

**THE LAW OF DEBT ACTS
IN UNITED PROVINCES
AS AMENDED UP TO DATE**

BY

HAR PRASAD GUPTA, ESQUIRE,
MEMBER OF THE UNITED PROVINCES CIVIL SERVICE (Judicial branch)

with a foreword by

**THE HON'BLE
JUSTICE KHAN BAHADUR MUHAMMAD ISMAIL,**
ALLAHABAD HIGH COURT

SECOND EDITION REVISED AND ENLARGED.

Price Rs. 4 (Nett)

16: (Z25)
K9(j):6.(Z252)
G8
011781

**ALLAHABAD :
RAM NARAIN LAL
BOOKSELLERS AND PUBLISHERS.**

1938

Dhananjayrao Gadgil Library



GIPE-PUNE-011781

**THE LAW OF DEBT ACTS
IN UNITED PROVINCES
AS AMENDED UP TO DATE**

CONTAINING

An exhaustive and analytical Commentary

ON

The U. P. Agriculturists' Relief Act,
The U. P. Encumbered Estates Act, and
The Usurious Loans Act 1918 as amended by U. P. Act XXII of 1934.

BY

HAR PRASAD GUPTA, ESQUIRE.
MEMBER OF THE UNITED PROVINCES CIVIL SERVICE (Judicial branch)

with a foreword by

THE HON'BLE
JUSTICE KHAN BAHADUR MUHAMMAD ISMAIL,
ALLAHABAD HIGH COURT

SECOND EDITION REVISED AND ENLARGED.

Price Rs. 4 (Nett)

ALLAHABAD :
RAM NARAIN LAL
BOOKSELLERS AND PUBLISHERS.

1938

(ALL RIGHTS INCLUDING RIGHT OF TRANSLATION RESERVED.)

X9(J):6:(2252)

G8

11781

Printed by

GOPI LAL DIKSHIT at the DIKSHIT PRESS, ALLAHABAD.

AND

Published by

RAM NARAIN LAL

Booksellers and Publishers, Allahabad.

FOREWORD
TO
THE SECOND EDITION.

Mr. Har Prasad Gupta, P. C. S. is to be congratulated on bringing out the second edition of his commentary on the Debt Acts. In the first edition Mr. Gupta had to explore virgin soil, to a large extent unaided by precedents and rulings. The present edition contains an exhaustive survey of case-law arranged under appropriate sections. How far the Debt Acts have served the purpose the Promoters had in view is a question to be determined by the politicians and administrators. The working of the Acts during recent years however has fully demonstrated many anomalies and defects. It is earnestly hoped that an amending Act will soon be introduced to modify as far as possible the rigour of some of the provisions of the Acts.

The commentary now presented to the public has many attractive features and shows that no pain has been spared to make this edition useful to the Bench and Bar.

I have no doubt that the commentary will be highly appreciated by all those who have to deal with the Acts either as lawyers or judges.

12th August 1938,

MUHAMMAD ISMAIL

PREFACE TO THE SECOND EDITION.

Since the publication of the First Edition there have been a few changes made by Legislation in Section 33 of the United Provinces Agriculturists' Relief Act as to the court fee payable in cases where the defendant gets a decree against the plaintiff in that suit and in cases where the plaintiff gets a decree against the defendant for money in that suit. These changes were made by Amendment Act IX of 1937. They have been duly incorporated in the notes under S. 33 and a Schedule VI has also been added. Certain changes have been made in the Rules 6, 16, 53 and 54 of the U. P. Encumbered Estates Act by the Local Government under their rule-making authority. They have been duly incorporated and printed in italics to facilitate knowing their new additions. Some amendments were proposed by means of two Bills published in U. P. Gazette dated 9th October, '37 in the U. P. Encumbered Estates Act, which are still before the Legislature. In view of the fact that these amendments would come before the Legislature and might be passed by the Legislature, I have given them under the heading "Proposed Legislation" below the body of the sections concerned and wherever necessary I have given my opinion about them also. In case of their enactment into law the reader would have only to strike off "Proposed Legislation" and the book would be complete and up to date.

A bill to amend the U. P. Encumbered Estates Act has been published in the U. P. Extra-ordinary Gazette, dated 1st August 1938. On its being passed finally by the Legislature, a supplement will be issued to the readers on their writing for the same to the author free of cost.

