

STANDING ORDERS OF THE FINANCIAL COMMISSIONER HIMACHAL PRADESH

STANDING ORDER NO. 8

COERCIVE PROCESSES

1. Collection of Land Revenue.-The collection of land revenue is regulated by the Himachal Pradesh Land Revenue Act, 1953 and the rules framed under the Punjab Land Revenue Act as applicable to this state. The procedure to be followed when the defaulter lives in a District other than that in which the arrears have accrued is laid down in the Revenue Recovery Act of 1890. The following instructions and the provisions of chapter XV of the Land Administration manual should be observed in this behalf.

2. No fees on applications for processes by village officers.-No fees is to be charged on applications under Section 102 of the H.P. Land Revenue Act, made by village Officers in accordance with the provisions of rule 64 of the rules aforesaid.

3. Recovery of dues of various departments of Govt.-In addition to the recovery of land revenue as arrears of land revenue under the H.P. Land Revenue Act, fees, fines and certain dues of other departments are also recovered as arrears of land revenue. Necessary provisions for the purpose is often made in the relevant enactments. Before the dues of other departments are recovered by the Collector, the departments concerned are required to take steps for the recovery of these dues at their own level. Sometimes a provisions is made in the relevant enactment for recovery of these dues through arbitration. The Collector should, therefore, before issuing the coercive processes for the recovery of these dues, should ensure that the departments concerned have taken due care to adopt all steps including arbitration before sending the cases to him for recovery of these dues as arrears of land revenue. The procedure laid down in Standing Order No. 10 (previously Standing Order No. 31.) for such cases should be borne in mind.

SECTION-I

WRITS OF DEMAND AND EXECUTION OF PROCESSES

4. Issue of writs of demand under Section 15 of the H.P. Land Revenue Act.-A writ of demand issued U/S 75 of the H.P. Land Revenue Act must be in the following form and should not be issued if the defaulter is known to have absconded from, or to be residing outside the district.

FORM OF WRIT DEMAND U/S 75 OF THE HIMACHAL PRADESH LAND REVENUE ACT
NO. _____

Writ of demand U/S 75 of the H.P. Land Revenue Act.

To

R/O Village _____ Tehsil _____ District _____ Whereas it is shown by the accompanying certificate*

*A clear account certified by the Wasil Baqi Nawis should be endorsed on the writ.

Particulars to be filled in by the Wasil Baqi Nawis or other officer.

- 1. Name of peon.
- 2. Date of issue of writ.
- 3. Date fixed for its return.
- (The above particulars to be entered before service of the writ).
- 4. Date on which the writ was returned.
- 5. Revenue paid.....Rs.....
- 6. Talbana.....Rs.....
- 7. Revenue due.....Rs.....
- 8. Talbana.....Rs.....

that an arrear of Rs.....is due from you on account of land revenue.....andyou are hereby required to pay into the tehsil the said sum together with the sum due as talbana fee, amounting to a total sum of Rs.....on or before the.....

Dated.....

Revenue Officer

5. Period within which to be returned.—The person receiving the writ is held responsible for its return within six days from the date of issue. He may be entrusted with any number of writs which he can serve within the said period.

6. Rate of Talband.—A separate writ, warrant or other coercive process, shall issue for each defaulter except in the case of those who are jointly responsible for the payment of the arrears, when a joint process shall issue. For the service of every writ, warrant or other process for the collection of revenue under Chapters VI and VII of the Himachal Pradesh Land Revenue Act 1953, a charge shall be made at the following rates:—

- (1) For writ of demand.....Rs. 1/-
- (2) For warrant of attachment.....Rs. 2/-
- (3) For warrant of arrest or other process.....Rs. 3/-

This rule applies to processes issued for the recovery of sums recoverable as arrears of land revenue (i.e. income tax) as well as to processes issued for the recovery of land revenue proper. The word "other processes" includes warrant of sale and other processes issued under Section 77 of the H.P. Land Revenue Act, for the transfer of a holding.

7. Recovery of arrears.—The procedure for the recovery of arrears on the application of a village headman (under Section 102 of the H.P. Land Revenue Act) is laid down in Rules 64-66 of the Punjab Land Revenue Rules.

