substituted namely — Any rules made for the Kumaun Division under section 6 of the Scheduled Districts Act 1874 or under any Act for the time being in force in the Kumaun Division or in any part thereof (iv) For clause (f) which shall be re lettered (d) the following shall be substituted namely All enactments for the time being in force in the Kumaun Division or in any part thereof (v) Clause (g) shall be re lettered (e)	Sections 5 and 5 A of Act XIV of 1874
3 To cancel notification no 6/VII—345 dated January 1 1909 and to extend to the Kumaun Division the Code of Civil Procedure 1908 (excepting section 1 and sections 157 to 158 which already extend thereto)	Ditto

Acts	Enactments
Provided that the operation of the said Code as so extended shall be subject to the following modifications, namely — For rule 2, Order III, of the first schedule the [illegible]	
done are — (a) Permanent servants, partners, relations or friends, whom the court may admit as fit persons to represent [illegible] traders managing agents of landlords, nearest male relations of women or persons *ex officio* authorized to act for Government or for any Prince or Chief"	
4 To direct that the District Judge at Pilibhit be called the District Judge of Kumaun and Pilibhit, and to declare that local limits of his jurisdiction to be the local limits of the Kumaun Division together with the Pilibhit District	*Section 13(1) of Act XII of* 1887
5 To fix Almora, Haldwani Naini Tal, Kotdwara, Lansdowne and Ranikhet as the places at which the court of the District Judge of Kumaun and Pilibhit is to be held	Section 14(1) of Act XII of 1887
6 After [illegible] of Civil Procedure, 1908, to all original civil suits for the time being cognizable by civil courts	Section 36(1) (b) of Act XII of 1887
7 After consultation with the High Court, to invest Assistant Collectors of the first class in the Kumaun Division with the powers of a subordinate judge, throughout the limits of the districts in which they are respectively Assistant Collectors The jurisdiction of an Assistant Collector of the first class shall extend subject to the provisions of section 15 of the Code of Civil Procedure 1908, to all original suits, the value of which does not exceed Rs 5 000	Ditto

Acts	Enactments
8 After consultation with the High Court to invest Assistant Collectors of the second class in the Kumaun Division with the powers of a munsif throughout the limits of the districts in which they are respectively Assistant Collectors The jurisdiction of of an Assistant Collector of the second class other than a Tahsildar shall extend subject to the provisions of section 15 of the Code of Civil Procedure 1908 to all original suits of which the value does not exceed Rs 500,	Section 36(1) (b) of Act XII of 1887
Small Cause Courts Act, 1887 of which the value does not exceed Rs 100	
9 —	Section 19(2) of Act XII of 1887
ject to the provisions of section 15 of the Code of Civil Procedure 1908 to all original suits of a value not exceeding Rs 2 000	—

QUALIFICATIONS

Nothing in this notification or in the schedule shall operate to affect the disposal of—

(a) any suit or proceeding instituted before April 1, 1926, in any court or before any officer of the Kumaun Division, or

(b) any application, appeal, review, revision, proceeding in execution, or other proceeding filed or taken, whether before, on or after the said day in any such court or before any such officer, in continuation or pursuance of any suit or proceeding defined in paragraph (a) but all such applications suits, and proceedings shall be heard and decided as if this notification had not been issued :

Provided that a decree or order passed in any such suit or proceedings as is defined in paragraphs (a) and (b) shall not be invalid by reason only of such decree or order being in contravention of this qualification

CHAPTER V

Procedure in Imperfect Partitions

Procedure in cases of imperfect partition

21 Except in the settled tracts of the Tarai sub-division of the Naini Tal District, perfect partitions are not customary in the Kumaun Division but the following procedure shall be observed in cases of imperfect partition —

(1) Application for partition shall be made in writing to the Deputy Commissioner or an Assistant Collector of the first class and shall be accompanied by a certified copy of the record showing the share held by the applicant in the mahal

(2) If the application is in order and not open to objection on the face of it, the officer before whom it is filed shall publish a notice of the same, specifying the land to be divided and the names of the applicants for partition and their shares and calling upon all persons interested in the partition to appear before him on a date not less than two months from the date on which such notice is issued

(3) He shall cause copies of the notice to be posted at his office and at some conspicuous place on the mahal to which it relates and to be served, as far as possible, on all such of the record co sharers as have not joined in the application

(4) On the date specified in the notice he shall consider any objection to the application and examine any persons interested and present in court If an objection raises any question of title or proprietary right which has not already been determined by a court of competent jurisdiction, he shall require the objector to pay the fee chargeable under the Court Fees Act as if the petition of objection was a plaint and shall proceed to inquire into the merits of the objection His inquiry shall be conducted in the manner provided for the trial of an original civil suit and his order and decision shall be open to appeal, as if they were passed in an original civil suit

(5) After decision of objections he shall record a proceeding declaring the nature and extent of the interests of the party or parties who may be affected thereby Partition shall then be carried out in accordance with such rules as may be prescribed

(6) Every partition shall be sanctioned and confirmed by the Deputy Commissioner, who shall on its completion publish a notification of the fact at his office and at some conspicuous place on the mahal

III of

Procedure of Record and Settlement Officers

22 Where in any district the Government, in exercise of the powers conferred by sections 49, 60 and 97 of the United Provinces Land Revenue Act, 1901, has appointed a Record Officer, Assistant Record Officer, Settlement Officer or Assistant Settlement Officer—

(1) the court of such officer shall, for the purpose of these rules, be a Court of Revenue,

(2) the Assistant Record Officer and the Assistant Settlement Officer shall be subordinate to the Record Officer and the Settlement Officer, respectively, and the Record Officer and the Settlement Officer shall be subordinate to the Commissioner, and

(3) the Record Officer and Settlement Officer shall have the powers of a Deputy Commissioner under rule 13

Appeals

23 Any person aggrieved by an order made by the Court of Revenue specified in the first column of Schedule A may in cases of the nature specified in the second column appeal to the authority specified in the third column, within the period specified in the fourth column "

SCHEDULE A

(*Rule* 23)

Court of Revenue	Nature of orders	Appellate authority	Number of days from date of order complained of
1	2	3	4
Assistant Record Officer	All cases	Record Officer	Thirty days
Assistant Settlement Officer	All cases other than declarations of assessment	Settlement Officer	Ditto
Ditto	Declarations of assessment	Commissioner	Sixty days
Record Officer	All cases	Ditto	Ditto
Settlement Officer	Ditto	Ditto	Ditto
Commissioner	Ditto	Board of Revenue	Ninety days

Orders for initial stages of procedure in partition cases, issued by the Commissioner of Kumaun after approval by the Board of Revenue in no. $\frac{2072N}{11-130}$ *dated the 20th August, 1900, (supplementary to revised partition rules under notification no.* $\frac{529}{1-106}$, *dated the 6th February, 1899.)*

1 If two or more co-sharers apply at the same time for separate partitions in the village, their applications shall be dealt with together; but if during the progress of partition a co-sharer who has not joined in the original application, files an application for partition of his share, such application shall be separately dealt with unless it shall have been filed before the expiry of the term allowed by the notice published under Rule 21 (2) of the Kumaun Rules

2 The copy of the record filed under section 21 (1) of the Kumaun Rules shall be a certified copy of the *muntakhib* of the share to be partitioned, if the village has been surveyed at the last revision of settlement, or if the records were then brought up to date, and in other cases a certified copy of the *phant*

3 If the application is not in order, or is open to objection on the face of it, it should be rejected or returned for amendment, if it is in order and not open to objection, the order for publication of the notice under Rule 21(2) and for the posting and service of copies of the notices under Rule 21(3) of the Kumaun Rules shall be passed, and the applicant shall be informed of the cost and required to pay them into the Court within a given time.

4 During the term allowed by the notice published under Rule 21(2) and (3) of the Kumaun Rules, a report shall be called for from the peshkar of the Land Record Officer as to whether any alterations in the records have been made since the copy of the *phant* or *muntakhib* was given The peshkar will also furnish a copy of any note recorded in the memorandum of village customs or corresponding documents, where such exist, regarding partition At the same time the officer making the partition will cause the land to be verified, or if no map exists of the cultivation at the time of last settlement, to be surveyed (the fees being deposited by the applicant) with the view of ascertaining existing possession in the land

5 On the day specified in the notice any objections made will be taken up and formally inquired into in accordance with Rule 21(4) of the Kumaun Rules

6 If an objector raises any question of title or proprietary right the officer making the partition must proceed under the latter part of clause (4) of Rule 21 of the Kumaun Rules

7 If there are no objections, or if the objections have been disposed of, the officer making the partition shall record, under clause (5) of Rule 21 of the Kumaun Rules, an order deciding that partition is to be made If this order is made on the day fixed in the notice under Rule 21(2) of the Kumaun Rules, the partition inquiry shall be continued on that day Otherwise the officer making the partition shall summon all the co sharers interested in the land to be partitioned to appear before him on a date which shall not be less than 15 nor more than 30 days from the date of the order allowing the partition The village map, together with the *khasra muntakhib* and *phant* should be obtained for examination in every case In parganas where such records are kept by the patwari the summons shall require him to bring them

8 On the date so fixed if the applicant does not attend, the case may be struck off and any costs that may have been paid may be returned after deducting any expenses incurred If the applicant appears, he and such of the co-sharers as are present, and the patwari if summoned, shall be examined as to the custom of the village and the manner in which the partition is to be effected The existence of *sir* (*khud*), gardens, dwelling houses, water-courses temples mills and the like, about which difficulties are likely to arise shall be carefully ascertained and so far as possible the wishes and consent of the parties shall be ascertained as to the mode of dealing with them and shall be recorded Any dispute arising shall be settled or overruled by the officer making the partition

9 A formal proceeding will then be drawn up by the officer making the partition with his own hand setting forth the amount of land of each class to be divided, the amount of each class held by each proprietor, the amount held by tenants-at will, the amount held by *khailars*, and the area of the new or old fallow or land otherwise not in possession of any co-sharer The rent of each *Khailar* shall also be recorded It shall also state the nominal interest as finally ascertained of each co-sharer who has joined in the application for the partition and of the body of proprietors who have not joined in the partition in the land to be divided, and the extent of *khudkasht* land of each class to which each is accordingly entitled and also the rental of the *Khailars* due to each It shall also specify how land held by co sharers in excess of their authorized share is to be dealt with and whence the deficiency of land held by other co-sharers is to be made up, and how the *Khailars* are to be divided amongst the co sharers So far as possible the rent of each *Khaikar* shall be assigned entire to

one or other of the co sharers But if it is not possible, or where there is only one *khaikar*, they or he will remain as before jointly under all the co-sharers the amount of rent to which each co sharer is entitled must be specified If it has been decided that any particular field shall be assigned to a particular co-sharer, a note of any such arrangement shall be made, similarly a note shall be made if any special arrangement is made regarding any particularly valuable or worthless piece of land or any other matter This proceeding shall be called the Partition proceeding "

Partition proceeding

Imperfect Partition Case no of 19

Names of applicant for partition

1 Area to be partitioned in detail of soil classes

2 Area held in common

3 Details of land held in severalty

4 Extent of shares

5 By whom the partition is to be made—by an amin, by parties themselves or by arbitration

6 Whether a new survey is required of the whole village or of any part of it

7 If any lands, houses or other property are at the time held in severalty, how they are to be dealt with at partition and if they are to be retained by their present owners, on what principle compensation is to be given

8 The terms to be observed in dealing with—

(1) *khaikar* tenants,

(2) *khudkasht*

(3) rent free tenures,

(4) gardens and trees of proprietors

(5) houses of proprietors,

(6) houses of *sirdar* tenants,

(7) places of worship burning ghats, etc

(8) grazing lands and water for drinking or irrigation,

(9) what roads are to be kept open with common right of way,

(10) the term in which the award is to be filed,

(11) the method on which the payment of costs of partition is to be divided

Imperfect Partition Rules

GOVERNMENT, N.-W. P. AND OUDH

MISCELLANEOUS

REVENUE DEPARTMENT

No. $\frac{529}{I-106B}$,

The 6th February, 1899

In supersession of notification no. $\frac{1899}{I-106B}$ dated the 10th July, 1894 and under clause (*b*) of section 6 of the Scheduled Districts Act, 1874, His Honour the Lieutenant Governor of the North Western Provinces is pleased, with reference to rule 21 (5) of the rules for the administration of Justice in the Kumaun Division, to prescribe the following rules to regulate the procedure to be observed in carrying out imperfect partitions in that division —

PARTITION RULES

PART I —*Procedure*

1. When the partition proceeding has been drawn up under rule 21(5) of the Kumaun Rules, it shall be carefully explained to all the co-sharers present, and their assent or dissent recorded and signatures attached. The costs as fixed in rule 32 shall then be realized.

2. When the case has been committed for investigation and report under section 229 of Act III of 1901 to an Assistant Collector of the second class, that officer shall submit the partition proceeding with the record of the case to the Deputy Commissioner of the district for instructions.

In all cases where the case is tried by an Assistant Collector of the first class the Deputy Commissioner may, by either a general or special order, direct that the partition proceeding be submitted to him before further action is taken.

3. The officer making the partition, or if it has been submitted to him, the Deputy Commissioner, shall decide by whom the partition is to be made.

4. Should the parties be allowed to elect to make the partition themselves or to appoint arbitrators for that purpose, the officer making the partition shall furnish them with such copies of the records as they may require, and shall fix a date on or before which they are to complete partition.

5. If it has been ascertained at the inquiry that a new survey of the mahal is necessary, the officer making the partition shall appoint an amin to survey the mahal and prepare

a new map, *khasra* and *muntakhib* The *khasra* and *muntakhib* will contain the classification of soils as made at the last settlement

6 If a new survey is not required, or in the event of a survey being necessary after the preparation of the new map, an amin shall be appointed to execute the partition in all cases where it is not to be made either by the parties themselves or by arbitrators At the same time an order will be issued to all the co sharers notifying the appointment of the amin and requiring them to attend him during the partition

7 If a new survey is not required, a copy of the field map and *muntakhib* shall be given to or made by the amin, who shall test the map field by field and make any alteration or correction that may be needful He shall also test and correct the recorded rental of the mahal

8 The patwari of the circle within which the mahal is situated may with the approval of the Deputy Commissioner, be appointed under rules 5, 6 and 7 as the amin to execute the partition if he possesses the necessary qualifications When a patwari is thus appointed he will be paid as a partition amin and the pay of the circle will be given to a substitute by whom the regular work of the circle will be carried on while the patwari is engaged on the partition

9 At the time of the appointment of the patwari or amin to make the partition a date shall be fixed by which he shall send in his proposals

10 On being appointed to execute the partition the amin shall be furnished with copies of the survey papers prepared in the case if any survey has been made or otherwise with the verification list and copy of the existing map and settlement record filed with the case and a copy of the [illegible] Hindi of the Partiti [illegible] The amin will or [illegible] sent to the village his total remuneration will be calculated with reference to the area, number of fields number of shares to be divided and other points to be considered in connexion with the operation Payments not exceeding in all half his total remuneration may be made at any time during the operation at the discretion of the officer making the partition The other half will be paid on the completion of the work He shall report progress at such intervals, not ordinarily being more than a month apart, as may be prescribed by the officer making the partition Any unreasonable delay will be made a cause of the removal of his name from the list of amins, and may

entail the forfeiture of the whole or any part of the outstanding balance of his fees, as the officer making the partition may direct

11 Where the parties undertake partition themselves a date shall be fixed, after consideration of all the facts of the case, within which the partition must be completed, and if the case is referred to arbitration such date will be entered in the order of reference The parties should be warned that if the partition is not completed by the date fixed and no good reason shown for the delay the officer making the partition may rescind his order permitting the partition to be made by the parties themselves or by arbitrators and proceed to make it under his own orders

12 On arriving at the village the amin shall go over the ground and make out proposals of partition in the manner prescribed in the partition proceeding marking out the proposed lots by coloured lines on the map and by earthen or stone cairns on the ground and making such rough schedules of the proposed lots as may be necessary In cases where whole *khaikars* have been assigned to any co sharer or to the body of proprietors who have not joined in the partition he shall point out the lands of such *khaikars* which are affected by the partition Otherwise he shall have nothing to do with the division of *khaikars* For the *khudkasht* land he shall draw up lists of the fields assigned to each co sharer according to the instructions given in the 'Partition proceeding' He shall then point out to all the parties concerned on the ground the way in which he proposes to divide the land and shall hear their objections and make such alterations in his proposals as he may think necessary When he has prepared the lists he shall supply a copy to the parties at their request on payment of a copying fee at the rate of four annas per copy of each lot supplied All objections to the proposed lots should be filed in court within such time not being less than 15 or more than 30 days as the court may specify after the lots have been explained to the parties concerned who should be warned that the objections filed after the period allowed to file objections will be liable to summary rejection

13 On completion of this work the amin shall report progress to the officer making the partition and at the same time submit his proposals to the peshkar of the Land Record office who after examining them to see that they agree with the directions given and are arithmetically correct shall forward them without delay to the officer making the partition

who will then issue a notice to all the parties summoning them with the amin (and patwari if necessary) to appear before him on a day specified in the notice

14 On the day specified the officer making the partition shall examine the amin s proposals in the presence of the parties, and shall satisfy himself that they are understood by all concerned

15 If all agree to the proposals or to such amended proposals as the officer making the partition may think fit to make their agreement shall be recorded and attested by the officer making the partition If any objections are made the officer making the partition shall hear them and record an order overruling them or amending the proposals to meet them as he thinks fit If the objections are such that it is necessary to refer the case back to the amin for further report a further day shall be fixed for the hearing, and the co sharers present informed accordingly

16 On the day fixed for hearing objections or on any subsequent day to which the case may be adjourned for that purpose the officer making the partition shall inquire into and dispose of them He will where necessary decide what rent is payable for the sites of houses and other buildings and the *sir* (*khudkasht*) land of one co sharer, if any which has been included in the lot assigned to another co sharer and such rent shall be entered in the partition *muntakhib* At the same time if any disputes remain undecided he should if possible decide all other disputes which have arisen

17 When the proposals have been finally settled either by agreement of the parties or by order of the officer making the partition that officer shall so mark the map and lists that they cannot be altered

18 The map and rough schedule shall then be returned to the amin who shall forthwith make out in duplicate the records of the new mahals or pattis i e the new mahalwar *muntakhib* and *phants* in the same form as the records prepared at the last settlement He shall erect earthen boundary marks at points where they may be required unless the officer making the partition shall direct that at any point a masonry boundary pillar or other permanent mark shall be erected One complete set of the new records will then be despatched to the Land Records office by the officer making the partition and of these the copies of the *muntakhib* and *phant* (as amended) will be handed over to the patwari by the peshkar of the Land Records office on the former s visit to that office after

their receipt If a new map has been prepared under rule 5, the amin in charge of the survey will prepare a duplicate copy, of which one will be sent to the Land Records office with the other records, and the other, which will be signed after examination by the peshkar of the Land Records office to the patwari If the copy made under rule 7 has merely been altered and corrected, a copy of the map so corrected will be prepared by the amin and made over to the patwari This copy will be signed also by the peshkar of the Land Records office The original copy of the corrected map will be recorded in the Deputy Commissioner's office

19 The case shall then be reported to the Deputy Commissioner for confirmation under rule 21 (6) of the Kumaun Rules and notified in the manner prescribed The Deputy Commissioner shall at the same time warn the persons concerned that they are responsible for the maintenance of the boundary marks

An English statement in form A (appended) shall be drawn out signed by the officer making the partition, and placed with the record

20 Possession shall be given to the parties from such date as the officer making the partition may direct

21 If on inspecting the file of pending partition cases the Deputy Commissioner finds any case has been pending for an undue length of time he should either himself visit or direct one of his assistants to visit the village