At the time the First Edition came into the field, the Acts were new and there were no pronouncements of the Hon'ble the High Court, the Chief Court and the Board of Revenue. Now all the rulings have been incorporated in the Commentary. Not only that, I have amplified my commentary further on various points which came before me while deciding cases on the bench, which I hope, would be appreciated by the Bench and Bar alike. In addition to that, I have endeavoured in the following pages to examine the decisions critically. In this, I submit, I have in no respect exceeded the fair license due to the author of a legal treatise, and I venture to express a hope that, so far as it goes, my attempt to make this book something more than a mere

collection of cases will increase its utility and render it useful to the Bench and Bar alike.

From the present Edition the U. P. Temporary Regulation of Execution Act, 1934 and the U. P. Regulation of Sales Act have been done away with as their time had already expired and there was no use reproducing them in this Edition.

In the present Edition I have given the contents in detail of the Rules framed under the U. P. Agriculturists' Relief Act and the U. P. Encumbered Estates Act 1934 so that the reader may know at a glance as to what is contained in a particular rule. I have also given a very elaborate index under each of the three Acts from which the Reader can hunt very easily each and every matter contained in the book without the least possible delay.

Great pains have been taken to simplify the subject as much as possible by a systematic arrangement, and labour has not been spared to attain fullness and accuracy. For the errors and imperfections which, notwithstanding every anxiety to prevent them, must inevitably occur in a work covering so extensive a field, I must throw myself on the indulgence of the learned reader.

I am deeply obliged to Hon'ble Justice Khan Bahadur Muhammad Ismail, a Puisne Judge of the Allahabad High Court for his kindly taking the pains to write a foreword for this humble work of mine.

Har Prasad Gupta.

July '38.

FOREWORD
TO
THE FIRST EDITION.

The 'debt legislation' effected by the Local Legislature (United Provinces) marks the acceptance of a new principle. As His Excellency Sir Malcolm Hailey remarked in his speech the idea underlying the legislation is that it is open to legislature of a country, in suitable cases, to interfere with a private contract, which is un-impeachable in all other respects, in the interest of the debtor and the agriculturist. The Acts forming the 'debt legislation' were passed in the larger interests of the country. It was a bold experiment, and time alone will show how far the experiment will be successful. Humanly speaking the legislation was wise and respected interests of the creditors as well, though not to the extent the majority of them wanted.

The legislation being new—it goes far beyond the Acts passed for the benefit of the agriculturists in Bundelkhand and the Punjab—the courts which have to administer the law, would be grateful to Mr. Har Prasad Gupta, a member of the Provincial Civil Service of these provinces, for bringing out a commentary. Mr. Gupta has taken great pains over his book and I am sure it will prove useful to the members of the bench and bar and to the public in general.

ALLAHABAD :
January 20th, 1936.

Lal Gopal Mukerji.

PRÉFACE TO THE FIRST EDITION.

Among the multifarious duties of the Judicial courts, by far the most important is to understand and interpret the law as it is forged on the anvil of the Legislature.

The Debt Legislation, which owes a greater part of its importance to substantial departure from the accepted sanctity of private contracts, is worth all the pains taken in bringing out various commentaries during the past few months. But, however, late in the day any individual effort might appear, the essential fact of an honest, humble endeavour to understand and interpret the law remains. And it is with that sincere apologia that the present work has seen the light of day.

The Debt Legislation being an innovation in these provinces—although not without its necessary earlier counterparts in other provinces, *viz*, the Deccan Agriculturists' Relief Act, the Bundelkhand Encumbered Estates' Act, and the Land Alienation Act and the Punjab Accounts Act—any attempt at its interpretation with an assertion of positivity is bound to be precocious and premature. But I fervently hope and trust that with all the shortcomings that an attempt at interpreting a new law in the absence of any authoritative Judicial pronouncement is bound to have, this humble work of mine will prove of what little value it is, to the learned profession for which it is primarily meant.

To each Act a chart has been appended to show the most salient features of the Act at a glance. In interpretation help has freely been taken from the earlier above mentioned Acts, of which references together with their relevant rulings, will be found scattered here and there throughout this work. A brief but full summary of the Encumbered Estates Act has been given at length with reference to the relevant sections and rules framed thereunder to enable a quick perception of the scheme of the Act and therein the various modes of calculation laid down in the rules have also been explained. To facilitate an easy reference relevant rules have been mentioned under each section of the Act in the index.