8. Talbana fee when process is issued on application of village headman.—Where a process is issued on the application of village headman, payment in advance of the fee for service should not be required; the charge should be recovered in the way laid down in Section 103 (a) of the H.P. Land Revenue Act and the person primarily responsible for the service fee will be the defaulter on whom the process has been served. If, however, he proves to the satisfaction of the Tehsildar that the headman wrongly applied for the issue of the process, the latter will be held responsible for the service fee.

9. Punctual payments Instructions to tehsildars.—It is the duty of tehsildars to see that all instalments are paid punctually. If by the settlement arrangements, the revenue of a harvest is due in two instalments, and the first instalment is not paid punctually, a writ should issue at once unless the tehsildar has good reasons for delaying it. The common practice of allowing three days grace before the issue of such writs is reasonable and may be continued. Similarly, if the khataunis show that a village, which is entitled to pay the harvest demand in two instalments commonly pays the whole demand in one sum, the delay in issuing writs may be extended approximately to 15 days, but greater delay than this should not be permitted except under the Collector's authority.

10. Processes for collection of land revenue.—Writs, warrants and other processes for the collection of revenue under chapters VI and VII of the Himachal Pradesh Land Revenue Act, shall ordinarily be served through the tehsil process serving agency and the fees recovered will be credited to Government. The Collector may, if necessary, employ additional peons on service of processes or on ordinary district work after obtaining sanction from the Government.

11. Defaulters and Lambardars must pay in person.—Arrears of revenue may not be realized from defaulters and brought to the tehsil by the peons. Such a practice is liable to be abused. Defaulters and Lambardars should be ordered to pay sums due from them into the treasury either in person or through an agent or by postal money order.

12. Register for issue of writs and warrants.—The Sadar Wasil Baqi Nawis should be charged with the superintendence of the issue of writs and warrants. He will supply to the tehsildar and officers of the other departments authorised to issue writs and warrants, the writs and warrants required. He will bring to the notice of the Collector any delay in the transmission of the statement required from tehsildars as prescribed in paragraph 13 infra. Before issuing the writ and warrants to the tehsildars or re-issuing forms returned, he will check the serial numbers, if any, to see that the series is unbroken, and otherwise number the forms. He will enter each issue in a Register in the following form:—

- 1. Year.....
- 2. Date of order of issue.....
- 3. Tehsil.....
- 4. Number and kind of process.....

5. Serial Nos. i.e. from.....to.....

6. Date of despatch.....

He will send with each despatch an extract of the entry made. The tehsildar will sign this extract and return it to the Sadar Wasil Baqi Nawis.

13. Maintenance of Stock Register.-A Stock Register of coercive processes will be maintained at sadar/tehsil office by the Sadar Wasil-Baqi-Nawis/Tehsil Wasil Baqi Nawis in the following form:-

District				Year
Month	Kind of process	Previous balance	Receipts during the month	Total of cols. 3 & 4
1	2	3	4	5
Disbursed during the month	Balance in hand	Signature of D.R.A. (SWBN) W.B.N.		Signature of Officer I/C D.R.A (SWBN) Branch/Tehsildar
6	7	8		9

14. (i) The Tehsildar will maintain a register in the following form with separate pages for (i) writs, (ii) warrants of attachment (iii) warrants of arrest (iv) Warrants of sale of movable property:-

1	2	3	4	5	6	7	8A 8B		9	10	11	12	13
No. of writ or warrant.	Date of issue.	By whom to be served.	Name of village.	At whose instance.	Name of defaulter.	Kist for which due and month.	Amount of Arrears		Talana due.	Talana paid with date.	Date fixed for return of process.	Date on which returned.	Remarks.
							For which process issued.	Recovered with dates.					

(ii) At the end of each month, the totals of column-9 will be entered in the running register and the tehsildar will forward to the Collector with the hal tauzi a combined statement in the following form:-

Details	Number issued with serial numbers of forms used in the case of 1 (writs) and 2. (warrants of attachment)	Talana charged.
1	2	3

1. Writs.
2. Warrants of attachment.
3. Warrants of arrest.
4. Warrants of sale.
5. Total.

(iii) On the basis of information at Sr. No. 5 of this statement, the Sadar Wasil Baqi Nawis will enter in his running register, the total demand for the month on account of talana.

(iv) In the first week of October each year, the tehsil Wasil Baqi Nawis will return unused forms of writs and warrants to the Sadar Wasil Waqi Nawis for check and re-issue.