22 The Director of Land Records and Agriculture, or, failing him the Deputy Commissioner, will hold an examination for partition amins who have obtained a certificate from a competent official (Assistant Surveyor or Deputy Commissioner) that they are qualified to survey a village situated in the hill

The examination will be in the following subjects —

I —Hindi

II —Arithmetic

III —Mensuration

IV —These rules as far as regards the duties of an amin and the conduct of a partition

V —The procedure for partitions prescribed in rule 21 of the Kumaun Rules

VI —Questions concerning the preparation of *khasra muntalhib, phant* and *tasdiq fards*

All amins who pass the examination will receive a certificate of qualification, and the Director of Land Records and Agriculture will supply the Deputy Commissioner of the division in which the examination is held with a list of the amins who have passed So long as amins who have passed the examination are available the Deputy Commissioner shall not employ any unpassed amin on partition work

23 The Deputy Commissioner of the district shall maintain under his own signature a list of duly qualified amins who will be available to do such partition work as cannot be undertaken by the patwaris The number of these amins should be fixed with reference to the probable amount of work in excess of that which will be done by the patwaris in order that each amin may derive from it a fair average salary Unless no amin on the list is out of employ or likely to be out of employ within a fortnight an officer making partition shall always select the amin to be appointed under rule 6 from the men on the Deputy Commissioner s list If none of these are available, an officer making a partition shall report to the Deputy Commissioner the name of the man he proposes to appoint and his reason for appointing him The Deputy Commissioner may at any time remove the name of any amin from his list

A character book shall also be maintained for each amin entered on the Deputy Commissioner s list This book should be in the form appended (B) which has been brought on the Board s list of printed registered forms of Department II and can be purchased by the Deputy Commissioner at the Government Press at a cost of one anna and six pies per copy exclusive of postage The Deputy Commissioner should realize the cost of the books required from the amins credit the amount in the treasury and then forward his indent supported by the treasury receipt direct to the Superintendent Government Press for compliance Each amin shall keep his own character book and shall submit it at the close of each partition when he claims the balance of his fees The officer in charge shall record briefly his opinion of the way the partition work was performed No partition case shall be made over to an amin until he has produced his character book, and unless it shows that he can be trusted with the work If an officer considers that an amin s work in any particular partition case has been so inefficient or corrupt as to demonstrate his unfitness for further employment, he shall submit the character book and the record of the case to the Deputy Commissioner with a view to the removal of the amin s name from the Deputy Commissioner s list

24 The officer making the partition, and any officer to whom a partition case has been referred under rule 2, shall keep up in his own handwriting a brief history of the case, in which he shall record every order of whatever kind which he may give during the course of the proceeding, and make a note of all important objections and his decisions on them This record will be divided into the following parts, which must be kept distinct —

(1) proceedings between the filing of the original application and the order allowing or disallowing the partition,

(2) proceedings between the order allowing the partition and the final completion of the partition proceedings,

(3) proceedings from the appointment of the amin (or reference to the parties or arbitration, as the case may be) and the filing of his partition proposals, and

(4) proceedings between the filing of the award and the final order of the Deputy Commissioner confirming the partition

25 A register shall be maintained in each court showing all the partition cases pending in it and giving the following information in the appended form C —

(1) Name of patti

(2) Name of parties

(3) Date on which the case was brought on the register of the c[illegible] the subsequent [illegible] the proceedings [illegible] ourt was transferred to the court for which the register is maintained)

(4) Date on which application was filed

(5) Date of issue of notice under clause (2) of rule 21 of the Kumaun Rules.

(6) Date of final disposal of objections.

(7) Date of partition proceeding

(8) Date of reference to amin or patwari

(9) Date of receipt of award

(10) Date of final order, and

(11) Explanations

26 *This register will be inspected by the Deputy Commissioner* of the district once every three months or oftener if he thinks necessary, and he should call for the brief history required by rule 24 to be recorded on each case of all cases pending over four months, and take such action as may appear to be necessary with reference to any irregularity or unnecessary delay he may find to have taken place At his inspection of the Deputy Commissioner's office, the Commissioner will also inquire specially into the observance of this and other rules, and bring to the notice of the Board any serious cases of neglect which have come to his notice.

27 The register maintained under rule 25 will show the date on which a partition case is made over to an amin, and the Deputy Commissioner may at his discretion require the submission of a diary in the following form in all cases in which the amin has not submitted his papers within the period fixed by the court —

Day of week	Date	Place at which amin is	How engaged showing concisely what work was done

28 The officer in charge of a settlement shall have all the powers of the Deputy Commissioner of the district under these rules

29 The Deputy Commissioner of the district shall report the state of the partition files in his district to the Commissioner half yearly in the form D attached The statement (Appendix C-IV) submitted yearly with the Revenue Administration Report will keep the Board informed of the progress of partition work in each district

30 The foregoing rules will, *mutatis mutandis*, apply to the partition of the holdings of *khaikars* The imperfect partition of a *khaikari* holding may be carried out at the request of one or more of the co sharers in the tenure, but the perfect partition of such a tenure, under which the holding of each *khaikar* co sharer will become a separate holding assessed to its own separate rent, and the joint responsibility of all the sharers in the tenure for the rent on the entire holding will cease, can only be effected with the consent of the proprietors whose tenants the *khaikars* are

PART II —*Regarding the cost of partition*

31 The costs will be calculated as follows —

(*a*) For verification of land a minimum charge shall be made of eight annas up to 20 nalis with four annas for each additional 10 nalis up to 200 nalis, and four annas for every 20 nalis above that amount

(*b*) In partition cases when separate schedules have to be made in addition to verification an extra charge of two annas a schedule be made

(*c*) In cases where it is necessary to have a map made an additional charge will be made at a minimum rate of eight annas for 10 nalis and four annas for every additional 10 nalis

(*d*) If there are less than five co sharers in the mahal no addition shall be made to the costs on account of the number of co-sharers If there are from 5 to 10, an addition of 10 per cent may be made if there are from 11 to 20 co sharers an addition may be made of 20 per cent if there are from 20 to 30 co sharers, an addition may be made of 30 per cent , and so on Provided that not more than 100 per cent be added in any case on account of the number of co-sharers

32 The costs, calculated as in the preceding rule will be distributed among the parties to the suit, and a time given within which they must be paid If they are so paid the amin or patwari will be deputed to give possession to the parties If it is found in the course of the proceedings that the costs fixed under the preceding rules are insufficient, the officer making the partition shall have the power at any subsequent stage to fix and apportion such additional costs as he may think

necessary The costs will be recovered rateably from all the co sharers who have joined in the partition

NOTE —To the partitions made in the settled tracts of the Tarai sub division of the Naini Tal District, in which the whole of Act III of 1901 is in force, the rules made by the Board of Revenue under that Act and laid down in Book Circular 27, Department II, will apply

FORM A

Statement of partitions effected under section 21 of the Kumaun Rules of 1894 in the district of (*rule* 18)

Number of case	Pargana	Mauza	Names of co sharers affected by the partitions	Extent of share of each co sharer						Land revenue, including cases of each share			Remarks
				Total area	Irrigated	1st class dry	2nd class dry	New fallow	Old fallow				
1	2	3	4	5	6	7	8	9	10	11			12
										Rs	a	p	
Grand Total of the area partitioned													

FORM B

Amin s character book (*rule* 23)

Name of partition amin
Caste
Residence
Father's name and residence
Date of birth by Christian era as nearly as can be as certained
[illegible] the district if not has he any relations in the district who possess land ed property ?
Has he any relations in the district in Government employment ?
Signature of partition amin
Signature and designation of the head of the office

FORM C

District (*rule* 25)

Register showing all the partition cases pending in the court of

Name of patti	Name of party	Date on which the case was brought on the register of this court	Date on which application was filed	Date of issue of notice under clause (2), rule 21 of the Kumaun Rules	Date of final disposal of objections	Date of partition proceeding	Date of reference to amin or patwari (as the case may be)	Date of receipt of award	Date of final order	Explanations
1	2	3	4	5	6	7	8	9	10	11

FORM D

Half-yearly statement of partition cases (*rule* 29)

District	Court and name of presiding officer	Number of cases pending at beginning of the half year	Number of new applications filed	Total for disposal	Number of partitions actually carried out	Number of applications otherwise disposed of	Remaining for disposal	Cases in column 8 which were instituted in current year	Cases in column 8 which were instituted in 19	Cases in column 8 which were instituted in 19	Cases in column 8 which were instituted in 19	Cases in column 8 which were instituted before 19	Date of oldest case pending	Numbers of mahals or parties	
														Before partition	After partition
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Perfect partition															
Imperfect partition ..															

CHAPTER VI

POLICE

Regulation of enrolled police

24 Act V of 1861, which has been carried into effect in the Kumaun Division, regulates the administration of the police enrolled under that Act

Regulation of *ex officio* police officers

25 Subject to the orders of the Commissioner, the Deputy Commissioner shall control, throughout his local jurisdiction, the following classes of revenue officials in the exercise of their police powers, namely, peshkars, kanungos, superintendents of patwaris, patwaris, thokdars and padhans or village headmen

Appointment and punishment of *ex officio* police officers

26 Officials of the classes enumerated in rule 28 shall, in respect of their discharge of police duties, be appointed, rewarded, punished and dismissed by the authorities empowered to appoint, reward, punish and dismiss them in respect of their revenue functions

Powers of peshkars, kanungos, superintendents of patwaris, and patwaris.

27 Peshkars, kanungos, superintendents of patwaris and patwaris shall exercise the powers and perform the duties vested in officers in charge of police stations by the Code of Criminal Procedure, 1898

Duties of thokdars and padhans.*

28 Every thokdar and every padhan or village headman shall perform the following duties namely —

(a) he shall give immediate information to the patwari of the circle—

(1) of every unnatural, suspicious or sudden death occurring in any village included in his thokdari or of which he is padhan, as the case may be,

(2) of each of the following offences occurring in such village (that is to say) murder, culpable homicide, rape, dacoity, robbery, theft, receiving stolen property, mischief by fire, house breaking, counterfeiting coin, causing grievous hurt, riot, harbouring a proclaimed offender, exposure of a child concealment of birth, administering stupefying drugs, kidnapping, lurking house trespass, and

*See Part VI

(3) of all attempts and preparations to commit and abetments of any of the said offences

(*b*) he shall keep the police informed of all dispute which are likely to lead to any riot or serious affray

(*c*) he shall arrest—

(1) any person who has been concerned in any offence specified in paragraph (*a*) clause (2) of this rule or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned

(2) any person who has been proclaimed as an offender

(3) any person who has escaped or attempts to escape from lawful custody

(4) any person reasonably suspected of being a deserter from Her Majesty's Army

(*d*) he shall report to the patwari the arrival of suspicious characters in the neighbourhood

(*e*) he shall supply to the best of his ability any local information which a magistrate or any officer of police may require and shall promptly execute all orders issued to him by competent authority

Procedure on arrest by thokdar or padhan

29 Whenever a thokdar or padhan arrests any person, he shall take him as soon as possible to the patwari of the circle, or in his absence to the nearest magistrate or officer exercising powers under rule 27

PART II.

NOTIFICATIONS OF JUDICIAL DEPARTMENT

1 No $\frac{746}{VII-281}$, dated Naini Tal, the 1st August, 1894,

From—T W HOLDERNESS, ESQ, *Secretary to Government North Western Provinces and Oudh,*

To—*The Commissioner, Kumaun Division*

SIR—With reference to correspondence ending with your letter no $\frac{4586}{XIV-32}$, dated *the 15th August, 1893, I am* directed to forward for the information and use of the officers of the Kumaun Division 50 copies of the accompanying list of enactments which are in force in the Kumaun Division, comprising the districts of Almora Garhwal and Naini Tal, and formerly styled the province of Kumaun and Garhwal and the Tarai parganas From the list have been excluded those Acts which apply of their own force or have been extended by notifications issued under the Acts themselves

**List of unrepealed enactments which have been extended to or declared in force in the whole of, the Kumaun Division under the Scheduled Districts Act*

Year	Number	Subject
		(1) *Bengal Regulations*
1793	XXXVIII	Loans by Covenanted Civil Servants.
1799	V	Wills and intestacies of natives
1804	X	State offences
1806	XI	Assistance to marching troops and to travellers
1818	III	State prisoners
1822	XI	Non liability of Government for errors of Courts etc
1823	VII	Loans to Covenanted Civil Servant
1825	VI	Assistance to marching troops and to travellers
1825	XI	Alluvion and diluvian
1829	XVII	Sati
1831	XI	Police powers of Tahsildars
1833	IX	Deputy Collectors
		(2) *Acts of the Governor General in Council*
1837	IV	Property in land
1838	XXV	Wills made between 1st February, 1839 and 1st January, 1866
1839	XXIX	Dower
1839	XXXII	Interest
1841	XIX	Curators in cases of succession
1843	V	Slavery
1847	XV	Copyright
1850	XII	Public Accounts
1850	XVIII	Protection of Judicial Officers
1850	XIX	Binding Apprentices

*A complete list will be found in the appendix of Volume II of the United Provinces Code

Year	Number	Subject
		(2) *Acts of the Governor General in Council*—(concluded)
1850	XXI	Non forfeiture of rights by loss of caste
1850	XXXIV	State prisoners
1850	XXXVII	Inquiries into behaviour of public servants.
1853	II	Public charges on landholders
1853	XIX Section 26	Recusant witnesses
1854	XVI	Police
1855	XI	Mesne profits and improvements
1855	XII	Suits for wrongs Executors and Administrators
1855	XIII	Compensation for loss occasioned by death
1855	XXVIII	Repeal of Usury Laws
1856	X	European Deserters
1856	XV	Remarriage of Hindu widows
1856	XX	Chaukidars
1857	XI	State offences
1857	XIII	Opium
1858	III	State prisoners
1858	XXXV	Lunacy mufassal courts.
1858	XXXVI	Lunatic asylums
1859	IX	Claims to property seized as forfeited
1860	XXI	Registration of societies.
1862	III	Government seal
1863	XVI	Excise of spirits used exclusively in manufactures
1863	XX	Religious endowments
1863	XXIII	Claims to waste lands
1863	XXXI	Official Gazette
1864	III	Foreigners
1864	VI	Whipping
1865	III	Common carriers
1865	XV	[illegible]
1865	XXI	
1866	V	
1866	XXI	
1866	XXVIII	Powers of mortgagees and trustees
1867	XXV	Printing Presses and books
1868	XXIV	Inoculation in Kumaun and Garhwal
1869	XV	Prisoners testimony
1870	XXIII	Coinage
1901	III	United Provinces Land Revenue Act [Subject to restrictions and modifications specified in notification no 134/I—624 dated the 10th January 1918]
1877	I	Specific relief
1908	V	Civil Procedure Code (with certain modification)

*In the settled tracts of the Terai subdivision of the Naini Tal District the whole of Act III of 1901 is in force

T W HOLDERNESS

1st August 1894 *Secy to Govt, N-W P and Oudh*

2 No $\frac{626}{VII—363\ B}$, dated 27th June, 1894

MISCELLANEOUS

UNDER section 1 of the North-Western Provinces and Oudh Act, I of 1894 (an Act to repeal the Tarai Regulation, 1876), the Lieutenant-Governor of the North Western Provinces and Oudh is pleased to direct that the said Act shall come into force on the 1st day of August, 1894

3 No $\frac{637}{VII—281}$

IN exercise of the powers conferred by section 5 of the Scheduled Districts Act 1874 and with the previous sanction of the Governor General in Council the Lieutenant Governor of the North Western Provinces is pleased to extend so much of each enactment mentioned in the such hereto annexed as is in force in those parts of the North Western Provinces which are not included in any scheduled district to the Tarai sub division of the Naini Tal District, which sub division corresponds to the scheduled district described in the said Scheduled Districts Act as the Tarai parganas

SCHEDULE

Year	Number	Subject
		Acts of the Governor General in Council
1838	XXV	Wills made between 1st February 1839 and 1st January 1866
1839	XXIX	Dower
1841	XIX	Curators in cases of succession
1855	XI	Mesne profits and improvements.
1856	XI	European deserters
1860	XXI	Registration of societies.
1862	III	Government seal.
1863	XXXI	Official Gazette
1866	V	Commercial Law
1866	XXVIII	Powers of mortgagees and trustees.
1870	XXIII	Coinage

4 No $\frac{}{VII—281}$ 6

IN exercise of the powers conferred by section 5 of the Schedule Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant Governor of the North Western Provinces is pleased to extend so much of Bengal Regulation XI of 1825 Alluvian and Diluvian, as is in force in those parts of the North Western Provinces which are not included in any scheduled district to the districts of

Almora, Garhwal and Naini Tal (exclusive of the Tarai sub-division) which correspond to the scheduled district described in the said Scheduled Districts Act as the province of Kumaun and Garhwal

6 No $\frac{644}{VII-281}$

In exercise of the powers conferred by section 5 of the Scheduled Districts Act, and with the previous sanction of the Governor General in Council the Lieutenant Governor of the North Western Provinces is pleased, in continuation of notification no $\frac{658}{VII-281\ 3}$, dated the 17th July, 1886, to extent so much of the Specific Relief Act (I of 1877) as is not yet in force there to the Kumaun Division comprising the districts of Almora, Garhwal and Naini Tal, which division corresponds to the scheduled districts described in the said Scheduled Districts Act as the province of Kumaun and Garhwal and the Tarai parganas

7 No $\frac{646}{VII-281\ 3}$

In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant Governor of the North Western Provinces is pleased to declared that so much of each of the enactments mentioned in the schedule hereto annexed as is in force in those parts of the North Western Provinces which are not included in any scheduled district is in force in the Tarai sub division of the Naini Tal District, which sub division corresponds to the scheduled district described in the said Scheduled Districts Act as the Tarai parganas

SCHEDULE

Year	Number	Subject
		(1) Bengal Regulation
1833	IX	Deputy Collectors
		(2) Acts of the Governor-General in Council
1837	IV	Property in land
1853	II	Public charges on land holders

In exercise of the powers conferred by section 1 of the Cattle Trespass Act, 1871, as amended by Act I of 1891, and in modification of notifications nos 1875A dated the 18th October, 1871 and 3338, dated the 23rd September, 1882, of the Judicial (Criminal) department, the Lieutenant-Governor and Chief Commissioner is pleased to exclude from the operations of the said Act the whole of the Kumaun reserves under the Indian Forests Act and the undermentioned areas.

Notification no 852/VII—281, dated 20th August, 1894, as amended by notifications nos 966/VII—281, dated 4th October, 1894, and 1075/VII—281, dated 17th November, 1894

District	Pargana	Patti
Almora	Baramandal	Khasperja (including Almora cantonments and municipality) Uchyur Talla Tikhun Talla Syunera Athaguli Walla (including Ranikhet cantonments)
	Gangoli	Baraun Pungraon Kamshyar
	Danpur	Talla Katyur and Dug Malla Katyur Dug
	Kali Kumaun	Charal Talla Charal Malla Sunbishung Ikhlpati Phat Sipti Palbelon Malla
	Shor	Mahar Seti Talla Seti Malla Waldia Talla Waldia Bichalla Waldia Malla Saun Kharayat Rawal
	Phaldakoto	Changaon. Malli Doti.
	Pali	Malla Sillor
Naini Tal	Chakhata	Chakhata (only so much as is within the limits of the Naini Tal municipality and the cantonment of Naini Tal.)