My most sincere and respectful thanks are due to Sir Lal Gopal Murkerji, Kt., formerly an Acting Chief Justice of the Allahabad High Court for his kindly taking the trouble to write a foreword for this humble work of mine.

I shall feel amply recompensed if this book proves of any service to the members of the bar and the bench and to the public in general.

Har Prasad Gupta.

THE UNITED PROVINCES
Agriculturists' Relief Act
No. XXVII of 1934.

*As amended by Act III of 1935 and
IX of 1937.*

SUPPLEMENT TO THE AGRICULTURISTS' RELIEF ACT.

Agriculturists' Relief Act, Section 5 and C. P. C. order 21, Rule 92—Setting aside of sale on conversion of the decree into an instalment decree.

In execution of a final mortgage decree, the mortgaged property was put up for sale and purchased by a third person on September 24, 1934. The judgment-debtor then applied for conversion of the decree into a decree for instalments, which was granted on January 12, 1937 and the original decree was superseded and was substituted by a decree for payment by instalments as contemplated by Section 5. The J. D. in pursuance of the decree passed under S. 5 applied to the execution Court to set aside the sale, which was granted on February 13, 1937. In appeal by the decree-holder that order was set aside on the ground that a sale could only be set aside under the provisions of Rules 89, 90 or 91 of Order 21 C. P. C. In revision against this order it was held in 1938 A. L. J. R. 575 (*Zamin Ali versus Purushotam Chandra*) following *Shyam Lal versus Ram Gopal* reported in 1937 A. L. J. 1197 that after the conversion of the decree into an instalment decree the sale held in pursuance of the original decree must be set aside.

It is most respectfully submitted that in case the application under Section 5 was made after the confirmation of sale and the decree was fully satisfied neither the decree could be converted into instalments under S. 5 because the proviso to Section 5 makes only unsatisfied final decrees passed before the Act revisable nor the sale already confirmed before the making of the application under S. 5 could be set aside. The auction sale becomes ultravires only on application being made under S. 5 before confirmation vide 1937 R. D. 365 Oudh and 1937 A. L. J. 723. The decree cannot be said to be fully satisfied as required by the proviso to Section 5 (1) unless the sale is confirmed and the property becomes vested in the decree-holder vide 1937 R. D. 570 (Oudh). Of course if the decree was not fully satisfied, it could be revised in the same manner and to the same extent as the preliminary decree for sale and in that case a sale though confirmed could be set aside on conversion of the decree into instalments under S. 5. But after confirmation of sale if the decree was fully satisfied, there was no decree in existence capable of being converted into an instalment decree and as such the application under S. 5 must have been dismissed and the sale could not have been set aside.

Section 5 Agriculturists' Relief Act.— “Any decree for money.” The words “any decree for money” in Section 5 (1) of the Act mean only a decree passed on the basis of ‘loan’ as defined by Section 2 (10) (a) and does not include a decree for damages for malicious prosecution, as a decree for damages is not a decree with respect to a loan. It may be remembered that this ruling is in consonance with my view in the first edition.

The court that “passed” a decree as contemplated by Section 2 (1) is the court of first instance and not the court which may be passed, either on appeal or in revision, the ultimate decree in the case. An application under section 5 (1) of the Act can be made only to the court of first instance that dealt with the suit or to the court to which the business of the Court of first instance may have been transferred.

The words “The decision of the appellate court shall be final” used in Section 5 (2) mean no more than this that the order passed by the appellate court cannot be made the subject of a second appeal. The provision about the finality of the decision of the appellate court cannot therefore, warrant the inference that the legislature intended in any way to limit or control the Revisional Jurisdiction conferred on the High Court by Section 115 C. P. C. The court exercising jurisdiction under Section 5 of the Act is a civil court and as such subordinate to the High Court, which is therefore, in accordance with Section 115 C. P. C. competent to revise the order passed by a court under Section 5. There is nothing in that Act that can be interpreted to divest this court either expressly or by necessary implication of the Revisional Jurisdiction conferred by Section 115 C. P. C.

1938 A. L. J. R. p. 628 (F. B.)

APPENDIX I.