15. Receipts how budgetted.-Receipts are budgetted in the ordinary land revenue budget. Allotments will be communicated by the Financial Commissioner to the Commissioner concerned who will further distribute the allotments to the districts in his division.

16. Talbana how credited.-All talbana receipts will be credited direct to Govt. without any deduction under head "029-Land Revenue (e) Other Receipts-(vi) Revenue Talbana". This procedure applies even if the recoveries are made on account of income tax or other demands recoverable as land revenue.

SECTION-B

Arrest and detention

(See paragraph 522 of the Punjab Land Administration Manual)

17. The form of warrant of arrest is given below:-

Form of warrant of arrest U/S 75(A) of the Himachal Pradesh Land Revenue Act, 1953.

To

Peon (or other officer)

Whereas _____ resident of village _____ Tehsil _____ District _____ is a defaulter on account of an arrear of revenue that has accrued as shown in the margin, this is to command you to arrest the said defaulter and bring him before me with all convenient speed.

(i) Land Revenue Rs..... (2) Rates and cesses Rs.....(3) Other items realisable as land revenue Rs.....Total Rs.....

Provided that if the said defaulter shall without unnecessary delay produce the sum of Rs..... together with Rs.....for the cost of executing this process and shall proceed personally to bring the said sum with you to the tehsil or send it with you by his agent or servant, the arrest shall be suspended. You are further commanded to return this warrant on or before the.....day of19.....with an endorsement certifying the day and the manner in which it has been executed or the reason why it has not been executed.

Dated this.....day of.....19.....

Seal.

Signature of Revenue Officer.

18. Committal of defaulter to jail.-The following forms should be used for committing a revenue defaulter to jail and for his release therefrom:-

WARRANTS OF COMMITTAL OF DEFAULTER TO JAIL UNDER SECTION 75A (3) OF THE HIMACHAL PRADESH LAND REVENUE ACT

In the Court of the Collector.....District.....
Case No.....of 19.....

To

The Officer Incharge of the jail at.....whereasson of..... resident of village.....Tehsilis a defaulter on account of an arrear of land revenue you are hereby commanded to take the said..... in custody and keep him confined in the civil jail for a period of.....days or until the said arrear of land revenue is paid. A sum of Rs.....on account of diet allowance at the rate of per diem is sent with this warrant.

Issued under my signature and seal this.....day of 19.....

Seal.

Signature of Collector.

ORDER FOR THE RELEASE OF A DEFAULTER UNDER SECTION 75-A(3) C (3) OF H.P. LAND REVENUE ACT, 1953

In the Court of the Collector.....District.....

To

The Officer Incharge of the jail at.....

whereas.....son of.....resident of.....
Tehsil.....who under order dated 19..... was required to be confined in the civil prison
for a period of.....days on account of non-payment of arrears of land revenue to be paid by him,
has now paid the said amount or has urged for more time by furnishing security. Therefore, under orders
passed this day, you are hereby directed to set free the said.....now in your custody on receipt
of this order.

Issued under my signature and seal this.....day of.....19.....

Seal.

Signature of Collector.

19. Maintenance of defaulter arrested and retained.-(i) Any cost incurred for the maintenance of a defaulter who is arrested and detained under Section 75(A) of the H.P. Land Revenue, Act, 1953 should be defrayed from the revenue contingent grant of the district. The amount may be recovered as an arrear of land revenue, and on recovery, should be credited to Govt. as a cash recovery.

(ii) The Collector may of his own authority adjust in his accounts advances of diet allowances of revenue defaulters while under detention, which may be found to be irrecoverable.

(iii) **Soldiers of Indian Army not to be arrested.**-The Government of India has directed that no process of arrest and detention shall issue under Section 74(b) of the H.P. Land Revenue Act, 1953, against officers or soldiers of the Indian Army.

SECTION-C
DISTRESS AND SALE

(See Paragraph 523 of the Punjab Land Administration Manual)

20. The forms of warrants are specified below:-

Form of warrant of distraint under Section 76 of the H.P. Land Revenue Act.