District	Pargana	Patti
Naini Tal—(concld.)	Kumaun Bhabar (including the Chilkia mahals)	
	Kashipur	
	Bazpur	
	Gadarpur	
	Rudrpur	
	Kilpuri	
	Nanakmata	
	Bilhari	
Garhwal	Barasyun	Paidalsyun Idwalsyun Gagwarsyun Nadalsyun Sitonsyun Rawutsyun
	Talla Salan (including the cantonment of Lansdowne)	Seella Malla Kauriya Palla Kauriya Walla
	Dewalgarh	Katholsyun
	Chandpur	Lobha Silli Chandpur Sirgur Pindarwar

MISCELLANEOUS

(CRIMINAL)

The 5th November, 1886

No. 2136/VI—133.—In supersession of all previous notifications and under the powers conferred by section 2, Act III of 1867, the Hon'ble the Lieutenant Governor and Chief Commissioner is pleased to extend the sections of the said Act that are not already in force to the places mentioned in the schedule annexed within the boundaries set forth in the 4th column of the schedule, and under section 5 of the said Act to appoint in the towns and places in which an inspector of police is stationed the inspector, and in all other places the sub-inspector of

police, as the officer who may be authorized to exercise the power described in this section

List of towns in the North-Western Provinces and Oudh to which Act III of 1867 (the Gambling Act) has been extended.

Division	District	Name of town	Boundaries
Kumaun	Kumaun	Almora ..	Within a limit of one mile outside the boundaries fixed for the Almora municipality
		Naini Tal	*North, south and west.*—The present boundaries of the municipality. *East*—From where the cart road leaves the municipal boundary to the Jakoto road bungalow, thence a straight line where the cart road cuts the cultivation of the Gaithia village, thence up the cart road till it cuts the cantonment boundary, and thence along the eastern cantonment boundary till it meets the municipal boundary at Sher ka-Danda
		Haldwani Ramnagar..	As defined for the purposes of Act XX of 1856
		Ranikhet cantonment	As defined for the Ranikhet cantonment.
	Tarai	Kashipur	As defined for the Kashipur municipality
		Jaspur	As defined for the purposes of Act XX of 1856
	Garhwal ..	Srinagar ..	*North and north-east*—The Alaknanda river *North-west*—The Kothur village *East*—Jhanka Bugwan *South*—Atralee ravine. *South-east*—The Adhana hill.

JUDICIAL DEPARTMENT

(CRIMINAL)

MISCELLANEOUS

September 12, 1928

No 3155/VI—1543-1928 —Under the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), the Governor in Council is pleased to extend sections 1—11, 13A and 14—16 of the said Act to the places mentioned in the schedule annexed with the boundaries set forth in the fourth column of the schedule, and, under section 5 of the said Act, to appoint inspectors of police and all officers in charge of police stations not below the rank of sub-inspector, as the officers who may be authorized to exercise the power described in this section

SCHEDULE

Division	District	Name of place	Boundaries
Kumaun	Garhwal	Pauri and environs	*West* —From pillar no 1 at the head of the Bainjwari Gadhera a straight line north to pillar no 2 on Bhairondhar in field no 344 of mauza Bainjwari *North* —From pillar no 2 a straight line to pillar no 3 above the Pauri Srinagar provincial road thence along this road to pillar no 4 in field no 439 mauza *Chwincha*, thence a straight line to pillar no 5 in field no 1524 of mauza Chwincha *East* —From pillar no 5 a straight line to pillar no 6 below the Pauri-Chopra road in field no 2741 of mauza Pauri *South* —From pillar no 6 along the road to Kandolhakhal along the northern boundary of the Kandolia forest enclosure to pillar no 1
		Kotwara	*North* —Outer boundary of the reserved forest *East* —Kotri Dhang road and Jamai stream *South* —Lower Kandi road *West* —Sukhro stream.

JUDICIAL DEPARTMENT

(CRIMINAL)

MISCELLANEOUS

April 26, 1929

No 1534/VI—1543-1928.—Under the powers conferred by section 2 of the Public Gambling Act, 1867 (III of 1867), the Governor in Council is pleased to extend sections 1—11, 13A and 14—16 of the said Act to the area mentioned in the schedule annexed with the boundaries set forth in the fourth column of the schedule; and, under section 5 of the said Act, to appoint inspectors of police and all officers in charge of police stations not below the rank of sub-inspector as the officers who may be authorized to exercise the powers described in this section :—

SCHEDULE

Division	District	Name of place	Boundaries
Kumaun	Garhwal	Doggadda, Fatehpur and environs	*North*—From forest pillar no 61 near iron bridge on Morgadna in a straight line to forest pillars nos 6 and 1 of Malla Fatehpur Chak, thence downwards to pillar no 55, and then upwards to pillar no 30 near Talla Fatehpur village, thence in a straight line to the bridge on Kunigala on Doggadda Pauri Provincial road, and thence in a straight line to field no 1059 of village Juwa *West*—From field no 1059 upwards along the ridge to the top of the ridge field no 1241/1, thence downward in a straight line to Galagad at field no 394, and thence upwards in a straight line to forest pillar no 5 (Khoh block) *South*—From pillar no 5 along the reserve forest boundary to the junction of Kaligadhera and Khoh stream, and thence in a straight line to the bridge on Kaligadhera *East*—From the bridge on Kaligadhera upwards in a straight line to fire line pillar no 40, thence in a stright line to Gonikalasur village chak forest pillar no 1, and thence downward in a straight line to forest pillar no 61 near the bridge on east end

PART III

MISCELLANEOUS

REVENUE DEPARTMENT

The 19th January, 1918

No 137/I—626 —It is hereby notified for general information that in exercise of the powers conferred by section 6 of the Scheduled Districts Act 1874 (XIV of 1874), the Lieutenant Governor of the United Provinces of Agra and Oudh is pleased to make the following rules for revenue courts dealing with rent and tenancy matters in the Kumaun Division (which division corresponds to the scheduled districts described in the Scheduled Districts Act 1874 as the province of Kumaun and Garhwal and the Tuai parganas), with the exception of the Kashipur pargana in the Naini Tal District

Rules for revenue courts dealing with rent and tenancy matters in Kumaun

Made under section 6 of the Scheduled Districts Act XIV of 1874)

PRELIMINARY

Short title

1 These rules shall be called the Kumaun Tenancy Rules 1918

Definitions

2 In these rules unless there is anything repugnant in the subject or context Board malguzar malguzar minor and revenue court have the meanings respectively which they have in the United Provinces Land Revenue Act 1901 as extended to Kumaun and tenant includes a pakka and a kacheha khatkar

Jurisdiction of courts

Reservation of jurisdiction in respect of certain matters to revenue courts

3 All suits and applications of the nature specified in the first schedule attached to these rules shall be heard and determined by revenue courts and except as otherwise provided by rules 4 and 5 no court other than a revenue court shall take cognizance of any dispute or matter in respect of which any such suit or application might be brought or made

Provision for determination of certain question of jurisdiction and proprietary title arising in revenue courts

4 (1) Whenever a question or issue to the effect whether—

(a) the case is cognizable by a civil or by a revenue court or

(b) a person is proprietor of any measured or assessed land is to be determined by a revenue court of first instance in any suit or proceeding and whenever such question or issue is to be determined as an original question or issue by an appellate court in the course of an appeal the

revenue court shall, before determining any other issue or question arising in the case, determine such issue in accordance with the procedure laid down in the Code of Civil Procedure for the trial of original civil suits and shall embody its decision thereon in an order or decree as the case may be

(2) Such order or decree shall be deemed an original decree of a district judge, subordinate judge or munsif having jurisdiction in respect of the land in question, according as the revenue court framing such order or decree is the court of a Commissioner a Collector or an Assistant Collector respectively, and except as otherwise provided in sub rule (4) shall be subject to appeal as such

(3) The revenue court shall thereupon ask the parties if either of them desires to appeal from such order or decree and shall record their reply to such question

(4) If neither of the parties expresses a desire to appeal the order or decree shall be final and the court shall proceed with the case

(5) If either of the parties expresses a desire to appeal the revenue court shall stay further proceedings in the suit until the period of appeal has expired or in the event of an appeal being filed, until the decision of the first appellate court thereon, and shall then proceed to dispose of the suit in accordance with such decision

(6) In the event of such decision being reversed subsequent to the disposal of the suit by the revenue court under sub rule (5) on further appeal that revenue court or any other revenue court disposing of the suit in appeal may on the application of a party review its judgment so as to make it conform with the final decision on such issue

(7) Provided that nothing in this rule shall be construed to empower a civil court to decide any other question arising in the suit than such question of proprietary title or of jurisdiction

Explanation—Original question or original decree in this and the next rule means a question not previously raised and an issue not previously framed in the case

Provision for determination of certain questions in respect of agricultural holdings arising in civil courts

5 (1) Whenever an issue whether the defendant holds agricultural land as the tenant of the plaintiff or of a person in possession from the plaintiff is to be determined by a civil court of first instance in any suit or proceeding and whenever such issue is to be determined as an original issue by an appellate civil court in the course of an appeal, the civil court shall determine such issue as a preliminary issue in accordance

Transfer of cases

Transfer of cases

18 (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its or his own motion without such notice, the Board, or the Commissioner, or the Collector within the limits of his district, or an Assistant Collector in charge of a sub division within the limits of his sub divison, may, at any stage,—

(a) transfer any case pending before it or him for trial or disposal to any court subordinate to it or him and competent to try or dispose of the same, or

(b) withdraw any case pending in any court subordinate to it or him, and

(i) try to dispose of the same, or

(ii) transfer the same for trial or disposal to any court subordinate to it or him and competent to try or dispose of the same, or

(iii) retransfer the same for trial or disposal to the court from which it was withdrawn

(2) Where any suit or proceeding has been transferred or withdrawn under sub rule (1), the court which thereafter tries such suit may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn

(3) For the purposes of this section every other Assistant Collector of a sub division shall be subordinate to the Assistant Collector in charge of the sub division

Procedure

Procedure where tenant suing or sued pleads payment of rent to third person

19 (1) When in any suit brought under these rules by a landholder against a tenant for arrears of rents the tenant pleads that he actually and in good faith has paid up to the date of institution of the suit the rent of his holding to some third person that third person shall be made a party to the suit, and the question of the actual payment of rent in good faith by the tenant to him or to a person on his behalf shall be inquired into

(2) If the question is determined in favour of the tenant, the suit shall be dismissed

(3) The decision of the court on such question shall not affect the right of any person entitled to the rent of the holding to establish his title thereto by suit in the civil court.

20 The provisions of the Code of Civil Procedure, 1908, as extended to Kumaun shall, so far as they are applicable and consistent with the provisions of these rules, apply to all suits and proceedings under these rules. Application of the Code of Civil Procedure.

21 In addition to the particulars required in Order VII, rules (1), (2), (3), (4), (5) and (6) of the Code of Civil Procedure, 1908, to be specified in the plaint, the plaint shall contain the following particulars, namely Contents of plaints.

(a) the name of the village and of the pargana and patti in which the land in question is situated;

(b) if the suit is for the recovery of an arrear of rent other than the yearly rent of the land, the amount, if any, received on account of the year or years for which the claim is made the amount in arrear and the time in respect of which it is alleged to be due

22 (1) A court may, if it thinks fit, itself make a local investigation instead of issuing a commission under Order XXVI, rule (9) of the first schedule of the Code of Civil Procedure, 1908 Local investigations

(2) When the court itself makes a local investigation the provisions of Order XXVI, rule (10) of the said Code, with respect to the recording of evidence shall apply to the court, and any observations which the court thinks fit to record on its proceedings shall be received as evidence in the suit.

Miscellaneous

23 In suits by landholders for ejectment under item 20 of the first schedule the court may, if the tenant is entitled under any law or custom to compensation for improvements, make the decree for ejectment subject to the payment by the decree-holder of such compensation Compensation for improvements

24 In a suit to recover an arrear of rent the court shall not allow a set-off against the claim, except such amount as is due to the defendant on an unexecuted decree under these rules against the plaintiff. Set-off in suits for arrears of rent.

25 A decree for arrears of rent may be executed, if the arrears remain unsatisfied at the end of the agricultural year in which the decree is passed by the ejectment of the tenant upon application made to a court competent to entertain the application under rules 8 9 and 10

Deposit of rent or revenue in court

Power to pay into court amount of revenue or rent due

26 If a co sharer or tenant from whom any revenue or rent is due in respect of the land held or cultivated by him tenders the full amount of that revenue or rent at the usual place of payment to the person authorized to receive it and that person does not accept the amount and forthwith give a receipt in full therefor the co sharer or tenant may without any suit having been instituted against him deposit the amount in the court of a Collector or Assistant Collector to the credit of the person authorized to receive it

Procedure on making and withdrawing such payment

27 (1) The court shall receive the deposit on the written application of the co sharer or tenant or his recognized agent and on the applicant s making a declaration in the form set forth in the second schedule attached to these rules, or as near thereto as circumstances will admit the court shall give him a receipt for the deposit

(2) The declaration shall be verified in the manner prescribed for the verification of plaints by Rule 15 of Order VII of the Code of Civil Procedure and shall be signed by the person making it

(3) Upon receiving the deposit the court shall issue to the person to whose credit it has been paid a notice in the form set forth in the third schedule attached to these rules

(4) If the person to whose credit the deposit has been paid or his recognized agent appears and applies for it the court shall cause it to be paid to him The application may be on plain paper

(5) If such person or agent fails to appear and apply for the deposit the deposit shall be repaid to the depositor upon his application

Court fees payable on suits and applications

28 For the purposes of the Court Fees Act 1870, the amount of fee payable in the suits and other proceedings specified in the first schedule shall be computed as prescribed in the fifth column thereof

THE FIRST SCHEDULE (RULES 8 AND 9)

Serial number	Description of suit	Period of limitation	Time from which period begins to run	Proper court fee	Whether triable by an Assistant Collector of the 2nd class.
1	2	3	4	5	6
	Group (A)—Suits				
1	By a landholder or tenant for adjudication as to price of crops or other produce which the landholder has elected to purchase upon his ejectment in execution of a decree	Thirty days	When the ejectment takes place	As in the Court Fees, Act 1870	Yes
2	By a tenant for damages on account of refusal by landholder to deliver receipt for rent paid	Three months	Date of refusal	Ditto	Yes.
3	By a tenant on the ground of rent or produce exacted by landholder in excess of lawful amount	Ditto	Date of exaction	Ditto	Yes.
4	By a tenant for damages on account of illegal ejectment by landholder	Six months	Date of ejectment or, where suit has been instituted for recovery of holding date of final decree in such suit	Ditto	No.
5	By a tenant for the crops or for the value of crop at time of ejectment	Ditto	Ditto	Ditto	Yes
6	By a tenant for recovery from landholder of value of improvements.	Ditto	Date of ejectment or surrender	Ditto	No
7	For recovery of damages by reason of the exaction of excess revenue	One year	Date of exaction.	Ditto	Yes

Serial number	Description of suit	Period of limitation	Time from which period begins to run	Proper court-fee	Whether triable by an Assistant Collector of the 2nd class.
1	2	3	4	5	6
	Group (A)—Suits—(*continued*)				
8	By a tenant for recovery of land from which he has been wrongfully dispossessed by landholder	One year .	Date of dispossession.	As in the Court Fees, Act, 1870	No.
9	For cancellation of illegal transfer or surrender or sub lease or agreement to transfer, surrender or to sub let	Ditto	Date when transfer or agreement becomes known	Ditto .	No.
10	By a landholder or the panch khaikars for arrears of rent, or, where rent is paid in kind, for the money equivalent of such rent	Three years	Last day of September of the revenue year in which arrears became due	Ditto ..	Yes.
11	By malguzar for arrears of rent or revenue cesses, village expenses or other dues payable through him by co sharers whom he represents, or for recovery from a joint malguzar of rent or revenue, cesses, village expenses or other dues paid on his behalf	Ditto ..	Ditto ..	Ditto ..	Yes.
12	By a co sharer against a malguzar or co-sharer for rendering and settlement of accounts—for his share of the profits of a village or part of a village	Ditto ..	Date when the arrears are paid; or to which the accounts refer.	Ditto .	Yes.

Serial number	Description of suit	Period of limitation	Time from which period begins to run	Proper court-fee	Whether triable by an Assistant Collector of the 2nd class.
1	2	3	4	5	6
	Group (A)—Suits—(*continued*)				
13	By a muafidar or assignee of revenue for rendering and settlement of accounts and for arrear of revenue due to him as such	Three years	Date when the arrears are paid, or to which the accounts refer	As in the Court Fees Act, 1870	Yes
14	By a co sharer for recovery from a co sharer of arrears of rent, revenue, cesses, village expenses, or other dues paid by the plaintiff on the defendant's behalf	Ditto	Date when the arrears are paid	Ditto	Yes
15	By a tenant against another tenant or person claiming to be a tenant in respect of any matter relating to a holding	Ditto	Date when cause of action arises	Ditto	No
16	By or on behalf of the panch khaikars of a pakka khaikari village against a landholder on the ground of infringement of their common rights	Three years	Date of overt act of infringement by landholder	Ditto	No
17	By a grantor for resumption of a rent free grant	Twelve years	Date of grantee's refusal to comply with lawful notice to quit	According to annual letting value of the land as estimated by plaintiff	No
18	By a grantor for assessment to rent of a rent free grant	Ditto	Date of grantee's refusal to pay rent	Ditto	No
19	By a landholder malguzar or co sharer for rendering or settlement of accounts or recovery of money or papers against an agent employed to manage his land, or collect revenue or rent or against a surety of such agent	During continuance of agency and one year thereafter		As in the Court Fees Act 1870	Yes

THE SECOND SCHEDULE

DECLARATION OF TENANT DEPOSITING REVENUE OR RENT IN COURT *

[*See Rule* 27(1)]

I, *A B* of , etc , solemnly declare that I did personally [*or* by my agent *C D*] on the day of tender payment to *F F* at [the place where the (revenue *or*) rent of the lands at (held *or*) cultivated by me under (*or* from *or* jointly with) the said *E F* is usually payable] of the sum of rupees as and for the whole amount due from me in respect of the (revenue *or*) rent of the said lands from the month of to the month , both inclusive I further declare that the said *E F* refused to accept the said sum so tendered [*or* to give me a receipt in full forthwith for the sum so tendered] And I declare that, to the best of my belief the sum of rupees so tendered and which I now desire to pay into court, is the full amount which I owe to the said *F F* on account of the (revenue *or*) rent of the said lands I, , the person named in the above declaration do declare that what is stated therein is true to the best of my information and belief

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THE THIRD SCHEDULE

NOTICE TO LANDLORDS †

[*See Rule* 28(3)]

Court of the of

Dated the day of 19

To *E F* of , etc

With reference to the written declaration you are hereby informed that the sum of rupees therein mentioned is now in deposit in this court and that the above sum will be paid to you or your recognized agent on application within six months

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*If this declaration is made by an agent it must be altered accordingly

†This is to be by endorsement on a copy of the declaration under the second schedule made by the person paying the money into court

S P O'DONNELL

Chief Secretary

PART IV

RULES REGULATING APPLICATIONS FOR, AND GRANTS OF NAZULAND LANDS

REVENUE DEPARTMENT

The 20th June, 1916

No 1190/I—627 —It is hereby notified for general information that, in exercise of the powers conferred by section 6 of the Scheduled Districts Act, 1874 (XIV of 1874) the Lieutenant Governor of the United Provinces of Agra and Oudh is pleased to make the following rules regulating applications for and grants of unmeasured or unassessed land in the districts of Almora, Garhwal and the Hill Pattis of Naini Tal

Report of land record peshkar on application for grant of unmeasured or unassessed land.