*Standard Transfer Multiples.****MEERUT DIVISION.****DEHRA DUN DISTRICT.**

Dehra.—Home, Dehra Suburban, Dehra Plateau (29) ; Submontane, Hill tract, Jakhan Canal, Marsh, (26) ; Boulder, Song Khadar, Nagsidhsuswa, (25) ; River tract, (23).

SAHARANPUR DISTRICT.

Roorkee.—Manglaur 2, Manglaur 4, Roorkee 5, Jwalapur 3, Roorkee 6, Jwalapur 4, Roorkee 7, (24) ; Manglaur 11, Jwalapur 11, Jamalpur 7, Manglaur 10, Manglaur 3, Jwalapur 5, Bhagwanpur 3, Roorkee 8, (22).

(GROUP D.)

Roorkee.—Jwalapur 1, Jwalapur 7, Bhagwanpur 4, Jwalapur 2, Jwalapur 6, (22) ; Roorkee 1, Bhagwanpur 1, Jwalapur 9, Bhagwanpur 2, Manglaur 1, (17). **Deoband.**—Deoband 3 and 5, Rampur 7, (20) ; Nagal 1, 2 and 6 (16) ; Nagal 4, Deoband 4, (14). **Nakur.**—Nakur 1, Sultanpur 8, Sarsawa 2, Gangoh 2, (25) ; Sultanpur 4, 5, 6 and 7, Nakur 3, Sarsawa 1 and 3, Gangoh 3 and 4, (22) ; Sultanpur 1 3 and 9; Sarsawa 5, Sultanpur 2, Nakur 5, Gangoh 5, (19). **Saharanpur.**—Saharanpur 1 and 3; Muzaffarabad 1 and 6, Fyzabad 4 and 6, Haraura 2, (26) ; Muzaffarabad 2, 3 and 5; Haraura 1, Fyzabad 2, (20) ; Fyzabad 1 and 5, Saharanpur 2, Haraura 3 and 4, Muzaffarabad 4, Fyzabad 3, (13).

MUZAFFARNAGAR DISTRICT.

Jansath.—Jauli Jansath Canal, Khatauli Canal, Bhokerheri Canal, Bhumosambalhera Canal, Bhokerheri Bhoor, (27) ; Jauli Jansath Bhoor, Khatauli Bhoor. Khatauli Nagar, Bhokerheri G. S. T., Jauli Jansath Nagar, (25) ; Bhumosambalhera G. F. T., Bhumosam-

* These standard transfer multiples which are given in brackets are for revenue-paying areas only.

In the case of revenue-free areas the standard transfer multiples are:—

(a) in permanently settled areas twelve and half per cent. above the multiples shown in this appendix.

(b) in temporarily settled areas twenty-five per cent. above the multiples shown in this appendix.

balhera G. S. T., Khatauli Kali, Bhumosambalhera Bhoor, Bhokerheri G. F. T. (22). **Kairana**.—Shamli Canal, 1, 2 and 3, Jhinjhan Canal 1 and 2, Kairana Canal 2, Thanabhawan Canal 3, Shamli Northern Krishna, Thanabhawan Northern Krishna, (27); Jhinjhana Katha Jumna 1, Kairana Katha Jumna 1, Bidhauri Katha Jumna 1. (24). Kairana Katha Jumna 2, Bidhauri Katha Jumna 2, Jhinjhana Katha Jumna 2, (22). **Muzaffarnagar**.—Baghra Canal, Baghra Hindan, Purchhapar Canal, Muzaffarnagar Canal, Charthawal Canal, Parchhapar G. F. T., Muzaffarnagar Kali, Purchhapar Bhoor, (28); Muzaffarnagar Bhoor, Gordhanpur Special Khadir, Purchhapar G. S. T., Charthawal Hindan, (25); Charthawal Kali, Gordhanpur G. S. T., Purchhapar Kali, Gordhanpur G. S. T. (Non-alluvial), (22). **Budhana**.—Kandhla Canal 1, 2, and 3, Budhana Canal, Shikarpur Canal, Shikarpur Hindan, Budhana Well, Shikarpur Well, (28); Kandhla Well, Budhana Hindan, Shikarpur Kali, (25); Budhana Kali, (22).

MEERUT DISTRICT.