To

The Kanungo (or other officer)

Whereas _____ resident of village _____ Tehsil _____
District _____ is a defaulter on account of an arrear of land revenue which has been accrued as shown in the margin, this is to command you to distraint the moveable property and the uncut or ungathered crops of the said defaulter, as set forth in the list hereto annexed or as pointed out to you on the spot, and to hold the same until further orders from me: Provided that if the said defaulter shall without unnecessary delay, produce the sum of Rs. _____ together with Rs _____ for the cost of executing this process and shall proceed personally to bring the said sum with you to the tehsil or send it with you by this agent or servant, the distraint shall be suspended. This warrant does not authorise you to distraint any of the property mentioned in the proviso to Section 60 Part I of the Code of Civil Procedure (Section 60, Part-II, of the Code Civil Procedure is printed in full on the back of the warrant) or the following portion of the produce of the land of the defaulter, which has been exempted from liability to sale by order of the Collector.

You are further commanded to return this warrant on or before the _____ day of _____
19 _____ with an endorsement certifying the date and manner in which it has been executed or why it has not been executed.

Dated:

Collector or Assistant
Collector I Grade.

WARRANT FOR SALE OF MOVEABLE PROPERTY UNDER SECTION-76 OF THE H.P. LAND REVENUE ACT, 1953

To

The Nazir (or other officer)

This is to command you to sell and auction, after giving _____ days previous notice by affixing the same in this office and after making due proclamation, the moveable property and uncut

and ungathered crops distrained under a warrant from this office dated the _____ day of _____ 19____ or so much or the said property as shall realise the sum of Rs. _____, being the amount of the arrear of revenue still due from the defaulter by _____

You are further commanded to return this warrant on or before the _____ day of _____ 19____, with an endorsement certifying the manner in which it has been executed or the reason why it has not been executed.

Dated:

Collector or Assistant
Collector I Grade.

SECTION-D
TRANSFER OF HOLDING

(See Paragraphs 524-525 of the Punjab Land Administration Manual)

21. The form of warrant is prescribed below:-

To

Kanungo (or other officer)

Whereas an arrear has accrued on holding No. _____ in the estate called _____, Tehsil _____, this is to give notice that the said holding is hereby transferred from _____ the previous owner of the said holding, to _____ a landowner in the estate in which the holding is situate, and not being a defaulter in respect of his own holding, on condition of the said _____ paying the arrear due, to wit Rs. _____, before being put in possession of the holding. You are hereby directed as payments has been made by the said _____ of the said sum of Rs. _____ to put the said _____ on payment. _____ in possession of the said holding, and you are hereby authorised to remove any person bound by this warrant who may refuse to vacate the same. This transfer shall have effect till _____.

Dated:

Collector.

22. Report of transfer.-The reports of transfers under section 77 of the H.P. Land Revenue Act, shall be in the following form and shall be forwarded through the Commissioner of the division.

Statement of transfer of rights of defaulters U/S 77 of the H.P. Land Revenue Act.

1	2	3	4	5	6	7	8	9	10	11	12	13
District.	Tehsil.	Village.	Revenue of Khārif/Rabi.	Name of village headman.	Name of defaulter/defaulters.	Amount of arrears due from each defaulter.	Name of the solvent co-sharers to whom transferred (if numerous described in general terms).	Terms of transfer.	Date of payment of arrears by the transferees.	Date of report to the Commissioner.	Circumstances which led to the transfer.	Commissioner's remarks.

whereas.....son of.....resident of.....
Tehsil.....who under order dated 19..... was required to be confined in the civil prison
for a period of.....days on account of non-payment of arrears of land revenue to be paid by him,
has now paid the said amount or has urged for more time by furnishing security. Therefore, under orders
passed this day, you are hereby directed to set free the said.....now in your custody on receipt
of this order.

Issued under my signature and seal this.....day of.....19.....

Seal.

Signature of Collector.

19. Maintenance of defaulter arrested and retained.-(i) Any cost incurred for the maintenance of
a defaulter who is arrested and detained under Section 75(A) of the H.P. Land Revenue, Act, 1953 should
be defrayed from the revenue contingent grant of the district. The amount may be recovered as an arrear
of land revenue, and on recovery, should be credited to Govt. as a cash recovery.

(ii) The Collector may of his own authority adjust in his accounts advances of diet allowances of
revenue defaulters while under detention, which may be found to be irrecoverable.

(iii) **Soldiers of Indian Army not to be arrested.**-The Government of India has directed that no process
of arrest and detention shall issue under Section 74(b) of the H.P. Land Revenue Act, 1953, against officers
or soldiers of the Indian Army.

SECTION-C
DISTRESS AND SALE

(See Paragraph 523 of the Punjab Land Administration Manual)

20. The forms of warrants are specified below:-

Form of warrant of distraint under Section 76 of the H.P. Land Revenue Act.