1 When in any case in which under the United Provinces Government notification no 416/XIV—83, dated the 16th June, 1913 the permission of the commissioner is required an application for the grant of unmeasured or measured land is made to an assistant collector of the 1st class or is referred to an assistant collector of the 2nd class by the collector, the assistant collector shall first ascertain from the land record peshkar whether the land applied for is measured, or unmeasured numbered or unnumbered and in whose name, if any it is recorded and whether any previous applications have been made for the land and with what result

Patwari's report on application for grant of unmeasured or unassessed land

2 If it does not appear from the report of the land record peshkar that the land is measured or numbered and if there appears from the other particulars recorded to be no objection to the application, the assistant collector shall send the application to the patwari who will verify the land, showing in a small scale plan the various villages having cultivated land near the land applied for mentioning the distance of the cultivated land of each village from the land showing the natural features of the land, ravines, and ridges (but not field terraces) and the recognized boundaries of the village within which it appears to him that the land is situated The patwari shall also ascertain and report whether there are any

objections made by other villagers to a grant of the land, whether the land is grazing ground or forest, what is its approximate area, and any other particulars that may appear to require to be reported

Issue of proclamation for hearing of objections

3 If after reading the particulars reported by the patwari the assistant collector is of opinion that the land is suitable for a grant under these rules, he shall issue a proclamation through the patwari calling on all persons objecting to the grant to appear before him on a day and at a place to be fixed in the proclamation The patwari shall get the signatures of malguzars of villages adjoining the land applied for and the signatures of any objectors who have given a petition against the grant, to the fact to his having duly made the proclamation

Hearing of objections

4 On the day fixed the assistant collector shall proceed to inquire into any objections which may be preferred should a claim to the land by reason of title or customary rights be raised he may if he considers that no *prima facie* case has been made out by the person objecting, disallow the objection If the assistant collector considers that a *prima facie* case has been made out by the person objecting or that for other reasons the grant should not be made he shall submit the record of his proceedings to the collector for orders

Survey of the land applied for

5 Should no objection be made or should an objection, after inquiry have been disallowed, the assistant collector shall if after personal inspection of the land and local inquiry as to the purpose for which it is applied for he considers that a grant may properly be made have the land surveyed by an amin at the expense of the applicant

Boundaries and assessment

6 The assistant collector shall also determine the boundaries and fix the assessment of the grant on the spot Should any part of the boundary be disputed he shall personally see that it is correctly marked out by permanent boundary pillars

Assistant collector's report after inquiry

7 The assistant collector shall then submit a short assessment report to the collector, stating the person in whose favour the grant is proposed the consideration which led to a recommendation of a grant of the land the

reasons for it, the boundaries fixed, and any other particulars connected with the matter that appear to require to be reported

8 If the collector considers that the grant should be made, he shall submit an assessment statement in the prescribed form to the commissioner for orders

Grants of top or steep sides of hills not to be made

9 No grant shall be made on the tops or steep sides of hills wherever erosion is likely to occur on the removal of the forest growth. Every application shall state what the applicant is prepared to do in the matter of terracing, and unless the proposals are adequate, the application shall be refused Every grant shall be subject to the condition that if the terracing is not carried out *pari passu* with the clearing, the grant may be resumed at once

Marking of boundaries of land for potato cultivation.

10 Should the application be for potato cultivation, and not cover the entire area suitable for such cultivation, it shall be the duty of the officer making the local investigation to define carefully in such a manner as to be easily identified, the boundaries of the entire area within which potato cultivation can be carried on But the provisions of rule 9 must in all cases be duly considered

11 Should the application be for land for non-agricultural purposes (e g for house-building) the usual inquiries shall be made, and if there is no good cause for rejecting the application the collecor may, without reference to higher authority, give a lease of the land applied for, or any part of it, provided that the lease be limited to the remaining period of settlement the rent fixed be not more than Rs 5 and no premium is to be paid If a lease is recommended for more than the period of settlement or the rent proposed is in excess of Rs 5 or a premium is proposed in addition to a fixed rent, the collector shall submit his proposals to the commissioner for orders

12 The commissioner may from time to time prescribe such forms as may be required by these rules

13 No officer other than a revenue officer as defined in the United Provinces Land Revenue Act, III of 1901, as extended to Kumaun, shall decide any question arising whether any specific land is unmeasured or unassessed land or not

14 Any suit or application to establish a claim affecting the validity of a grant in unmeasured or unassessed land whether it is cultivated or uncultivated or to establish a claim to any right in such land shall be heard and determined by a revenue court; and no court other than such revenue court shall take cognizance of any dispute or matter in respect of which any such suit or application might be brought or made Such a suit or application shall lie in the court of the assistant collector in charge of the sub division

15 The procedure prescribed in the Kumaun Tenancy Rules 1918 applicable to suits and applications under these rules shall so far as may be apply to all suits and applications of the nature referred to in the preceding rule

16 All disputes regarding new cultivation or extensions of cultivation or buildings or enclosures in unmeasured or unassessed lands for which the commissioner s sanction is not required shall be heard and determined by revenue courts, and no court other than a revenue court shall take cognizance of any such dispute

17 When any dispute arises such as is referred to in rule 16 any party to such dispute may apply to the assistant collector in charge of the sub division and such application shall thereupon be dealt with under the procedure prescribed in rules 1 to 4 of these rules except that the assistant collector making the inquiry shall himself decide the case instead of referring it to the collector for orders under rule 4

18 (1) An appeal shall lie to the collector from every decision of an assistant collector under rule 17 if filed within 30 days of the date of the decree or order complained of

(2) An appeal shall lie to the commissioner from an appellate decision of the collector under clause (1) of this rule if filed within 60 days of the decree or order complained of

19 The provisions of the Indian Limitation Act 1908 shall apply to all appeals filed under rule 18

R BURN
Chief Secretary

Summary Settlement of nayabad land in the District Kumaun Division, submitted in duplicate in accordance with rule VII of the rules regulating applications for and grant of nayabad lands

Name caste parentage residence and occupation of the applicant	Statement of his share and of the villages in which they are held if he is a *hissadar*	Pargana and patti	Description of the land and statement of boundaries with a map indicating by shading or contour lines the natural features of the plot	*Area showing—* Total area within boundaries			*Area showing—* Assessable area classified the current settlement classes			*Proposed revenue* Calculations	*Proposed revenue* Revenue			*Proposed revenue* Cesses			Total for which grant is recommended	Purpose to which the grant is to be put (e.g. cultivation potato cultivation garden etc)	Abstract of reason for recommendation and general remarks (The entire record should be submitted with this statement)
				a	r	p	a	r	p		Rs	a	p	Rs	a	p			

NB—In giving a description of the land in column 4—(1) state whether it is forest (oak chir etc) (2) describe its situation whether it is at the top or base of the hill (3) state whether it is capable of being terraced etc

Deputy Commissioner

Lease of nazul land for building purposes, situated outside the boundaries of municipal nazul land

This Indenture made the day of between the Secretary of State for India in Council (hereinafter called the Secretary of State) of the one part and (hereinafter called the lessee) of the other part witnesseth that in consideration of the premium which is hereby acknowledged and the rent hereinafter reserved and of the covenants on the part of the lessee hereinafter contained the Secretary of State doth hereby demise unto the lessee all that plot of land containing by admeasurement situate in village of patti in the district of which said plot of land is more particularly described in the schedule hereunder written and with the boundaries thereof is for greater clearness delineated on the plan annexed to these presents and thereon coloured together with all ways drains, rights easements and appurtenances whatsoever to the said plot of land belonging or in anywise appertaining to hold the premises except mineral rights which are reserved hereby to Government demised unto the lessee up to the ensuing settlement that is up to day of Rendering therefore during the said term the yearly rent of Rs clear of all deductions by two equal half yearly payments on the day of and the day of in each year to the patwari of the patti or at such other place as the deputy commissioner of shall from time to time appoint in this behalf the first of such payments to be made on the day of

The lessee doth also hereby covenant with the Secretary of State that he will pay unto the Secretary of State the yearly rent hereby reserved on the day and in the manner hereinbefore appointed and also will from time to time at all times pay and discharge all rates taxes charges and assessments of every description which are now or may at any time hereafter be assessed charged or imposed upon the said premises hereby demised or the buildings to be erected thereon or the landlord or tenant in respect thereof and also will within 24 calendar months next after the date of these presents at his own costs and at an outlay and expense of Rs at the least in a good substantial and workmanlike manner and to the satisfaction of the deputy com-

missioner erect and completely finish fit for habitation and use on such part of the said demised premises as are marked out on the plan hereto annexed a dwelling house with suitable outbuildings according to a plan and elevation to be approved by and also at the request of the Secretary of State will submit a sufficient evidence and documents of the outlay and expense as heretofore contained and also will not without the previous consent in writing of the Secretary of State erect or suffer to be erected on any part of the said demised premises any building other than and except the building and outbuildings hereby covenanted to be erected and will not without such consent as aforesaid make any alterations in the plan or elevation of the said building, and outbuildings or carry on or permit to be carried on the said premises any trade or business whatsoever or use the same or permit the same to be used for any purposes other than that hereby covenanted and also that the lessee will from time to time during the said term repair and keep the building and outbuildings so to be erected as aforesaid in good and substantial repair and condition both externally and internally and the same in such good and substantial repair on the determination of the said lease peaceably surrender and yield up unto the Secretary of State

And also will at all times during the said term pay a reasonable share and proportion for towards the cost and expenses of making supporting and repairing all or any part walls sewers and drains which now or at any time during the said term shall belong to the said premises or any part thereof and that such proportion shall be ascertained by the deputy commissioner and shall be recoverable as rent in arrear And also will upon every assignment of the said premises hereby demised or any part thereof within one calendar month thereafter deliver a notice of such assignment to the patwari of the patti setting forth the names and descriptions of the parties to every such assignment and the particulars and effects thereof and also that it shall be lawful for the Secretary of State and his agents during the said term at all the reasonable times of the day to enter into and upon the said demised premises and the building and out buildings to be erected thereon as aforesaid or any part there of and to inspect and view the condition thereof and if any defect or want of reparation shall be on any such inspection found and discovered to give to the lessee or leave upon the said premises notice in writing to make good and restore the same and that the lessee within three calendar months next

after such notice well and sufficiently make good and restore the same accordingly Provided always and it is hereby declared that if the said yearly rent hereby reserved or any part thereof shall at any time be in arrear and unpaid for the space of one calendar month next after any of said days whereon the same shall have become due whether the same shall have been lawfully demanded or not or if there shall be any breach in respect of mineral rights or non-observance by the lessee of any of the covenants hereinbefore contained on his part to be observed and performed then and in any such case it shall be lawful for the Secretary of State notwithstanding the waiver of any previous causes or right of re-entry to enter into and upon the said demised premises and building and out buildings so to be erected as aforesaid or any part thereof in the name of the whole and to re possess retain and enjoy the same as if this demise had not been made and the Secretary of State doth hereby covenant with the lessee that the lessee paying the rent hereby reserved and performing and observing the covenants and conditions herein contained on his part to be performed and observed shall or may peacefully and quietly hold, possess and enjoy the said demised premises during the said term without any lawful interruption or disturbance by the Secretary of State or any person or persons lawfully claiming under him

In witness whereof the parties hereto have set their hands the day of

*the schedule above referred to

*

1 *Signature of Lessee*

2 *Signature of Witness*

Deputy Commissioner

PART V

Rules for regulating proprietary mutations in the Kumaun Division sanctioned in G. O. no. 1108/1B790, dated May 31, 1929.

Mutation

It is hereby notified for general information that, in supersession of all previous notifications prescribing such rules, and under section 241 of the United Provinces Land

Revenue Act, 1901 (III of 1901), as extended to the Almora District, to the Garhwal District, exclusive of the *khám* villages of the Garhwal Bhabar estate and to the Naini Tal District, exclusive of the Kashipur Tahsil (whole), the Tarai tahsil (whole), and the *khám* villages of the Bhabar Tahsil of that district, the Board of Revenue of the United Provinces of Agra and Oudh have, with the previous sanction of the Local Government made the following rules under clauses (*d*) and (*e*) of the said section

A —Procedure

Application of the rules.

1 —The following rules apply to mutation of names in the record of rights and registers prescribed by section 33 of the Act as extended to the Almora District to the Garhwal District exclusive of the *khám* villages of the Garhwal Bhabar estate and to the Naini Tal District exclusive of the Kashipur Tahsil (whole), the Tarai Tahsil (whole) and the *khám* villages of the Bhabar Tahsil of that district

1(*a*) References to the *mutakhib* in these rules are valid in the case of those parganas only in which revision of records takes place at the current settlement (at present Bahrasyun only) In other parganas *muntakhibs* will be kept up to date until settlement takes place and if settlement is effected without a revision of records, the existing *muntakhibs* will be considered as dead records and will not be further amended

2 —Action under section 33 of the Act in connexion with the mutation of names in the abovenamed registers may be taken—

(*a*) upon report made under secton 34,

(*b*) upon report made by the patwari in whose circle the whole or any portion of the property is situated or

(*c*) upon information received in any other manner by the tahsildar or peshkar

Contents of the report under section 34

3 —Every report under section 34 shall be in writing and shall specify—

(*a*) the name of the mauza in which the right has been acquired

(*b*) the description of the right acquired,

(*c*) the land revenue assessed upon the property or if the right be a *khaikari* right the amount of the rent in respect of which the right has been acquired,

(*d*) the name, parentage, caste and residence of the person from whom the right has been acquired or derived

(*e*) the manner in which the right has been acquired or derived,

(*f*) the name, parentage caste and residence of the person who has acquired the right,

(*g*) if the right be a *khaikari* right the name of the proprietor to whom the rent is payable

(*h*) number of the *khata* of proprietary or other right in the *phant* and number of the fields transferred in the *muntakhib*

(*i*) the date on which the right was acquired—

and shall be signed and dated by the person making the same

4 —Before making a report under clause (*b*) of rule 2 the patwari shall ascertain carefully if the person named in clause (*f*) of rule 3 has really obtained possession of the property and shall if possible obtain the signatures of the parties or the malguzar on his report in token that he has verified it When a report is made under clause (*a*) or action is to be taken under clause (*c*) of rule 2 the tahsildar or peshkar shall require the patwari to ascertain the facts about possession as prescribed in this rule

Application for mutation

5 —An application for mutation of names is not required, but only a report and, provided that the report is unaccompanied by a prayer, it does not require court fee

Date of receipt of report to be noted

6 —The date on which the report is received and that on which it is entered in the *misl band* register maintained under rule 26 shall be endorsed on the report at the time of its receipt and entry in the *misl band* register respectively by the tahsildar or peshkar or by such officer as he may appoint on this behalf

Issue of proclamation on receipt of report or information

7 —Upon report or information received under rule 2 of the tahsildar or peshkar shall issue a proclamation in vernacular free of charge copies of which shall be posted at the headquarters of the tahsil published in the village concerned through the malguzar thereof and the patwari of the patti and afterwards affixed at some conspicuous place in the village where the land is situated The patwari of the patti is responsible that the proclamation is duly and properly notified

Particulars of proclamation

8.—The proclamation shall specify—

(a) the particulars required to be furnished by rule 3,

(b) the date on which the proclamation was issued,

(c) the date (being not less than a month from the date of the issue of the proclamation) upon which any objection will be entertained and considered to mutation of names being ordered in favour of the person who has acquired the right;

and shall require the person who has acquired the right and any person who may desire to file an objection, to attend upon that date and to produce such evidence as he may desire to produce

If the right be a *khatkari* right, a notice containing the same particulars as the proclamation shall be served free of charge upon the proprietor

Procedure when fine is recoverable

9.—If any fine is recoverable under rule 17 (*infra*), the tahsildar, together with the proclamation, shall issue orders to the patwari to recover the fine, of which the amount shall be specified in the order, from the person in whose favour a report has been made for mutation under rule 2 The patwari shall remit the sum to the tahsil at the time he returns the proclamation by money order, and certify on the proclamation that he has done so The commission charged for the money-order shall be paid from the amount collected as fine and balance of the latter be remitted by the patwari Patwaris will be provided with triplicate receipt books When they have received the fine they shall give one counterfoil to the payer of the fine and send the second to the tahsil along with the proclamation duly served

NOTE—In cases of report under rule 2(a) the fine so recovered shall not be returnable whatever the final order In cases under rule 2(b) and (c) if mutation is not ordered in favour of the person from whom the fine is recovered the amount may be returned on his applying on the day on which the final orders are passed and the tahsildar shall then recover the fine from the person in whose name mutation is finally ordered and refund it to the applicant

Records to be made over to the land records peshkar

10.—In undisputed cases in which the tahsildar or peshkar empowered in this behalf has passed final orders, and in all other cases when orders have been passed by the Assistant Collector in charge of the sub division the record shall be made over to the land records peshkar for disposal in accordance with the following rules

11.—When a mutation has been ordered, the land records peshkar shall, without delay correct the revenue papers of his

has received the *rubkar*, and entered the fact in a new column 10(*b*) in his register Nor shall the record keeper receive for consignment any mutation file, which has not either this *rubkar* or the certificate mentioned in rule 15

Certificate of completion of entries

15 The fact that the entries required by the four preceding rules have been duly made shall be certified on the record of every case by the land records peshkar or his assistant before such record is despatched for consignment to the record room

B —Fines

Levy of fine under section 38

16 The Local Government has not prescribed any fees under section 37 of the Act When the period of six months prescribed by section 38 of the Act as extended to Kumaun has expired, a fine shall be levied under that section

Scale of fine

17 Fines shall be levied at the rates noted below

(i) In succession cases and in the case of leases for a term of thirteen years or less Re 1 for mutation in respect of any share paying Rs 5 revenue or less in any other case Rs 2

(ii) In transfer cases other than those of leases specified in (i) above double the rates in paragraph (i) above

(iii) In cases where the right is a *malikana* right only the fine shall be calculated on the *malikana* and not on the revenue

(iv) Where the revenue is not known five *bisis* of area shall be taken as equivalent of Rs 5 revenue

(v) No fine shall be levied in respect of any change in the registers except as before provided

Power of a Collector or Assistant Collector to impose a lighter fine

18 The Collector or Assistant Collector in charge of the sub division may in his discretion impose a lighter fine than that prescribed by the preceding rule but in any such case he shall record his reason for so doing

Recovery of fine under sect on 208 as arrear of revenue

19 Fines are recoverable under section 208 of the Act as an arrear of revenue and shall be so recovered if the amount be not paid under the preceding rules

Mode of payment of fine

20 The fine in each case shall be paid into the treasury with a separate *arzirsal*, or, in cases in which the fine is remitted to the tahsil by money-order, with a duplicate chalan in the terms of article 3 of the Civil Account Code, which shall be filed with the record of the case

Procedure when fine cannot be recovered

21 Where for any reason the fine cannot be recovered, the facts shall be reported to the Collector or Assistant Collector in charge of the sub division, who, for reasons to be recorded in writing, may sanction the remission of the whole or any portion of the fine

Order of remission of a fine to be filed with the record

22 In every case in which a fine is remitted the order shall be filed with the record of the case

Record not to be consigned to record room till fine has been realized or remitted

23 No case shall be despatched to the record room until the fine has been either realized or remitted, and if received without the proper *arzirsal* or the duplicate chalan, or order of remission or without a certificate of the land records peshkar that the records of his office have been corrected the files shall be returned by the record keeper

C —Registers and returns

Entry of cases in misl band register

24 Cases shall be entered in the *mislband* register in the form prescribed for such registers in other districts of the United Provinces, as soon as may be after a report or information is received under rule 2

Annual register of mutation fines

225 (1) An annual register of mutation fines (demand and receipt) shall be maintained showing—

(i) the number of the case

(ii) the date of order for levy of fine

(iii) the name of the mauza,

(iv) the name of the person from whom recovery is to be made,

(v) the amount to be recovered,

(vi) the date of receipt,

(vii) the date of order for remission,

FORM A

Statement showing the testing of patwari phants *and* muntakhibs *by superior officers for the year* _____ *in the district of* _____

Designation		Number of patwaris circles inspected	Number of villages inspected	Phants			Muntakhibs			Remarks
				Number of khatas	Number in which mistakes were found	Percentage of errors	Number of khatas	Number in which mistakes were found	Percentage of errors	
1	2	3	4	5	6	7	8	9	10	11
Deputy Collectors	Re tested Tested									
Tahsildars or naib tahsildars	Re-tested Tested									
Kanungos or superintendent patwaris										

PART VI

RULES RELATING TO WATER MILLS AND USE OF WATER IN KUMAUN

Local Self-Government Department

The 9th January, 1917

No 23/IX—16—It is hereby notified, for general information that in exercise of the powers conferred by section 6 of the Scheduled Districts Act, 1874 (XIV of 1874), the Lieutenant Governor of the United Provinces of Agra and Oudh is pleased to make the following rules relating to water mills and use of water in the districts of Almora and Garhwal and the hill pattis of Naini Tal

ALMORA
GARHWAL
NAINI TAL

Rules relating to water mills and use of water in Kumaun.

1 These rules shall be called the Kumaun Water Rules 1917

NOTE—The beds and water of all rivers and natural streams and of all lakes natural ponds and other collections of still water within the hill tracts of the Kumaun division are the property of and subject to the control of the State

2 All suits and applications referred to in these rules shall be heard and determined by revenue courts or revenue officers as the case may be and no court or officer other than a revenue court or revenue officer shall take cognizance of any dispute or matter in respect of which any such suit or application might be brought or made

3 No water mill or irrigation channel other than those existing at the date of the coming into force of these rules shall be constructed or worked without the sanction of the collector, and any mill or channel which having been previously constructed and worked has been disused during a period of one year or more immediately before the coming into force of these rules shall be deemed to be a new mill or channel for the purposes of these rules

4 (1) The collector on an application or report made to him and after making such inquiry as he may deem necessary may sanction the construction of and prescribe conditions for the working of a new mill or irrigation channel or may refuse such sanction

(2) No such sanction shall extinguish reduce or otherwise injuriously affect an existing right of user of water belonging to any third party

Provided that in sanctioning an irrigation channel the collector may, if he thinks necessary, direct that on payment of such compensation as he may think fit to the owner of a

water mill not in existence before the coming into force of these rules, such mill shall be closed and dismantled and the water thus released be utilized for the said irrigation channel Such order shall only be made when in the collector's opinion the object of the irrigation channel cannot be achieved without closing the water mill, and shall be conditional on the prior deposit with the collector of the compensation awarded

5 When the construction and working of a water mill is sanctioned, the collector shall assess it to such rent as he may think fit

6 If any mill is found to have been constructed and worked without sanction or assessment of rent, the collector may either order it to be stopped and dismantled or may assess it to rent and allow it to continue subject to the payment of a penalty of not more than three years rental If it is ordered that the mill be stopped, the person responsible shall in addition be liable to the fine imposed by these rules for working a mill without sanction

7 The rent and penalties referred to in rules 5 and 6 shall be payable on the dates and in the instalments on and in which the land revenue is payable, and any arrears shall be recoverable in the same way as arrears of land revenue

8 The local Government may by order direct a revision of the rental assessment of all or any water mills to be made at such periods and in accordance with such instructions as they may deem necessary

9 Any person holding any paying rent for a water mill may by notice filed before the assistant collector in charge of the sub division surrender such mill with effect from September 30, next following

Provided that such notice and surrender shall not relieve the person so giving notice from his liability to pay the rent due for the current revenue year

10 (1) Any person interested in a water mill or irrigation channel or other water right may institute a suit in the court of the assistant collector in charge of the sub division against any other person with regard (*a*) to the possession, existence acquisition, extinction, diminution infringement or extent of, or share in, a right, of user in water, or (*b*) to the possession or transfer of or succession to, or any other right in or relating to a mill or irrigation channel, or (*c*) to damage done to or by any such mill or channel and the court shall determine the dispute between the parties

(2) No such suit shall be instituted after the expiry of three years from the date when the cause of action arises

11. The provisions of the Code of Civil Procedure, 1908, as extended to the Kumaun Division, shall so far as they are applicable and not consistent with these rules, apply to suits instituted under these rules

12 (1) In deciding any suit under these rules the court may, if it thinks fit, make a local investigation instead of issuing a commission under order XXVI, rule 9, of the first schedule of the Code of Civil Procedure, 1908

(2) When the court itself makes a local investigation, the provisions of order XXVI, rule 10, of the said Code with respect to the recording of evidence shall apply to the court and any observations which the court thinks fit to record on its proceedings shall be received as evidence in the suit

13. *Fines* —Any person constructing or working a water mill or irrigation channel without sanction or failing to stop and dismantle a mill or channel when ordered to do so by the collector may be ordered by the collector to pay a fine not exceeding Rs 50, and in addition the collector may cause the mill or channel to be dismantled by an officer deputed for that purpose and may recover the cost of so doing from the person responsible. All such fines or costs shall be recovered in the same way as arrears of land revenue

14 An appeal shall lie to the collector from an order or decree passed in any suit entertained under these rules by an assistant collector in charge of a sub-division

15 An appeal shall lie to the commissioner—

(i) against an order of the collector, (*a*) passed under rule 5 fixing the assessment of a water mill, or (*b*) passed under rule 13;

(ii) against an original decree or order of the collector passed in any suit entertained under these rules, provided that the amount or value of the subject-matter of the suit exceeds one hundred rupees.

16 (1) No appeal lies against the appellate order of the collector passed under these rules in any matter which is not the subject of a suit, but

(2) An appeal shall lie to the commissioner from an appellate order or decree of a collector passed in a suit enter

tained under these rules on any of the grounds specified in section 100 of the Code of Civil Procedure provided that—

(a) the amount or value of the subject matter of the suit in the court of first instance exceeded a hundred rupees, and

(b) the amount or value of the subject matter in dispute in appeal to the commissioner exceeds the same sum

A. W. PIM
Secretary

PART VII

Rules for the appointment and promotion of Tahsildars and Peshkars in the Kumaun Division (sanctioned in G. O. no. 5069-II-704, dated October 26, 1908)

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1. Tahsildars in Kumaun are graded in the Provincial list of tahsildars and are given grade promotion in order of seniority with tahsildars in the plains but are ordinarily not liable to or eligible for transfer to any other division

2 Tahsildars will be appointed by selection from peshkars or other officials serving in Kumaun Ordinarily a tahsildar should have passed the School Leaving Certificate examination of this province or obtained a degree of the Allahabad University but this is not essential in the case of an official of 15 years standing who has sufficient education to enable him to carry on the duties of a tahsildar provided that up to July 1 1916 the certificates of the Entrance or Matriculation Examination or the School Final Examination of the Allahabad University may be accepted in place of the School Leaving Certificate

Appointments to tahsildarships in the Tarai and Bhabar should ordinarily be made from among subordinates who have served in the Government Estates

3. Appointments to permanent tahsildarships and to vacancies lasting more than three months, will be made by the Government on the recommendation of the commissioner

No tahsildar will be confirmed in the fourth grade unless—

(1) he has passed the departmental examination for tahsildars

(2) has served as tahsildar for one year continuously or for periods amounting in the aggregate to one year, and

(3) has been reported fit for confirmation

4 Temporary vacancies lasting not more than six weeks may be filled up by the district officer When a vacancy is expected to last more than six weeks report shall be made to commissioner, who will appoint or authorize the deputy commissioner, to appoint such official serving in the district or division as may be deemed most suitable to hold temporary charge, and can most conveniently be deputed

5 All reversions and temporary changes among tahsildars *should be notified by the district officer, as soon as they* occur to the Commissioner, the Government and the Accountant General in the prescribed form (R D no 201)

6. All remarks made regarding a tahsildar in annual administration reports should be reported in a separate continuation sheet of the character roll as soon as the report itself has been despatched Any other remarks which may have been placed on record during the year should be entered therein, as well as the requisite particulars as to any acquisition of landed property not already recorded on the character roll

7. Peshkars will ordinarily be appointed by selection from among the officials serving in the division

If any vacancy occurs in the Tarai preference will be given to a candidate serving in the Tarai who undertakes to serve indefinitely in the Tarai and Bhabar Peshkars appointed on this condition will not ordinarily be transferred to the hills *When the Deputy Commissioner of Naini Tal certifies* that there is no official in the Government Estates qualified for promotion to the post of peshkar and willing to volunteer for continuous service in the Tarai and Bhabar, an official serving in another district who is willing to serve in the Tarai will be given the next chance Failing such an official the appointment will be filled up by direct recruitment Appointments to vacancies in the hills may be made by *direct* appointment

Direct appointments are open only to candidates who have resided for not less than three years in the province and have obtained a degree of the Allahabad University or have passed the School Leaving Certificate Examination, provided that until July 1, 1916, the certificate of the Entrance Examination or Matriculation Examination or School Final Examination of the Allahabad University may be accepted in place of the School Leaving Certificate

tained under these rules on any of the grounds specified in section 100 of the Code of Civil Procedure · provided that—

(a) the amount or value of the subject matter of the suit in the court of first instance exceeded a hundred rupees, and

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A W PIM,
Secretary

PART VII

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Appointments to tahsildarships in the Tarai and Bhabar should ordinarily be made from among subordinates who have served in the Government Estates

3. Appointments to permanent tahsildarships and to vacancies lasting more than three months, will be made by the Government on the recommendation of the commissioner

No tahsildar will be confirmed in the fourth grade unless—

(1) he has passed the departmental examination for tahsildars,

(2) has served as tahsildar for one year continuously or for periods amounting in the aggregate to one year, and

(3) has been reported fit for confirmation

4. Temporary vacancies lasting not more than six weeks may be filled up by the district officer When a vacancy is expected to last more than six weeks report shall be made to commissioner, who will appoint or authorize the deputy commissioner, to appoint such official serving in the district or division as may be deemed most suitable to hold temporary charge, and can most conveniently be deputed

5. All reversions and temporary changes among tahsildars should be notified by the district officer, as soon as they occur to the Commissioner, the Government and the Accountant General in the prescribed form (R D no 201)

6. All remarks made regarding a tahsildar in annual administration reports should be reported in a separate continuation sheet of the character roll as soon as the report itself has been despatched Any other remarks which may have been placed on record during the year should be entered therein, as well as the requisite particulars as to any acquisition of landed property not already recorded on the character roll

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If any vacancy occurs in the Tarai preference will be given to a candidate serving in the Tarai who undertakes to serve indefinitely in the Tarai and Bhabar Peshkars appointed on this condition will not ordinarily be transferred to the hills When the Deputy Commissioner of Naini Tal certifies that there is no official in the Government Estates qualified for promotion to the post of peshkar and willing to volunteer for continuous service in the Tarai and Bhabar, an official serving in another district who is willing to serve in the Tarai will be given the next chance Failing such an official, the appointment will be filled up by direct recruitment. Appointments to vacancies in the hills may be made by direct appointment

Direct appointments are open only to candidates who have resided for not less than three years in the province and have obtained a degree of the Allahabad University or have passed the School Leaving Certificate Examination, provided that until July 1, 1916, the certificate of the Entrance Examination or Matriculation Examination or School Final Examination of the Allahabad University may be accepted in place of the School Leaving Certificate

No one will be appointed to be peshkar or promoted to this post unless he produces a health certificate and a certificate of his ability to ride well, signed by a deputy commissioner.

Direct appointment will not be made of any person who is over 25 years of age or under 20, and no one will be promoted to be tahsildar or peshkar after he is 45 years of age

8. A register of officials qualified for promotion to the post of (a) tahsildar, (b) peshkar and another of candidates for appointment as peshkar will be maintained by the commissioner. Extracts from the former of these two registers will be sent annually in the month of January to deputy commissioners for correction, and for any addition they may consider desirable

A copy of the register of officials qualified for promotion to the post of tahsildar will be forwarded annually to the Government in the month of January.

G O no 1917 II 704, dated April 21st 1909

9. Authority to grant leave to tahsildars and peshkars has been delegated to deputy commissioners in all cases in which they can appoint substitutes in the resulting vacancies under the above rules and in all other cases to the commissioner

G. O no 5616 II 704, dated October 24, 1910.

10. Candidates for tahsildarships included in the list forwarded to the Government are deemed to be listed candidates within the meaning of paragraphs 862 and 863 of the Revenue Manual and rules 868 to 873 of that Manual apply to them

*Appendices A and B

Parts D E, F, G, H, and I of Chapter XXXII,* Revenue Manual (paragraphs 869 to 892) and parts E, F, and G of Chapter XXX,* Revenue Manual (paragraphs 815 to 823), except where they are inconsistent with the foregoing rules apply to tahsildars and peshkars, respectively, in Kumaun, the word naib tahsildars in Chapter XXX, Revenue Manual, being read as referring to a peshkar.

APPENDIX A

CHAPTER XXXII, REVENUE MANUAL, VOLUME I

Paragraphs 862, 863, and 868 to 892

862. The names of naib tahsildars who have received direct appointments under paragraph 869, and of all candidates whose selection has been approved by Government

under paragraph 961 (hereinafter collectively described as listed candidates), shall be entered in a list to be maintained in the Secretariat according to the date of their appointment or selection

863 Listed candidates appointed or selected on the same date shall rank according to their length of service, but a candidate will be liable to lose his place in the list if, when his turn comes for promotion, he has not passed the departmental examination or otherwise qualified for promotion (see paragraphs 868 and 873)

868 A tahsildar appointed under paragraph 839 who fails to pass within two years of the date of his appointment, and a listed candidate who fails to pass within three years of the date of his appointment or selection shall unless the Government otherwise directs be reverted to his substantive appointment, or if he holds no such appointment shall be removed from Government service

D—Appointments, promotions and reversions

869. Temporary vacancies which are not likely to last more than six weeks or which occur pending the filling up of the appointment by the Government shall be arranged for by the district officer

870 District officers shall fill up temporary vacancies not lasting more than three months if a listed candidate is available in the district

871. When a vacancy is expected to last more than six weeks and no listed candidate is available in the district report shall be made to the Commissioner who will if possible appoint a listed candidate from some other district of the division If no listed candidate is available in the division the Commissioner shall appoint or authorize the district officer to appoint such official serving in the division or district as may be deemed most suitable to hold temporary charge, and can most conveniently be deputed

872. All permanent vacancies and all temporary vacancies which are likely to last more than three months shall on report of the Commissioner be filled by listed candidates appointed by the Government

873 Listed candidates shall on first appointment be placed in the fourth grade so long as there are vacancies in that grade but such appointment will ordinarily be officiating

and no listed candidate shall be appointed a permanent tahsildar unless—

(1) he has passed the departmental examination for tahsildars,

(2) has served as tahsildar for one year continuously or for periods amounting in the aggregate to one year and

(3) has been reported fit for confirmation

874 Every listed candidate shall be considered to be on probation until he receives a permanent appointment and if he fails to give satisfaction the Government may direct that he should revert to his substantive appointment

875 If at any time the number of candidates available is in excess of the number of vacancies the Government in making appointment will as far as possible give preference to those candidates who have completely passed the departmental examination for tahsildars

876 A tahsildar appointed under paragraph 839 is not eligible to officiate in temporary vacancies He shall be on probation for two years during which he will be posted for training as assistant (naib) under a selected tahsildar At the end of the period of probation provided that he has passed the departmental examination and has been favourably reported on he will at once be appointed to a permanent tahsildarship To enable such appointments to be made on due date the Government will arrange to keep a sufficient number of vacancies in the 4th grade in which only officiating arrangements will be made in addition to those required by the number of tahsildars seconded and the junior men who are officiating will be liable to revert from the 4th grade in order to allow of the promotion of these men

877. An officiating tahsildar shall ordinarily revert when the tahsildar for whom he is acting returns to his permanent post The Commissioner may however relax this rule in the interests of the public service and in special cases direct the reversion of any junior officiating tahsildar in the division

878 All reversions and changes among tahsildars shall be notified by the district officer as soon as they occur to the Commissioner and the Government in the prescribed form (R D form no 201)

879. All promotions shall be made by the Government and notified in the *Gazette*

880 Orders of grade promotions of tahsildars passed by the Government shall be final

F —Transfers

881. Transfers from one tahsil to another may be made by the district officer

882. Transfers from one district to another district in the same division may be made under the orders of the Commissioner

883. Transfers from one division to another may be made only under the orders of the Government

NOTE —Tahsildars are forbidden to apply direct to the Government for their transfers from one division to another They should apply through the district officer to the Commissioner who will if necessary make recommendations to the Government

F —Punishments

884. Whenever the district officer finds it necessary to censure a tahsildar in terms that lead him to question his suitability for promotion a brief report of the case should be submitted for the information of the Commissioner and the Government

885. The district officer may suspend a tahsildar pending inquiry into any instance of official misconduct, or pending the receipt of orders upon any report made as to such misconduct

886. Whenever the district officer considers that a tahsildar should be punished for any official misconduct the case shall be fully reported to the Commissioner after formal charges have been recorded against him and his defence has been heard and reduced to writing

887. Any order for the punishment (including dismissal) of a tahsildar may be passed by the Commissioner but any such order shall be appealable to the local Government whose order shall be final

An order of punishment of a tahsildar passed by a Commissioner shall be reported immediately for the information of the Government.

G —Pay

888 The minimum pay of any person officiating as a tahsildar shall be Rs 170

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(1) he has passed the departmental examination for tahsildars,

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E —Transfers

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886 Whenever the district officer considers that a tahsildar should be punished for any official misconduct the case shall be fully reported to the Commissioner after formal charges have been recorded against him and his defence has been heard and reduced to writing

887. Any order for the punishment (including dismissal) of a tahsildar may be passed by the Commissioner, but any such order shall be appealable to the local Government whose order shall be final

An order of punishment of a tahsildar passed by a Commissioner shall be reported immediately for the information of the Government

G —Pay

888 The minimum pay of any person officiating as a tahsildar shall be Rs 170

H —Leave

889. Authority to grant leave to tahsildar has been delegated to district officers in cases in which they can appoint substitutes in the resulting vacancies under the above rules, and in all other cases to Commissioners in respect of tahsildars serving in their divisions

G O no 6415/II—552 dated December 21, 1910

Tahsildars intending to apply for leave for periods exceeding three months should, whenever possible intimate their intention to Commissioners, through their Collectors—

(a) if the leave is required during the hot weather or rains, by January 1

(b) if the leave is required during cold weather by August 1

I —Miscellaneous

890 When a tahsildar who receives a direct appointment under paragraph 893 is promoted to the fourth grade, or a listed candidate is appointed to act as tahsildar his character roll shall be submitted to the Government and the Commissioner in the prescribed form The district in which the candidate possesses landed property, which the area and revenue thereof, or the fact that he owns no such property shall be entered in the roll from the declarations made under G O no 1143/III—549 C dated July 17, 1902 (paragraph 2), Manual of Government Orders volume I)

891. Remarks made regarding tahsildars in annual revenue administration reports should be recorded in duplicate written on one side of the paper only If during the year any other remark or entries as to landed property are entered in a tahsildar's character roll, a copy of such remarks or entries should be submitted at once to the Government and to the Commissioner

G O no 5276 II—[illegible] dated November 3, 1916

892. On the transfer of a tahsildar from one division to another the copy of the character roll kept by the Commissioner shall be forwarded by him to the Commissioner of the division to which the tahsildar has been transferred

APPENDIX B

CHAPTER XXX, REVENUE MANUAL, VOLUME I

Paragraphs 815 to 823

E —Transfers

815. Transfers from one tahsil to another may be made by the district officer

816. Transfers from one district to another district in the same division may be made under the orders of the Commissioner

817. Transfers from one division to another may be made only under the orders of the Government

NOTE —Naib tahsildars are forbidden to apply direct to the Government for their transfers from one division to another They should apply through the district officer to the Commissioner who will if necessary, make recommendations to the Government

818. On the transfer of a naib tahsildar from one division to another his character roll shall be forwarded to the Commissioner of the division to which he is transferred

F —Punishments

819. The district officer may fine reduce or suspend a naib tahsildar The reduction or suspension of a naib tahsildar under this rule shall be reported immediately for the information of the Government, through the Commissioner

820 Any order of the punishment (including dismissal) of a naib tahsildar may be passed by the Commissioner but any such order shall be appealable to the Local Government whose orders shall be final An order of the punishment of a naib tahsildar passed by a Commissioner shall be reported immediately for the information of the Government

821 No naib tahsildar shall be punished in any manner unless and until formal charges have been recorded against him and his defence has been heard and reduced to writing

822 Any order passed by a district officer for the punishment of a naib tahsildar shall be appealable to the Commissioner If the Commissioner passed an original order of punishment or in appeal enhances the punishment inflicted by the district officer an appeal shall lie to the Government No further appeal is permitted in any case but the Government may revise a Commissioner's appellate order Such revision shall not be undertaken except on the ground that material injustice has been done in consequence of some flagrant irregularity

G.—Pay

823. The minimum pay of any person officiating as a naib-tahsildar shall be Rs.100

PART VIII

RULES FOR KANUNGOS

Sanctioned in G. O. no. 2066/I—399, dated July 26, 1920

CHAPTER I.