To

The Kanungo (or other officer)

Whereas _____ resident of village _____ Tehsil _____
District _____ is a defaulter on account of an arrear of land revenue which has been accrued
as shown in the margin, this is to command you to distraint the moveable property and the uncut or ungathered
crops of the said defaulter, as set forth in the list hereto annexed or as pointed out to you on the
spot, and to hold the same until further orders from me: Provided that if the said defaulter shall without
unnecessary delay, produce the sum of Rs. _____ together with Rs. _____ for the
cost of executing this process and shall proceed personally to bring the said sum with you to the tehsil
or send it with you by this agent or servant, the distraint shall be suspended. This warrant does not
authorise you to distraint any of the property mentioned in the proviso to Section 60 Part I of the
Code of Civil Procedure (Section 60, Part-II, of the Code Civil Procedure is printed in full on the back
of the warrant) or the following portion of the produce of the land of the defaulter, which has been
exempted from liability to sale by order of the Collector.

You are further commanded to return this warrant on or before the _____ day of _____
19 _____ with an endorsement certifying the date and manner in which it has been executed or why it
has not been executed.

Dated:

Collector or Assistant
Collector I Grade.

WARRANT FOR SALE OF MOVEABLE PROPERTY UNDER SECTION-76 OF THE H.P. LAND REVENUE ACT, 1953

To

The Nazir (or other officer)

This is to command you to sell and auction, after giving _____ days previous notice
by affixing the same in this office and after making due proclamation, the moveable property and uncut

SECTION-E
ATTACHMENT OF ESTATE OR HOLDING

23. Account to be kept by the Collector or agent managing land attached U/S 78 or 83 of H.P. Land Revenue Act.—Where an estate or holding or any other immovable property attached under Section 78 or Section 83 of the H.P. Land Revenue Act is put under management of the Collector or of an agent, the Collector or agent, as the case may be, shall keep an account of all rents and profits accruing on account of the property and of expenditure for the cost of its attachment and direct management and for defraying the arrear, and any instalments, of land revenue and cesses becoming due during such management and when the management comes to an end, a full account will be furnished to the person whose property has been attached.

24. The following form of warrant is prescribed:-

Warrant for attachment of an estate or holding U/S 78 of the H.P. Land Revenue Act.

To

Kanungo (or other Officer)

Whereas an arrear of land revenue has accrued in respect of the estate called owned by _____, holding no in estate you are hereby ordered to attach the said estate and to give notice to the owner thereof by taking his holding signature on the back of this warrant, that the said estate is hereby taken under my management holding the management of whom I appoint agent for that purpose.

This attachment shall have effect for _____ year from the commencement of the ensuing agricultural year, unless the arrear be sooner discharged.

Dated:

Collector.

SECTION-F
ANNULMENT OF ASSESSMENT
(Paragraphs 529-536 of the Punjab Land Administration Manual)

25. Application for leave to manage direct.—A report in the form prescribed below should be submitted by the Collector when applying, under Section 79 of the H.P. Land Revenue Act, for permission to manage the land of the defaulter, himself or through an agent.

This report is not required when land is taken under direct management owing to the neglect or refusal to engage, of the persons to whom the settlement was offered (see Section 59 of the H.P. Land Revenue Act), or on account of arrears due in respect of the land where no proclamation of the annulment of the assessment has been published (see Section 78).

Form of application for annulment of assessment and management under Section 79 of the H.P. Land Revenue Act, of an estate or holding in the district.

1	2	3	4	5	6	7	8	9	10	11	12	13
Tehsil	Village	Area of land with description (in hectares).	Revenue demand of Kharif/Rabi	Name of defaulter	Term for which it is proposed to hold under direct management.	Statement of current instalment of revenue demand due and aggregate of arrears on account of which assessment is annulled.	Date of proclamation and annulment of assessment.	Date of order for holding under direct management.	Date of report to the Commissioner.	Circumstances which led to the annulment of assessment.	Commissioner's Remarks	Order of the Financial Commissioner.

In all estates or portions of estates held under direct management, a jamabandi should be prepared for each harvest, as soon as possible after sowing time, showing the area under crops, the names of cultivating occupants with the rent paid by each and a tirij should afterwards be drawn out at the time of collections. A monthly account of collections will be submitted at the close of the month, in which the first instalment falls due, and of each following month until the collections for the harvest are complete. No such account will be prepared for the last month of the year, an annual statement of demands, collections and balances being submitted instead.