Classes of Kanungos.

1.—Kanungos are either hereditary or non-hereditary.

NOTE.—Non-hereditary Kanungos are also called Superintendents of patwaris in the Almora and Naini Tal districts.

2.—Hereditary Kanungos may only be appointed from the families in which the right has been admitted by the Board or by Government, and up to the number sanctioned for each district.

3.—Claims to hereditary succession are limited to sons, grandsons, brothers, brothers' sons, and first cousins on the male side of the last incumbent.

4.—A register shall be maintained in the Deputy Commissioner's office showing all the male members of families in which the office is hereditary.

5.—Non-hereditary Kanungos may be created by direct appointment or by promotion from amongst patwaris.

CHAPTER II.

Qualifications of Kanungos.

6.—No one shall ordinarily be appointed a Kanungo unless he possesses the following qualifications:

(*a*) That, unless specially exempted by the Commissioner, he has passed the School Leaving Certificate Examination or some higher examination in the Government educational course; and also, unless he has worked as a patwari for over 10 years, possesses the diploma of the Almora Patwari School;

(*b*) that he is of good physique, a fact of which he must produce a certificate from the Civil Surgeon of his district;

(c) that he is of good character and comes of a respectable family,

(d) that, if he is not already in Government service, he is under 25 years of age, and

(e) that he has himself resided for, at least, three years in the United Provinces

NOTE—Exemptions under (a) will, as a rule, be confined to capable patwaris

7—No person less than 21 years old shall be appointed to a Kanungoship

CHAPTER III

Appointment and punishment of Kanungos

8—When a post of hereditary Kanungo falls vacant the Deputy Commissioner shall appoint that duly qualified member of the family, to whom the vacancy belongs, who appears best entitled to it

9—Failing any qualified member in the aforesaid family, the Deputy Commissioner shall appoint a qualified patwari or other suitable person *sub pro tem*, in the vacant post

10—As soon as any member of the aforesaid family qualifies himself to hold it, he can claim the post, and if the Deputy Commissioner approves his claim, be appointed at any time thereto

11—In non hereditary vacancies the Deputy Commissioner shall appoint a qualified patwari or other suitable person

12—All Kanungos shall be appointed on probation and shall not be confirmed till they have rendered at least one year's satisfactory service

13—The Deputy Commissioner may fine any Kanungo in amount not exceeding three months' pay for neglect of duties or other official misconduct, or may suspend him for a similar period or reduce his pay for such period as he thinks advisable The Deputy Commissioner may transfer Kanungos as he thinks advisable The Commissioner may, on the report of the Deputy Commissioner order the removal or dismissal of a Kanungo for misconduct, incompetence, or pecuniary embarrassment

14—During the currency of survey, record or settlement operations in any district, the Kanungos of that district may, by order of the Board of Revenue, be placed at the disposal and under the control of the Record Officer or Settlement

Officer, as the case may be and shall be bound to do such work as the Record Officer or Settlement Officer may require of them.

During such period the Record Officer or Settlement Officer shall exercise the powers of punishment vested in the Deputy Commissioner but he shall not report to the Commissioner for a Kanungo's removal or dismissal except through the Deputy Commissioner

15 —An appeal from the order of the Commissioner removing or dismissing a Kanungo shall lie to the Board of Revenue and shall be preferred within 90 days from the date of the said order In the case of minor punishments the Deputy Commissioner's order shall be final

16 —On the removal or transfer of a Kanungo for any cause from his office he shall make over his papers and records to the tahsildar or other official ordered on that behalf and shall take a receipt for the same

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CHAPTER IV

Duties of Kanungos

17 —The chief duty of the Kanungo is to test and generally supervise the work of the patwaris in his circle and pass orders on matters which need correction He shall examine their registers from time to time and see that they are properly kept up. If the patwari does not understand his work it is the duty of a Kanungo to instruct him

The kanungo shall report any neglect of duty on the part of a patwari to the deputy commissioner

18 —The Kanungo is especially required to ascertain that the patwari of every circle resides within it, unless he has received permission to reside elsewhere

19 —The Kanungo shall report on all matters requiring report which come to his notice in the course of his rounds He shall also see that the patwari carries out carefully all the orders contained in the rules framed for him If he finds any patwari of his circle neglecting to carry out any order he shall report him to the Deputy Commissioner

20 —The Kanungo shall report especially on the sanitary condition of the villages, the state of roads and bridges and the condition of all Government properties in his circle He shall also report if he finds any of the reserved trees (viz ,

deodar, cypress, walnut, and tun or any tree within 50 feet of the edge of a public road cut without permission

21 —The Kanungo shall keep a diary in the form of the patwari s *roznamcha*, in which he shall enter a record of the official duties performed in the course of the day, the places he visits the reports that are made to him and the action he takes on them The diary shall be kept in alternate volumes and shall be taken or sent to the sub divisional officer for inspection once a month The kanungo shall also maintain a correspondence or siyaha register, showing the orders he receives, the date of their receipt, the date of disposal, and the manner in which compliance has been made

22 —The kanungo is required to spend his time within the limits of his circle and shall not remain at the tahsil or peshkari without special orders He shall obtain in his diary the signature of every officer on whom he has been in attendance

23 —In districts where the patwaris are supplied with copies of village settlement records, the Kanungo shall once in the year, inspect those records as well as the papers prepared by the patwari during the previous year under rules 15 and 16 of the rules for patwaris He shall check the rough khasra entries (vide rule 15 of the rules for patwaris) of not less than 20 per cent of the village inspected in each year He shall note the result of his inspection in his own diary and cause a similar entry to be made in the patwari s diary If any of the records are in a bad condition or missing he shall at once report the fact to the deputy commissioner through the tahsiladar or peshkar

24 —The kanungo shall see in his rounds that all authorized or permissible new cultivation made in a village in a surveyed patti is entered properly by the patwari in his rough khasra of extension of cultivation prescribed in rule 15 of the patwari rules He will comply with the directions in clause (v) of this rule He shall also enter in his diary and in that of the patwari the number of entries in the map and rough khasra of extension tested by him and the number found correct

25 —The kanungo shall also in his round in the surveyed pattis comply with clause (viii) of rule 15 of patwari rules

26 —The kanungo shall be responsible that in the surveyed pattis each patwari in his circle completes the work of map correction in time each year He shall report to the deputy commissioner if any patwari has not done so and

Officer as the case may be and shall be bound to do such work as the Record Officer or Settlement Officer may require of them

During such period the Record Officer or Settlement Officer shall exercise the powers of punishment vested in the Deputy Commissioner but he shall not report to the Commissioner for a Kanungo's removal or dismissal except through the Deputy Commissioner

15 —An appeal from the order of the Commissioner removing or dismissing a Kanungo shall lie to the Board of Revenue and shall be preferred within 90 days from the date of the said order In the case of minor punishments the Deputy Commissioner's order shall be final

16 —On the removal or transfer of a Kanungo for any cause from his office he shall make over his papers and records to the tahsildar or other official ordered on that behalf and shall take a receipt for the same

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CHAPTER IV

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The Kanungo shall report any neglect of duty on the part of a patwari to the deputy commissioner

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19 —The Kanungo shall report on all matters requiring report which come to his notice in the course of his rounds He shall also see that the patwari carries out carefully all the orders contained in the rules framed for him If he finds any patwari of his circle neglecting to carry out any order he shall report him to the Deputy Commissioner

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25.—The kanungo shall also, in his round in the surveyed pattis, comply with clause (viii) of rule 15 of patwari rules.

26.—The kanungo shall be responsible that in the surveyed pattis each patwari in his circle completes the work of map correction in time each year. He shall report to the deputy commissioner if any patwari has not done so, and

should assistance be required merely on account of the incompetence of the patwari to do the work, an amin may under the orders of the deputy commissioner, be employed at his expense

27.—The kanungo shall himself conduct any survey or measurement or prepare any map or superintend any survey operations prescribed under those rules, whenever required to do so by the deputy commissioner

NOTE.—Rules 23, 24, 25 and 26 apply only to the cadastrally surveyed tracts in Garhwal and Naini Tal where a scheme of map correction has been introduced

28.—The reports or papers, submission of which is prescribed in these rules, will be submitted as follows:

Under rules 17 and 19	Through the sub-divisional officer to the deputy commissioner
Under rule 20	To the sub-divisional officer
Under rules 25 and 26	Through the sub-divisional officer to the deputy commissioner

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RULES FOR THE LAND RECORDS OFFICE

CHAPTER I

Establishment.

1. There shall be one official at the headquarters of each district who shall be called the land records peshkar, and he shall be in charge of the land records

2. All other officials in the land records office shall be subordinate to the land records peshkar. The number and pay of such officials shall, from time to time be fixed by the Board of Revenue

3. The land records peshkar and his subordinates will be appointed by deputy commissioners subject to the following provisions

(1) The orders in force regarding age, health, and educational qualifications in the clerical line apply to these appointments

(2) No person shall be appointed to be a land records peshkar who has not served for three years in the land records office except a kanungo who, for special reasons, may be appointed by the deputy commissioner.

फेहरिस्त इन्द्राज मरम्मत फाट

List of entries for correction of phants

FORM A

पट्टी

patties

तहसील

tahsil

जिला

district

नम्बर फिल्म व खाता Number of file and Khata	तारीख हुक्म Date of order	नाली Nali	जरब Jarb	जमा Revenue	शेष Cess	मालगुजारी थोकदारी Malguzari Thokdari	कुल रकम Total revenue	जिसके नाम दाखिल हुआ है Mutation effected in the name of	जिसके नाम से हिस्सा खारिज हुआ है Mutation removed from the name of	कैफियत Remarks

FORM B

नमूना मुन्तखिब की लिस्ट (फेहरिस्त) का पट्टी

Specimen of the list (Fehrist) of Muntakhib patti

जिला district

नम्बर खाता मरम्मती मुन्तखिब Number of corrected khatas of muntakhib			
नाम हिस्सेदार Name of Hissadar			
नाम खायकर Name of Khaikar			
सिर्तान Sirtan			
नाम थोक Name of Thok			
नम्बर Number of field			
नाला Nali		मजरूआ	
तलाऊ Irrigated	उपाऊ		
अव्वल 1st class			
दायम 2nd class			
कटान Casual cultivation			
कुल Total			
तलाऊ Irrigated		ग़ैर मजरूआ	
अव्वल 1st class			
दायम 2nd class			
कटान Casual cultivation			
कुल Total			
कदीम Old fallow			
और ताह Other land			
तादाद खोला Number of terraces			
कैफियत Remarks			

CHAPTER XI

8.—The land records peshkar shall compile and furnish to the district office as soon after June 30 is possible in each year statistics of transfers of the proprietary and khaikari rights required for the purpose of the annual revenue report.

9.—The land records peshkar shall keep a list of the patwaris in the district in the following form (no. XI), and shall make all changes in it in accordance with the orders received, from time to time, from the deputy commissioner.

FORM NO. XI

Serial number	Name of patwari with residence and age	Name of circle	Date of birth	Date of appointment to circle	Rate of pay	Remarks including rewards and punishment
1	2	3	4	5	6	7

10.—From the list prepared under the last preceding rule the land records peshkar shall prepare monthly pay bills of the patwaris, sending a duplicate copy of the bill direct to the tahsildar or peshkar concerned for disbursement of the patwaris' pay when received.

11.—The land records peshkar shall be in charge of the district settlement records. He shall be responsible for their proper maintenance and correction up to date. He shall report on the various revenue and other matters which appertain to the land records office, carry out the entry of imperfect partitions in revenue records under orders of courts, conduct local inquiries and verifications of land to be made as ordered by courts, carry out attachments of immovable properties through patwaris, and carry out mutation of names in the revenue records through his assistants. He shall not be employed on any other work without the special sanction of the deputy commissioner.

12.—The land records peshkar shall keep in the appended forms:

(1) Stock book of survey instruments (Form no. XII).
(2) Stock book of printed village maps (Form no. XIII).
(3) Stock book of blank forms for patwaris and for his own office (Form no. XIV).

13.—The land records peshkar shall supply the following blank forms to the patwaris:

(1) Order book, bound in registers of 100 pages.

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13.—The land records peshkar shall supply the following blank forms to the patwaris:

(1) Order book, bound in registers of 100 pages.

(2) *Roznamcha*, bound in registers sufficient for one year

(3) Weekly report (Register no. 5) Form no. VI, bound in registers sufficient for one year

(4) Mutation register forms

14 A register of all *muafi* (revenue free) and other revenue-free mahals and holdings shall be maintained by the land records peshkar in the form appended (no. XV) and he shall be responsible for keeping it up to date. These mahals and holdings shall be arranged alphabetically in two sections —

(*a*) Held revenue free unconditionally,

(*b*) held revenue free subject to the performance of certain duties or for a life or lives, or for a fixed term.

When a revenue free mahal or holding is assessed to revenue the land records peshkar shall enter the number and date of the order of resumption in column 14 and strike out the entries in columns 1 to 13. He shall also strike out the mahal or holding from the Settlement Officer's register, noting the number and date of the order. This mahal or holding shall at the same time be entered in the register of revenue paying mahals or holdings.

The supervisor kanungo shall forthwith submit to the tahsildar or peshkar for orders every report of the death of a muafidar received from patwari or from any other source.

15 —The land records peshkar shall maintain in the form appended (no. XVI) a register of all the revenue-paying villages or mahals in the district, in which shall be noted all the changes due to reduction in the revenue or additions on account of nayabad assessments. A set of pages shall be allotted to a patti. Separate nayabad grants shall be entered as such in this register.

PART IX

Revised rules for patwaris in the hills of the Kumaun division, sanctioned in G. O. no. 1088/I-42, dated May 1, 1919 (Revenue Department).

CHAPTER I

Appointment

1 —Patwaris shall be appointed by the deputy commissioner

Exception —In the taluqa of Askot the patwari shall be appointed and dismissed by the Rajwar Sahib subject to the control of the Deputy Commissioner of Almora

2 —The deputy commissioner shall maintain a list of qualified candidates from which appointments will invariably be made, unless a vacancy occurs in excess of the number of qualified candidates, in which case the deputy commissioner shall make temporary arrangements

3 —The qualifications for enrolment in the list of candidates shall be as follows —

(i) A certificate from the assistant surgeon that the candidate is of sound physique

(ii) A certificate of having passed the vernacular middle examination, or some higher examination

(iii) A certificate of having passed the examination of the hill patwari school No candidate shall be enrolled who is under 20 or over 25 years of age

4 —On enrolment the candidate will be required to file security for Rs 500 and also to undergo such a course or practical training for a period of about six months as the deputy commissioner may order

5 —Candidates holding the qualifications noted in paragraphs 3 and 4 above shall be eligible for permanent appointment

NOTE—Up to the year 1918 or until a sufficient supply of qualified candidates is available the deputy commissioner may make appointments at his discretion

6 —On appointment the patwari shall live in his circle (patti) unless specially exempted and shall not absent himself therefrom, except on duty without permission

7 —(i) A patwari shall not engage in trade, or money lending nor borrow money, in his circle without the permission of the deputy commissioner, nor unless exempted by the deputy commissioner, own cultivate, or purchase land in his patti

(ii) In the event of a patwari being transferred to a circle in which he has contracted debts or in which he or any member of his family owns or cultivates land he shall be bound to bring this fact to the notice of the deputy commissioner

Punishments and rewards

8 —A grant will annually be made to each district from which rewards may be given by the deputy commissioner to such patwaris as may in his opinion deserve the same

Exception.—In the taluqa of Askot the patwari shall be appointed and dismissed by the Rajwar Sahib subject to the control of the Deputy Commissioner of Almora

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Punishments and rewards

8.—A grant will annually be made to which rewards may be given by the deputy such patwaris as may in his opinion deserve

placed at the disposal of the record or settlement office as the case may be, for the performance of such duties as the Board may prescribe and no other. The record officer or settlement officer shall thereupon be invested with the power to inflict any of the punishments noted above except removal or dismissal orders for which shall only be passed by the deputy commissioner.

CHAPTER II

Duties of patwaris as revenue officials

11.—A very important duty of the patwari is to collect in full the instalments of land revenue and cesses, *rents for water mill and Nayabad grants, shops and buildings* in his circle on the dates these fall due and to take the collection as soon after as possible to the tahsil or peshkari with a tauzi in the form appended (form I) showing by villages the demand, collections and balances. This shall be left by the patwari in the tahsil where it shall be destroyed after three years along with the khatauni. The patwari shall be supplied with the jama bandi form appended (form II) for his circle showing the amount of revenue and cesses due from each village *and also jamabandi of mill rents and Nayabad grants*. He shall collect the whole jama from the malguzar and not from individual co-sharers from whom the malguzar will realize the revenue due by each. When the malguzar is post is temporarily vacant the patwari shall realize the revenue from co-sharers. He shall give the receipt in the printed form appended (form III) to the person from whom he receives the revenue and write up the counterfoil at the same time.

12.—Besides the land revenue and cesses the patwari shall also collect other government demands of which he has received notice from superior officers. The patwari shall collect the only prescribed dates and pay the same into the tahsil or elsewhere as ordered.

13.—The patwari shall report on changes of proprietors or tenants within his circle in the manner laid down in the mutation rules.

14.—In the districts in which the patwari is supplied with a mutation register for each village of his circle in the form of the *plant* (form IV) the patwari shall when he visits the district or tahsil headquarters as the case may be deposit his [illegible] *Lalit* [illegible] with him these registers and copy into them from the [illegible] registers maintained in the land revenue [illegible] or from the schedules of mutations supplied by

the land records office to the tahsil, particulars of all alienations which have not been noted in his books. Where patwari's registers are not maintained he shall keep the tahsil registers up to date and correct them according to particulars supplied by the land records office to the tahsil.

15.—Each patwari in the surveyed pattis shall maintain a record of all extensions of cultivation into unassessed land and shall plot them on his copy of the village maps in accordance with the following rules. Alterations in old assessed cultivation will not be entered in this record.—

(i) He shall inspect each of the five blocks of villages into which his circle is already divided in rotation according to the present system, one block a year.

(ii) On inspecting a village he shall note down all extensions of cultivation on *kasar* land or *bengh* land that have been made since his last inspection. *Before entering each extension of cultivation he will carefully check the maps of adjacent villages in which to see that the extension has not already been entered in them.*

(iii) If the extensions made are either (a) extension sanctioned by an order of court or (b) not sanctioned, but permissible and unobjectionable extensions of old cultivation, he shall enter them in a rough khasra a specimen of the form of which is appended (form V) and in the remarks column shall give a note describing the situation and nature of the cultivation. He shall also mark them in pencil on the village map.

(iv) *In pattis and villages which are scheduled by the commissioner in lists A and B and in cases where the extensions made are not permissible or require orders (e.g. when they are situated at a distance from old cultivation)* the patwari shall not enter them in his khasra but shall make a note of all the facts regarding them and a rough map of their position.

(v) On completion of his inspection he shall submit his khasra and notes to the circle kanungo not later than November 1. The kanungo shall examine the khasra and if he considers it necessary in any case, he may make further inquiry, or report an entry to the sub-divisional officer for orders.

23 The patwari shall submit during the first week of November in each year to the tahsildar or peshkar a report on the condition of all the theodolite and other survey stations or boundary pillars in his circle, noting the last survey marks very carefully As far as possible he must inspect them in person Should the patwari's report show that any of the stations or pillars have been damaged or destroyed the tahsildar or peshkar shall forward the report to the deputy commissioner

24 No one is allowed to erect a water mill gul or irrigation channel without the permission of the deputy commissioner If any one does so the patwari shall report to the sub divisional officer and pending orders stop the working of the mill If any one applies for a new water mill the patwari shall investigate and report according to orders received from the sub divisional officer

25 *Building on unmeasured land, new unterraced cultivation, or cultivation not adjoining measured land, and all new cultivation in scheduled pattis and villages outside the measured area are not allowed without special permission* If

any such *building* or cultivation is made the patwaris shall at once report to the sub-divisional officer for orders. In the case of application for Navabad grants the patwari shall report according to orders received from the sub-divisional officer.

26. *The cutting of reserved and road side trees, the sale of forest produce, or its use by persons not holding land in the village, are forbidden. It is the duty of the patwari promptly to report these and all other breaches of the Civil Forest Rules to the sub-divisional officer.*

27. The patwari is bound to look after Government property in his circle. He shall investigate and report any damage done to such property. He shall also see that Government *paths* are not encroached upon *and that settlement paths are properly maintained by padhans and that unauthorised quarrying is not resorted to.*

28. *The patwari will make all arrangements for ular and bidarsh in accordance with sanctioned indents. He is responsible for the proper maintenance of the roster among villages and for superintending distribution of the work by padhans. He will maintain Bin Registers I and II and see that mehrs maintain register III.*

29. The patwari shall submit a weekly report in the form appended (form VI) giving an account of crops, the condition of people, etc., to the tahsildar or peshkar. Each patwari shall be supplied with a register of these forms in counterfoil called register No. 6, each register containing a sufficient number of forms for one year. The weekly report shall be submitted on one-half of the form, a copy thereof being retained by the patwari on the other half. The new annual register shall be opened with the first week of October and shall be closed in the last week of September. The patwari shall send it to the tahsil one month after it is closed, and it shall be kept there for three years and then destroyed. In times of scarcity cases of severe distress or deaths from starvation, if any, shall be promptly reported to the Deputy Commissioner, the sub-divisional officer and the tahsildar or peshkar, and in the weekly report special mention at such times shall be made of the stock of food grain in the circle and the way in which the

to the Civil Surgeon in case of any epidemic disease of man giving the approximate extent to which damage has been done. In cases of diseases of men and cattle weekly reports shall be submitted so long as the disease continues. In the case of epidemic disease of cattle he shall also at the earliest of the outbreak send a report direct to the veterinary assistant.

31. If any person takes advances from Government for constructing a gul or improvement of land, etc., he is bound to apply the money to that purpose and no other. The patwari shall in his round examine and report on the progress of the work. If the loan is misapplied the patwari shall report the fact to the deputy commissioner.

32. If any European or any pensioner, civil or military, any muafidar, thokdar, malguzar or his nukhtar, any sepoy or reservist residing in his circle dies, the patwari shall at once report the date of his death to the deputy commissioner.

33. The following registers shall be kept by the patwari in addition to those referred to in the foregoing rules or otherwise required by him in carrying out his duties:—

(e) The execution of any orders received from superior officers.

(f) Death of any European, muafidar, thokdar, in Iguzar, arms licence holder or any Government pensioner of which he may hear

(g) Calamities such as hail, locusts fire flood, frost, cattle disease or epidemic disease of man reported or coming to his notice

(h) All cases of encroachment on Government property reported or coming to his notice

(i) The visit of any official to the circle, and arrangements for bardash, etc , made for him

(j) Any reports made to him of a police nature other than those entered in the tiefol register of crimes, or of any matters on which he is required to report

(k) The village or villages he visits and the work done, such as inspecting sanitation, testing baths and deaths etc

(3) *Correspondence and stamp register as prescribed by the Deputy Commissioner* Period of retention—three years with patwari

34 The roznamcha shall be bound in volumes of convenient size The diary of each year shall commence on the 1st July and shall close on the 30th June It shall be kept by the patwari for four years from the date on which it is closed, and then brought to the tahsil or peshkari to be destroyed A separate serial number in large and clear figures shall invariably be prefixed to each entry Each entry shall be closed with an asterisk and no blank line shall be left between two consecutive entries When the patwari makes any report to, in person, the kanungo or other superior officer, he shall obtain his signature to the entry of the fact reported in his roznamcha

35 In addition to the above the patwari shall carry out all orders sent to him by his superior officers promptly and carefully

36 The following list shows the periods for which the patwari's records enumerated therein shall be retained by the patwaris and the periods for which they shall be preserved at

(a) *Mill rent registers are kept at Sylhet. Patwaris keep a list of mill rents of their pattas by villages and the list should be retained till a revised list is supplied.*

(b) *Patwaris keep a list of shops and sites leased. The list is posted up as orders are received and compared with the tahsil register every year. The list should be kept permanently or till the terms of settlement.*

(c) *Cooli Register.* *A copy of the list compiled by the Forest Settlement Officer has been supplied to patwaris. It should be retained till a new or revised list is supplied.*

37. The reports and papers, submission of which is prescribed in these rules, will be submitted as follows:

Under rule 7(ii)—Direct to the deputy commissioner.

15(v) and (x)—*Through Panungo.*

24, 25, 26, 27, 28, 31, 32—Direct to the subdivisional officer.

[illegible] 29 and 30 *to officers named.*

the tahsils or peshkars and the manner in which they shall finally be disposed of —

Name of record	Period of retention in the patwari	Period of preservation	Mode of disposal	Remarks
1	2	3	4	5
1 Rough khasra of extensions of cultivation	One year after the next kharif has been completed	Till the next revision of settlement	Destroyed	The rough khasra which shall be prepared during the five years next before a revision of records shall be retained permanently
2 Mutation register	Till term of settlement	Permanently		
3 Order book	Permanently			
4 Roznamcha	Four years from the date it is closed	Nil	Destroyed	
5 Register no 6 (weekly reports)	One month after it is closed	Three years	Do	

(a) *Mill rent registers are kept at Sadar Patwaris keep a list of mill rents of their patis by villages and the list should be retained till a revised list is supplied*

(b) *Patwaris keep a list of shops and sites leased [illegible] list is posted up as orders are received and compared with the tahsil register every year The list should be kept permanently or till the term of settlement*

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" " 15(v) and (x)—*Through kanungo*

" " 24 25 26 27 28 31, 32—Direct to the subdivisional officer

" " 29 and 30 *to officers named*

FORM No. 1 नमूना १—तौजी पटवारी

PATWARI'S TAUZI

(*See patwari rule* 11)

तौजी वसूलात किस्त वायत्
Tauzi of collections of instalment for

पट्टी
patti

परगना
pargana

जिला
district

नम्बर सिलसिलावार Serial number	नाम मौजा Name of villages	नाम मालगुजार Name of malguzar	मतालबा Demand					वसूलात Collections						बाकीयात Balances					कैफियत Remarks
			मालगुजारी मय महसूलात Revenue including rates	लगान घराट Mill rents	दस्तूर थोकदारी Thokdari dues	दस्तूर बनिया Baniya's dues	कुल Total	नम्बर मुसल्ला रसीद बही Number of counterfoil in the receipt book	मालगुजारी मय महसूलात Revenue including rates	लगान घराट Mill rents	दस्तूर थोकदारी Thokdari dues	दस्तूर बनिया Baniya's dues	कुल Total	मालगुजारी मय महसूलात Revenue including rates	लगान घराट Mill rents	दस्तूर थोकदारी Thokdari dues	दस्तूर बनिया Baniya's dues	कुल Total	
१ 1	२ 2	३ 3	४ 4	५ 5	६ 6	७ 7	८ 8	९ 9	१० 10	११ 11	१२ 12	१३ 13	१४ 14	१५ 15	१६ 16	१७ 17	१८ 18	१९ 19	२० 20

PART II

Details of [illegible] areas ([illegible])

Consecutive number	Name of malguzar, with caste and residence	Name of hissedar, with parentage, caste and residence	Area in acres		Government revenue	Local rate at Rs. 13 per cent	[illegible]	Total
			Actual	Zarb (gross)				

FORM No. III

(*See patwari rule* 11)

Receipt in favour of malguzar of mauza , *pargana* , *zila* , *for the year* 13 F.

रसीद बनाम मालगुजार मौजा परगना जिला बाबत सन १३ फसली

Number of khata नम्बर खाता	Date, month and year तारीख व महीना व सन	Amount and name of person who brought it तायदाद रुपया मय नाम लाने वाले के	Instalment नाम क़िस्त	Signature of patwari दस्तख़त पटवारी

FORM No. III

(*See patwari rule* 11)

Receipt in favour of malguzar of mauza , *pargana* , *zila* , *for the year* 13 F.

रसीद बनाम मालगुजार मौजा परगना जिला बाबत सन १३ फसली

Number of khata नम्बर खाता	Date, month and year तारीख व महीना व सन	Amount and name of person who brought it तायदाद रुपया मय नाम लाने वाले के	Instalment नाम किस्त	Signature of patwari दस्तख़त पटवारी

FORM No. IV

PART I

Mutation register of mauza . . . . . .

Population ..	Men		
	Women..		.
	Boys ..	..	..
	Girls .	..	..
		Total	..

Abstract

Total area of village in nalis

Government jama

Number of co sharers

Description of tenures

Name of *lagga* with its area and Government jama

Amount of area of muafi or gunth land

Local rate at Rs 10 per cent on Government revenue

Total, Government demand

Thokdari due

Malguzari due

Total

FORM No II

(See rule 11 of patwari rules)

जमाबंदी रकम सेस वगैरः पट्टी———परगना———जिला

Jamabandi of revenue, cess, etc., patti , pargana , district

नम्बर मिलीमिला मौजा Serial number of mauza	नाम मौजा Name of mauza	नाम मालगुजार Name of malguzar	रकम सरकारी Revenue demand	१०) सैकड़ा सेस 10 per cent cess	ठेकेदारी रकम Thokdari dues	मालगुजारी रकम Malguzari dues	मौजा रकम Total	Remarks कैफियत

PART III

Details of Holdings

Consecutive number		
Name of hissedar with caste and residence		
Serial number of holding in the mutakhab		
Name of khaikar, with parentage caste and residence		
Area in rai's	Actual	
	Zarb (gross)	
Government revenue and malkana		
Local rate at Rs. 10 per cent		
Total kharaj and local rate		
Total		

FORM No VI

Register No 6

रजिस्टर नम्बर ६

Weekly report from to

हफ्तावार रिपोर्ट तारीख से तारीख————————तक

Patti Pargana

पट्टी परगना

(1) Condition of crops and state of people.

(१) मौसिम फस्ल और लोगो के क्या हाल हैं —

(2) Existence of any scarcity or distress

(२) कही अनाज की तंगी तो नहीं है

(3) Any unusual influx of strangers or emigration of residents

(३) अगर कोई बेमामूली गिरोह आदमियो का पट्टी में आवे या पट्टी से चला जावे तो उसका हाल—

(4) Condition of the grain stocks

(४) अनाज पट्टी में किस कदर जमा है—

(5) Failure of fodder, and presence of disease or unusual mortality amongst cattle.

(५) मवेशियो के लिये घास की कमी होना या उनके बीच कोई बीमारी का होना—

(6) Selling price of grain

(६) निर्ख अनाज वगैरः—

(Signature)

दस्तखत————————

FORM No. VII

Register no. 2 of Standing Order received
रजिस्टर नम्बर २ अहकाम दवामी जो दाखिल हुये

Serial number नम्बर सिल-सिला	Date of order तारीख़ हुक्म	Name of the Court or officer issuing the order नाम अदालत या ओहदेदार वालातर जहां से हुक्म जारी हुआ	Department सीगा	Sub head अनवान	Particulars of order खुलासा हुक्म	Date of cancellation of order तारीख़ तनसीख़ हुक्म	By what order cancelled किसी हुक्म से मनसूख़ हुआ

FORM No. VIII

Register no. 1—Diary
रजिस्टर नम्बर १—रोजनामचा

Date तारीख़ व माह	Day of the week रोज हफ़्ता यानी वार	Place or village where the patwari is मुक़ाम या मौजा जहां पटवारी उस रोज है।	Remarks खुलासा

NOTE—The following rules are not part of the law [illegible] They were issued at the Commissioner's [illegible] [illegible] 1898

Instructions regarding the chief duties which some patwaris have to perform as Police Officers

1. Where there are no Regular Police in the hill districts of this division, patwaris have to perform police duties in their circle and this part of their duty is as important as that of collecting revenue demands. A patwari has within his circle the powers of the police officer in charge of a station.

Section 154, Criminal Procedure Code.

2. When any complaint of an offence is made to the patwari, he will enter the substance of the complaint in the words of the complainant in the register of report of crimes. The complaint shall be read out to the complainant and he will be required to sign or attest it with his mark. One copy will be given to the complainant, the second will be sent to the sub divisional magistrate and the third will remain in the register.

Section 157, Criminal Procedure Code.

3. If the offence is a cognizable one, the patwari shall proceed to the spot and commence enquiry. He shall enter day by day all the proceedings in connection with the investigation in his special diary setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or place visited by him, and a statement of the facts ascertained through his investigation. One copy of his diary will be sent daily to the sub divisional magistrate and the other retained in the diary. When the investigation is completed and if the offence is *prima facie* proved, the accused with any property discovered or any weapon or instrument connected with the offence together with the result of the investigation will be sent to the magistrate's court under the custody of the padhan and other villagers. If the offence is bailable and the accused is willing to give sufficient bail, he should not be sent under custody, but bail should be taken from him to appear before the magistrate on a day fixed, and such bail bond should be sent with the result of the investigation.

Section 172, Criminal Procedure Code.

Section 170, Criminal Procedure Code.

4. If by any general district order the patwari has to submit the result of investigation through the tahsildar or

other full police official, he will send the accused, or the report only if the accused is admitted to bail, and the things connected with the offence, to such officer

See section 158 Criminal Procedure Code
Sections 170, 171, Criminal Procedure Code

The complainants and the witnesses are not to be sent under arrest They should be required to give a *muchalla* bond to appear before the Magistrate on a fixed date

5 If the offence is not *prima facie* proved, the patwari shall take a bond from the accused to appear before the Magistrate if necessary, and submit the result of the investigation to the Magistrate for orders

6 When information as to the commission of a cognizable offence is given against any person by name, and the offence is not of a serious nature, or if the patwari considers that there is not sufficient ground for entering on an investigation, he need not proceed to the spot but should send a report to the Sub Divisional Magistrate giving his reasons for not taking up the investigation He need not proceed to investigate the following offences unless the complainant expressly so wish, viz , thefts under sections 379, 380 and 381, Indian Penal Code, when the property stolen is less than Rs 10 in value

Section 157, Criminal Procedure Code

Lurking house trespass or house breaking under sections 453, 454, 456 and 457, Indian Penal Code, where no theft or other offence is actually committed, and attempts thereof

7 If the offence reported is a non cognizable one the patwari shall refer the informant to the Magistrate If the Magistrate orders the patwari to investigate a non cognizable offence, he shall investigate it in the same manner as if the offence were a cognizable one

Section 155 Criminal Procedure Code

8 When any serious offence such as murder dacoity, robbery, or important theft, house breaking, riot or grievous hurt occurs in his circle, the patwari shall on obtaining information, at once send report to the Deputy Commissioner and the Sub Divisional Officer and proceed to the spot to make investigation in the manner described in the above rule If any person is wounded and is not already under proper treatment he should, unless his friends object be sent to the nearest hospital for treatment, in charge of his relations or friends, or if any one is murdered the dead body must be sent for post mortem examination in the manner described in paragraph 19

The statement of the wounded person, if the wound appears serious and is likely to cause death, must be taken down at once in the presence of the malguzar and other respectable inhabitants of the village, and it shall be signed by them as well as by the person making the statement, the accused person shall also be present when possible and allowed an opportunity of questioning the wounded person. Section 162, Criminal Procedure Code.

9. If any death takes place by accident or under suspicious circumstances, the patwari shall at once send a report to the nearest Magistrate empowered to hold inquests and proceed to the spot, and in presence of the padhan and two or more respectable inhabitants of the neighbourhood make an investigation. If the friends and relations of the deceased state that the death is accidental, and this is confirmed by the enquiry, permission can be given to bury or cremate the body, and the patwari shall send the result of the inquiry, signed by the padhan and respectable inhabitants and the friends and relations of the deceased to the Magistrate. Section 174, Criminal Procedure Code.

10. If, however, after examining the dead body there appears any suspicion that death is not accidental, the dead body shall be sent at once in a shell or litter (if a shell is not available) covered with charcoal and sprinkled with lime if procurable, in charge of the padhan and other villagers to the nearest Civil or Assistant Surgeon. A report of the circumstances under which the body was found, noting any marks or wounds discovered, their position and size being accurately detailed, and any facts likely to have caused death that may have been discovered must be forwarded with the dead body to the Civil or Assistant Surgeon. The persons escorting the dead body are not to be changed on the way. The patwari will continue the enquiry and endeavour to ascertain the facts connected with the death, and submit his report to the Sub-Divisional Officer.

11. In cases of suspected poisoning before sending the body for medical examination, the patwari will observe the following direction:—

(1) Any food especially flour and sweetmeats, drink, tobacco or drugs, and especially the food and drink last partaken of by the deceased should be carefully brought away, and sealed and forwarded to the Civil Surgeon.

(2) Any vomitted matter, which may be on the person or bed should be carefully taken up with a clean rag, which should be put into a packet and sealed up.