All estates or portions of estates held under direct management, whatever may be the case of their being so held will also appear in the annual statement of holdings under direct management, submitted by Collectors through the Commissioner to the Financial Commissioner.

Jamabandi asamiwar of lands held under direct management in Tehsil _____ Distt. _____ for the year 19 _____.

1	2	3	4	5	6		7	8	9	10
No.	Name of estates	Name of holder	Area of holding	Description of crops	Cash rents		Cesses etc.	Village expenses	Total demand	Remarks (Here State the allowances payable to persons dispossessed of beneficial interest.)
					Rate of payment	Amount				

Note:- If it is necessary to make collections in kind or by appraisal, the jamabandi cannot be submitted until the actual demand is determined and this form and the following forms must be modified to adapt them to the mode in which collections are made. Monthly assamiwar Collections report of lands held under direct management in village _____ Tehsil _____ District _____ for the month of _____ 19 _____.

Revenue assessment
for the year

DEMAND

1	2	3	4	5	6	7	8	9	10	11	12	13
No holding	Name of holder	Area or Holding	Land Revenue	Cesses and village expenses	Total	Balance due on account of past instalment	Current instalments	Total	Collections	Balance	Credited to existing demand	Surplus collections for future demand

Tiruj asamiwar of lands held under direct management in Tehsil _____ District _____
for the year _____ 19 _____

No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Name of estate																				
Name of holder				SEASON 'KHARIF'					SEASON 'RABI'											
Area																				
Rate of demand																				
Amount																				
Cesses																				
Village expenses																				
Total																				
Area																				
Rate of demand																				
Amount																				
Cesses																				
Village expenses																				
Total																				
Total of year																				
Collections																				
Balance																				
Remarks																				

Annual statement of demand, collections and balances of lands held under direct management in village _____ Tehsil _____ District _____ for the year _____ 19 _____

No. of holding	1	2	3	4	5	6	7
Name of holder							
Area of holding							
Land Revenue				Revenue for the year			
Cesses and village expenses							
Total							
Collections							
Balance							
Remarks (Here state allowance to persons dispossessed of beneficial interests)							

26. Application for authority to farm.-When the assessment of any land has been annulled and the Collector desires to let it in farm under section 79 (3) of the H.P. Land Revenue Act, the proposal should be made in the following form:-

Statement of farming lease proposed for sanction under Section 79(3) of the H.P. Land Revenue Act in the District _____

Tehsil	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Village																
Area of land with description																
Revenue demand of kharif/Rabi																
Name of defaulter																
Name of farmer																
Name of surety																
Terms of the proposed farmer																
Statement of current instalment of Revenue demand due and aggregate of arrears on account of which the assessment is annulled.																
Date of order for annulment of assessment																
Date from which the proposed farm will take effect																
Date of payment of arrears by farmer.																
Date of report to Commissioner																
Circumstances which led to annulment of the assessment																
Commissioner's remarks																
Order of the Financial Commissioner																

27. Security to be demanded from farmer U/S (79) of the H.P. Land Revenue Act.-The farmer is required to give good security, amounting to not less than two thirds of the annual demand for the punctual payment of the annual sum at which the estate is farmed and for the fulfilment of the other conditions of the farm.

28. Right of survivorship when farm is held by several persons.-If there be joint farmers and any of them die, the farm must be continued to the survivors, unless it be otherwise provided in the engagement.

29. Persons disqualified from being farmer or surety.-No female, minor or public servant, can be accepted as farmer or as surety for a farmer of an estate or holding let in farm under Section 79 of the H.P. Land Revenue Act.

30. Terms of Farmers engagement.-The engagement of the farmer contains the following conditions:-

(i) that nothing inconsistent with good husbandary shall be done by the farmer, his agent or any person holding under him and that he shall be liable to damages for any deterioration or injury to the estate arising from a breach of this condition.

(ii) that the Collector shall be at liberty to revise the security from time to time and to call for fresh security should be consider that the security originally given has become insufficient.

(iii) that the farm shall not be transferable and that on the death of the farmer, or the last survivor of the farmer/farmers, if more than one, it shall be voidable by the Collector from the commencement of the following agricultural year, and, if it be declared void, any sub-leases which may have been granted by the farmer, shall also be voidable. Should the Collector elect to continue it to the heirs of the deceased farmer, or to one or more of them, fresh security shall be called for.