(3) Any clothing, matting, wood, mud flooring or manure or dirt heap into which any vomitted matter has soaked should the forwarded under sealed cover

(4) The contents of any vessel containing vomitted matter should be carefully put into a bottle and sealed up and forwarded

(5) Information on the eight following points will be elicited as early as possible and entered in the special diary

(a) The interval between the last time that the person who is supposed to have been poisoned ate, and drank anything or took any medicine and the first appearance of symptoms of poisoning

(b) The interval between the last time of eating or drinking either food or medicine and the occurrence of death (if death occurred)

(c) Whether the person moved from the place where the first symptoms were noticed and if so how far he went

(d) What the first symptoms of poisoning were

(e) Whether vomitting or purging occurred

(f) Whether the person became drowsy or fell asleep

(g) Whether any cramps or twitching of the limbs were observed or tingling of the skin or throat

(h) Any other symptoms noticed

12 In cases of hanging the following instructions should be observed —

(1) If possible before the body is cut down or removed the strangulating medium should be noted and any lividity of face, especially of lips and eye lids any projection of the eyes the state of the tongue whether enlarged and protruded, or compressed between the lips the escape of any fluid from the nostrils or mouth and the direction of its flow

(2) When the body is cut down or the strangulation medium removed particular note should be made of the neck whether bruised along the line of strangulation

(3) The direction of the mark must be noted whether it is circular or oblique

(4) The state of the thumbs should be noted whether crossed over the palm

(5) The materials by which hanging or strangulation have been effected should, if possible, be brought away and forwarded

13 In making investigations the patwari can summon any person to give evidence who may be supposed to know anything about the case The witnesses should be examined orally and the substance of their evidence should be recorded in the special diary

14 When the patwari arrests any person under any charge for which a warrant can be issued, he should at once search, his person any article or any instrument or weapon found on his person should be placed in safe custody If the accused person is a female search should be conducted by a female Search should always be made in presence of two independent witnesses

Sect on 160, 161, Criminal Procedure Code

15 In all cognizable cases sent up for trial or for orders a plan of the scene of the crime should be sent

Section 51 Criminal Procedure Code

16 The patwari shall arrest any person within his circle who (1) is reasonably suspected of having been concerned in a cognizable offence or being a deserter from the army, (2) is a proclaimed offender (3) is a bad character and tries to conceal himself under suspicious circumstances or can give no satisfactory account of himself or is by reputed an habitual robber house breaker or thief, or an habitual receiver of stolen property, knowing it to be stolen If any Police Officer enters his circle in search of any criminal the patwari must give all assistance in his power to such officer in the arrest of the criminal

Section 52, Criminal Procedure Code

Section 54 55 Criminal Procedure Code

17 The patwari shall order any unlawful assembly at any place within his circle to disperse at once and if it does not disperse, the patwari shall disperse it with the aid of the thokdars, padhans and villagers and report the circumstances to the Sub Divisional Magistrate and the District Magistrate

Section 127 128 Criminal Procedure Code

18 If there is apprehension of any riot or other cognizable offence in his circle the patwari shall to the best of his ability take measures to prevent it For this purpose he may without warrant arrest any person designing to commit the offence if the offence cannot otherwise be prevented

Section 149, etc, Criminal Procedure Code Section 151, Criminal Procedure Code

19 Schedule II, appended to the Criminal Procedure Code details which offences are cognizable and which are bailable, and the necessary information is added to these rules giving this detail for the offences usually dealt with by patwaris Patwaris are not responsible for the correct classification of offences as they have not the necessary knowledge to enable them to do this

20 When going round his circle the patwari should see that no one possesses arms without a licence and if the period of any licence has expired, he should take possession of the arms and report the matter to the Magistrate The patwari should also see that no one uses any arms in contravention of the terms of his licence If any one is found committing a breach of the terms of his licence the arms should be seized and the matter forthwith reported to the Magistrate

21 The patwari should also inspect from time to time any licensed shop for sale of ammunition or of explosives situated within his circle, and see that no one acts contrary to his licence reporting the result of his inspection to the Magistrate

Detail of offences usually dealt with by patwaris showing whether cognizable or bailable

Section of Penal Code	Offence	Whether cognizable by patwari or not	Whether bailable or not
143	Being member of an unlawful assembly	Cognizable	Bailabl
147	Rioting	Ditto	D
160	Committing affray	Non cognizable	D
173	Preventing the service or the affixing any summons of notice or the removal of it when it has been affixed or preventing a proclamation	D	Do
184	Obstructing sale of property offered for sale by authority of public servant	D	D
186	Obstructing public servant in discharge of his public function	D	D

Detail of offences usually dealt with by patwaris showing whether cognizable or bailable—(continued)

Section of Penal Code	Offence	Whether cognizable by patwari or not	Whether bailable or not
187	Omission to assist public servant when bound by law to give such assistance	Non-cognizable	Bailable
188	Disobedience to order lawfully promulgated by public servant if such disobedience cause obstruction, annoyance or injury to persons lawfully employed	Do	Do
189	Threatening a public servant with injury to him or one in whom he is interested to induce him to do or forbear to do any official act	Do	Do
215, 216, 216A	Harbouring an offender	Cognizable	Do
224	Resistance or obstruction by a person to his lawful apprehension	Do	Do
225	Resistance or obstruction to the lawful apprehension of another person or rescuing him from lawful custody	Do	Do
231 and 232	Counterfeiting coin	Do	Not bailable.
233 and 234	Making buying or selling instruments for the purpose of counterfeiting any coin	Do	Do
235	Possession of instruments or material for the purpose of using the same for counterfeiting coin	Do	Do
239 and 240	Having any counterfeit coin known to be such when it came into possession and delivering the same to any person	Do	Do
242 and 243	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Do	Do.
271	Knowingly disobeying any quarantine rule	Non-cognizable	Bailable
277	Defiling the water of a public spring or reservoir	Cognizable	Do

Detail of offences usually dealt with by patwaris showing whether cognizable or bailable—(continued)

Section of Penal Code	Offence	Whether cognizable by patwari or not	Whether bailable or not
302	Murder	Cognizable	Not bailable
304	Culpable homicide not amounting to murder	Do	Do
307	Attempt to murder	Do	Do
309	Attempt to commit suicide	Do	Do
312	Causing miscarriage	Non-cognizable	Bailable
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it	Cognizable	Do
318	Concealment of birth by secret disposal of dead body	Do	Do
323	Voluntarily causing hurt	Non-cognizable	Do
324	Voluntarily causing hurt by dangerous weapons or means	Cognizable	Do
325	Voluntarily causing grievous hurt	Do	Do
326	Voluntarily causing grievous hurt by dangerous weapons or means or burning	Do	Not bailable
328	Administering stupefying drug with intent to cause hurt	Do	Do
332	Voluntarily causing hurt to deter a public servant from his duty	Do	Bailable
352	Assault	Non-cognizable	Do
353	Assault or use of criminal force to deter a public servant from discharge of his duty	Cognizable	Do
354	Assault or use of criminal force to a woman with intent to outrage her modesty	Do	Do

Detail of offences usually dealt with by patwaris showing whether cognizable or bailable—(continued)

Section of Penal Code	Offence	Whether cognizable by patwari or not	Whether bailable or not
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation	Non-cognizable	Bailable
366	Kidnapping	Cognizable	Not bailable
368	Concealing or keeping in confinement a kidnapped person	Do	Do
370	Buying or disposing of any person as a slave	Non-cognizable	Bailable
372	Selling or letting to hire a minor for purposes of prostitution	Cognizable	Not bailable
376	Rape	Do	Do
377	Unnatural offences	Do	Do
379	Theft	Do	Do
380	Theft in a building or tent	Do	Do
38	Extortion	Non-cognizable	Bailable
392	Robbery	Cognizable	Not bailable
395 396	Dacoity Murder in dacoity	Do Do	Do Do
397	Robbery or dacoity with attempt to cause death or grievous hurt	Do	Do
411	Dishonestly receiving stolen property knowing it to be stolen	Do	Do
414	Assisting in concealment or disposal of stolen property knowing it be to stolen	Do	Do
428 & 429	Mischief by killing, poisoning, maiming or rendering useless any animal	Do	Bailable
435	Mischief by fire or explosive substance with intent to cause damage	Do	Do

Detail of offences usually dealt with by patwaris showing whether cognizable or bailable—(concluded)

Section of Penal Code	Offence	Whether cognizable by patwari or not	Whether bailable or not
436	Mischief by fire or explosive substance with intent to destroy a house	Cognizable	Not bailable
454	Hiding in a house or house breaking in order to the commission of an offence or theft	Do. ..	Do.
456	Hiding in a house or house breaking by night	Do. ..	Do.
457	Hiding in a house or house breaking by night in order to the commission of an offence	Do.	Do.
497	Adultery	Non-cognizable	Bailable
498	Enticing or taking away or detaining with criminal intent a married woman	Do	Do.
Other Laws	Offence against sections of Indian Arms Act	Cognizable	Do.

P. WYNDHAM, C.S.,
Commissioner, Kumaun division.

PART X

Rules for admission to, and control of, the special Patwari School for the training of patwaris for service in the hills

1 The establishment of a special school for the training of patwaris for service in the hills has been sanctioned in G O no 2515/I—730, dated the 19th November, 1913

2 The school will be situated in Almora It will be under the charge of the Deputy Commissioner or one of his gazetted staff subject to the Deputy Commissioner's control.

The officer in charge should satisfy himself that instruction is being given in accordance with the rules and will be responsible generally for the work in the school

Any order of expulsion from the school shall only be passed by the Deputy Commissioner

3 A selected peshkar or a superintendent of patwaris, on deputation, shall be appointed as a teacher by the Commissioner

If no such official is available a retired peshkar or a superintendent of patwaris shall be appointed as a teacher

The pay of the teacher shall be Rs 75 per mensem for the whole year If he is not a resident of the locality he will be granted a house allowance of Rs 10 a month

4 The teacher is for purposes of discipline placed under the control of the Deputy Commissioner of Almora and an appeal against any order of punishment shall lie to the Commissioner

5 The following classes may be admitted to the school —

(a) Patwaris

(b) Heirs of patwaris

(c) Other candidates nominated by the Deputy Commissioner

(a) Patwaris may be ordered to attend the school at such times as may be convenient to the district administration. Patwaris shall pay the prescribed fee unless allowed by the Deputy Commissioner to attend the school free of charge; such permission shall not be given for a longer period than six months

(b) Heirs of patwaris and (c) other candidates may be admitted to the school provided they are not under 20 years

of age are not over 25 years of age are of active habits, have passed the Middle Vernacular Examination are certified to be medically sound and fit for the post

(NOTE —The Deputy Commissioner with the Commissioner's sanction may exempt any candidate from the educational qualification)

6 A fee of two rupees per mensem shall be paid by all scholars except patwaris exempted under clause (*a*) of rule 5

In special cases the officer in charge may remit or reduce the fee prescribed

7 The teacher shall maintain an attendance and fee register in the form attached to these rules and shall be responsible for accounts and all stock and for the discipline of the boys

All fees received shall be credited in the treasury without delay as Special Patwari School receipts Kumaun

8 The following course of study is prescribed —

I —REVENUE

(*a*) Selected portion of Stowell's Manual of Kumaun Land Tenures
(*b*) Mutation Rules
(*c*) The Revenue Act as extended to Kumaun
(*d*) Such other books and circulars as may be prescribed from time to time by the Commissioner

II —POLICE

(*a*) The Indian Penal Code and Criminal Procedure Code
(*b*) Rules and duties of patwaris thokdars and padhans

III —FORESTS

Such extracts from rules on forest administration as may be prescribed by the Commissioner

IV —MISCELLANEOUS

(*a*) (1) Practical Survey with plane table chain and optical square
(2) Cadastral survey for candidates from Garhwal
(*b*) Map work including correction of maps extraction of areas tracing and redrawing maps from copies
(*c*) Plane Mensuration
(*d*) Arithmetic the four elementary rules vulgar and decimal fractions and proportions
(*e*) Reading and writing

NOTE Candidates who have passed the Middle Class Examination will be exempt from subjects (*b*) and (*c*)

9 There will be one term in the year with two sessions January to May and July to November Scholars may join the class only during the first fortnight of each session

10 The examination shall be held once a year in December on dates which will be fixed by the Deputy Commissioner

No scholar will be admitted to the examination who has not attended on 75 per cent of the days since his admission to the school The prescribed minimum attendance may be reduced under the Deputy Commissioner s orders

11 The Deputy Commissioner shall appoint an examining committee consisting of a Deputy Collector as President a Tahsildar and the Deputy Inspector of Schools

12 Question papers in Revenue Police Forests and Miscellaneous will be supplied by the committee the answers to the papers will be examined and marks awarded by the *committee*

The committee will also allot marks in survey map work and reading and writing

13 A statement of the result of the examination shall be submitted to the Deputy Commissioner not later than three weeks from the end of the examination The Deputy Commissioner may call for the answer papers and either revise the marking or ask the committee to re consider it

14 One hundred marks shall be awarded for each subject Half marks in each subject shall qualify and a scholar who passes in all subjects shall be entitled to receive a certificate to the effect that he is qualified for appointment as patwari If a scholar passes in some subjects and fails in others he may at the discretion of the Deputy Commissioner be excused from again appearing for examination in those subjects in which he has passed No certificate should be issued to anyone who has not passed the whole examination

15 Candidates who have not been educated in the school shall not be admitted to the examination

16 No candidate shall be allowed to appear at more than two examinations Scholars failing to pass at the second examination shall be removed from the school

Memorandum of the important Forestry rules that should be taught to Patwaris as prescribed under rule 8-III of the rules of the Special Patwari School for the training of Patwaris for service in the hills

1 Forest Act

Chapter II sections 22—25

Chapter IV, sections 28—33

Chapter V, sections 52 61—64

Chapter VI sections 69 and 70

Chapter XIV, section 78

2 Forest Manual

Part II, Chapter V, sections 187—190, Fire Protection

3 G O no 761/XIV—83 of 8th October 1914 regarding rights and concessions in Kumaun—with special reference to—

(1) The indent form for timber rights

(2) The Malguzar's list of application for rights

(3) The timber and grazing passes

(4) The factors of contents of trees

4 G O no 413/XIV—83 of 16th June, 1915 regarding reservation of certain trees

5 G O 416/XIV—83 of 16th June, 1915, containing the new rules for the protected forests with the names of patts scheduled under rule 1

6 G O no 206/XVI—56 B of 30th April 1903, regarding grazing of cattle in the Government reserved forests

7 The shooting and Bhotya grazing rules (revised)

8 The Government Review on the Settlement Officer's report

9 The powers and duties of the various grades of Forest Officers

10 The processes of exploitation of timber resin etc

P WYNDHAM
Commissioner, Kumaun division

30th June 1916

ATTENDANCE AND FEE REGISTER

Serial number	Name of scholar	Days of month																															Fees due during month	Fees paid during month	Date of remittance to Treasury with number of chalans
		1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st			

PART III

Rules defining the duties of malguzars (padhans or sirgirohs) in the hills approved of in G. O. no. 1765/I—148, dated August 24, 1910

REVENUE

1 He shall collect all instalments of revenue or dues and cesses when they are due and pay the amount to the patwari of his circle or into the tahsil at the fixed time When revenue and khaikari rents are collected together he shall pay the malikana to the hissedars He must give receipts for the amount he received to any persons making payments to him and should take receipts from those to whom he pays money in his capacity as malguzar

2 He shall collect all other government demands of any description which he is ordered to realize and pay the same promptly to the person authorized to receive it.

3 He shall divide at the appointed time such profits or rents or malikana as may be divisible among the co sharers whom he represents after disbursing any customary village expenses

4 He shall report at once to the patwari or sub divisional officer all encroachments on or appropriation of padhancharai land government property or nazul buildings within his village

5 He shall report at once to the patwari or sub divisional officer the destruction or removal of, or injury to, any boundary marks or other marks erected within the boundary of his village by order of a court or of any officer

6 He shall act generally in all other dealings with the Government on behalf of the co sharers whom he represents

7 *Obsolete*

8 He shall on the request of the patwari make and sign a deposition as to the person in possession of land undergoing mutation as required by rule 4 of the revised rules for mutation of names in Kumaun sanctioned by G O no 1317 I—271 dated June 25, 1910, and shall publish proclamations of mutation in his village as required by rule 9 of the said rules

NOTE —Rules 1 to 9 apply also to those villages in the Naini Tal District that are [illegible]

9 He shall report to the patwari within a week if crops of his village are seriously damaged by hail or locusts or any similar calamity

Miscellaneous

10 In all cases he shall immediately report the first outbreak of any epidemic disease etc by post to the Deputy Commissioner as well as to the patwari

11 He shall report to the patwari on the first day of every month the births and deaths of persons which have occurred in his village during the previous month produce his village register before the patwari

12 He shall report to the patwari of his circle on the first day of every month the number of deaths of cattle caused by carnivorous animals and snakes and shall also report if any tiger leopard bear or wild dogs have been killed by any one during the month He shall at once report to the patwari the killing of any person by a wild animal or snake

13 He shall report at once to the patwari of his circle if any one keeps a gun or sword in his village without a licence and he shall also report if any one shoots within the boundary of his village or in the neighbouring jungle without a shooting licence or a pass

14 He shall assist in the vaccination of the people and children of his village when a vaccinator comes to his village for that purpose He shall also collect newly vaccinated persons at any place where the civil surgeon requires them to attend for inspection

15 He shall report the patwari of the circle if any one dies without issue in his village and leaving no heirs He shall take charge of the property belonging to such person and make out a list of it in the presence of two or three respectable residents and send it to the patwari

16 He shall report to the patwari or Sub Divisional Officer within a week if any unclaimed property or cattle is found in his village

17 He shall look after village sanitation and see that the village site and water supply are kept clean

18 He shall make arrangements to segregate at once any person attacked by small pox cholera or any other epidemic disease and shall be responsible that the bodies of those dying of such disease shall be satisfactorily disposed of either by burning or burial in such manner that they cease to spread the infection and shall carry out all orders regarding quarantine given by any Government official

19 *Obsolete*

20 He shall help with his villagers in building a school or temporary bridge when ordered to do so by the Deputy Commissioner

21 He shall report at once to the patwari or forest official if any one sets fire to a closed district forest or on Imperial forests or cuts or lops trees contrary to rules or sells or takes for sale any forest produce without proper licence and sanction for such sale

22 He shall at once collect the villagers and go to put out any fire that breaks out in or near his village in a closed protected civil forest or in an Imperial forest and shall assist any forest official in doing so when called on

23 He shall report at once if any one without sanction brings waste land under cultivation which is situated in separate plots not adjoining measured land or in which trees are growing or have been cut

24 He shall see that indents for trees do not include more trees than are really required and that no one sells timber which he gets for building his own house or cow shed etc to others If any one does this in his village he shall at once report the matter to the patwari or Sub Divisional Officer

25 He shall deal justly honestly and peaceably with all the villagers and shall endeavour to keep at peace all factions and hostile families in the village If any dispute or quarrel arises in the village he shall endeavour to have it settled amicably or by panchayat and to dissuade the parties from going to court but he must not use force to prevent any man obtaining redress in a court and shall not illegally punish or confine any man

Criminal

26 Every malguzar mukhtar or ghar padhan shall perform the following duties —

(1) He shall give immediate information to the patwari of the circle—

(a) of any unnatural suspicious or sudden death occurring in any village of which he is pali in and shall cause the body to be kept pending the arrival of the patwari and his orders for his disposal

(b) of each of the following offences occurring in any village of which he is padhan (that is to say) murder culpable homicide rape dacoity robbery theft receiving stolen property in sel of

by fire, house breaking, counterfeiting coin, causing grievous hurt, riot, harbouring a proclaimed offender, exposure of a child, concealment of birth, administering stupefying drugs, kidnapping, lurking house trespass; and

(c) of all attempts and preparations to commit, and abetments of, any said offences,

(d) of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest—

(a) any person who has been concerned in any offence specified in paragraph (b) rule (1) above or against whom a reasonable complaint has been received or reasonable suspicion exists of his having been concerned

(b) any person who has been proclaimed as an offender,

(c) any person who has escaped or attempts to escape, from lawful custody

(d) any person reasonably suspected of being a deserter from His Majesty's Army

(3) He shall report to the patwari the arrival of suspicious characters in the neighbourhood and the resort to or passing through his village of any one whom he knows or reasonably suspects to be a thief robber escaped convict or absconded offender

(4) He shall supply to the best of his ability any local information which a Magistrate or any officer of the police may require and shall promptly execute all orders issued to him by competent authority

(5) Whenever he arrests any person he shall take him, as soon as possible to the patwari of the circle or in his absence to the nearest Magistrate or officer exercising powers under rule 62 of the Kumaun Rules of 1894

(6) He shall inform the patwari or Sub-Divisional Officer or Kanungo of his circle about the permanent or temporary residence of any notorious receiver or vendor of stolen property in his village

(7) He shall report to the patwari any infringements of the law prohibiting the collecting and sale of *charas* and the cultivation of opium, or any offences against the excise law