(iv) that when an arrear has become due, the Collector may, in addition to any other of the processes authorised for the recovery of land revenue, cancel the farm.

(v) that no person not named in the engagement shall be entitled to claim any interest in the farm.

(vi) that the farm may be relinquished by the farmer with the previous consent of the Financial Commissioner and not otherwise.

31. Course to be followed when farm comes to an end before expiration of its term.-When a farm shall have been declared void on the death of farmer, or in default of sufficient security or for arrears, or shall have been relinquished by the farmer, a fresh farm may be granted for remaining period of the original term or, with the previous consent of the Financial Commissioner, the estate may be resettled with the proprietors, on their satisfying any arrear which may remain due from them.

SECTION-G

SALES OF LAND OR OTHER IMMOVABLE PROPERTY

(See paragraphs 537-538 Punjab Land Administration Manual)

32. Application for sale.-Proposals to sell land or other immovable property under Section 81 or 83 of H.P. Land Revenue Act, should be made in the following form:-

Statement of land or houses proposed to be sold for arrears.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
District	Tehsil	Village	Name of the proprietors and nature of tenure	*Detail of property proposed for sale	*Amount of land that will be left to defaulter after sale of property detailed in Col. 5	Revenue demand, if any, of the property proposed for sale	Particulars of Balance				Particulars of steps taken to realise amount of the balance	Particulars of persons having right of pre-emption and in-cumbrances on contracts affecting the property	Reasons for proposing the sale and remarks by the Collector	Remarks by the Commissioner	Order of the Financial Commissioner
						Year	Month of instalment	Amount	Total						

*NOTE:-In columns 5 and 6, the areas, in addition to any local measures should be expressed in hectares.

33. Proposals for sale.--Proposals to sell land or other immovable property under Section 81 or 83 of the H.P. Land Revenue Act, should only be submitted when all other processes prove to be ineffective. As a preliminary to the proposals for the sale the Collector should in particular, explore the expedients provided in Section 78 or Section 79 of the H.P. Land Revenue Act. An offer can be made to a person for the years under Section 78 of the H.P. Land Revenue Act and for 15 years under Section 79 of the H.P. Land Revenue Act on the terms which will cover the land revenue for these years plus the arrears. When submitting proposals for sale in the form prescribed in paragraph 32, it should be explained why action under Section 78 or Section 79 of the H.P. Land Revenue Act is not possible.

34. The forms of proclamation and certificate of sale are given below:-

Proclamation of sale under section 85 of the H.P. Land Revenue Act.

Whereas an arrear of revenue amounting to Rs. _____ has accrued in respect of the estate named _____ holding No. _____ in estate and the sanction of the Commissioner has been conveyed vide letter No. _____ Dated _____ under Section 81 of the H.P. Land Revenue Act 1953 to the sale of the immovable property, detailed in the annexed Schedule for the recovery of the said arrears, this is to give notice that the said immovable property will be sold by auction at _____ on the _____ day of _____ 19 _____ at _____ O'Clock. Land revenue amounting to Rs. _____ per annum is assessed on _____ estate payable in respect of the said holding. Any person intending to claim a right of pre-emption must on pain of forfeiting the right give notice of his intention to me on an office day before that fixed above for the sale.

The sale will be made subject to the provisions of Section 76 of the H.P. Land Revenue Act and the following encumbrances, grants, contracts or right of occupancy are specially saved by orders of the Financial Commissioner, viz.; have been ascertained to exist in respect of the property.

Dated:

Collector.

Certificate of sale under Section 100 of the Himachal Pradesh Land Revenue Act, 1953.

I Collector hereby certify that resident of village
 Tehsil District has been declared the purchaser
at sale by public auction on the day of 19
of sold for the recovery of an arrear due in respect thereof and that the sale has been
of

duly confirmed by the Commissioner under Section 97 of the H.P. Land Revenue Act.
(To be added when land is sold for an arrear due in respect thereof.)

The following encumbrances, grants, contracts and rights of occupancy specified in the proclamation
of the sale are specially saved by order of the Financial Commissioner under Section 82, Sub-Section
(2) clause (c) of the H.P. Land Revenue Act.

This certificate is granted under the provisions of Section 100 of the H.P. Land Revenue Act, 1953.

Dated:

Collector.