Meerut.—Meerut Town Circle, (25); Circles 3, 4 and Central, (23); 1 and 2 Circles, Meerut (20); **Sardhana**.—Pargana Barnawa, Circles 1, 2 and 3, Pargana Sardhana, 1, 2 and 3, Pargana Daurala, 1, 2, 3, and 4, (22). **Ghaziabad**.—Pargana Jalalabad, Circles 1, 2, 3, 4, and 5; Pargana Dasna, Circles 1, 2, 3, 4 and 5; Pargana Loni, Circles 1 and 2, (23); Pargana Loni, Circles 3 and 4; (21). **Baghpat**.—Pargana Baraut, 1, Pargana Kotana, 2, Pargana Chaprauli, 1, Pargana Baghpat, 1 (a) and 1 (b), (24); Pargana Baraut, 2 and 3, Pargana Kotana, 2 and 3, Pargana Chaprauli, 2, Pargana Baghpat, 2 (a), 2 (b) and 3, (23); Khadar, (19). **Mowana**.—Pargana Hastanapur, 1, 2 and 3, Pargana Rithore, 1, 2 and 3; (23). **Hapur**.—Pargana Garh, 1, Pargana Pooth, 1, Pargana Sarawa, 1, Pargana Hapur, 1 and 2, (23); Pargana Garh, 2 and 3, Pargana Pooth, 2 and 3, Pargana Sarawa, 2 and 3, Pargana Hapur, 3 and 4, (21).

BULANDSHAHR DISTRICT.

Bulandshahr.—Siana East, Ganges Canal, Central, Kali (31). **Anupshahr**.—Ganges Canal, Well, Usar, (31). **Khurja**.—Ganges Canal 1, Ganges Canal 2, Mat Branch, Jewar Distributary, (31). **Sikandrabad**.—Circles 1 and 2. (31). **Bulandshahr**.—Chhoiya, (28). **Anupshahr**.—Nim, Kharon, (28). **Khurja**.—Patwaha, (28). **Bulandshahr**.—Nim, (23). **Anupshahr**.—Ganges Bank, (23). **Khurja**.—East Pahasu, Jamna Khadir, (23). **Samdabad**.—Circles 3, 4, 5 and 6, (23).

AGRA DIVISION.

ALIGARH DISTRICT.

Sikandra Rao.—Koil, 1 and 2, Sikandra Rao, 1 and 3, (29).
Hathras.—Hathras, 1 (29). **Atrauli.**—Atrauli, 1, 2, 3, 4 and 5, Koil, 3, 4, 5, 6 and 7 (29). **Sikandra Rao.**—Sikandra Rao, 2 and 4, (29).
Hathras.—Hathras 2 and 3, (29), **Khair.**—Khair 1, (29). **Iglas.**—Iglas, 1 and 2, (26). **Atrauli.**—Atrauli 6, (26). **Khair.**—Khair, 2, 3, 4 and 5, (26).

MUTTRA DISTRICT.

Muttra.—Muttra Canal, 1 and 2 Main well, (24). **Chhata.**—Chhata Canal, 1 and 2, Kosi Canal, 1 and 2, (24). **Mat.**—Mat Canal, (24). **Sadabad.**—Sadabad Canal, Sadabad Well, 1. Mahaban, Canal (24). **Muttra.**—N. W. Well, (23). **Chhata.**—Chhata well, Kosi Well, (23). **Mat.**—Mat Well, (23). **Sadabad.**—Sadabad Well, 2 and 3, Mahaban Well, (23). **Muttra.**—Jumna, (22). **Chhata.**—Jumna Chhata, Jumna Kosi, (22). **Mat.**—Jumna, (22). **Sadabad.**—Jumna Sadabad, Jumna Mahaban (22).

AGRA DISTRICT.

Agra.—City Circle, (35). Suburban Circle, Canal Circle, (28); Dabar Canal, Khadir Circle, (22). **Itmadpur.**—Upland A and B Circles, Ravine A Circle, (30); Upland C Circle, Ravine B Circle, (27); Ravine C Circle, (24). **Firozabad.**—Upland A, (41); Upland B, (35); Ravine Circle, (25). **Bah.**—Chambal Circle, Central Circle, Jamna Circle, (33). **Fatehabad.**—Upland A Circle, Jamna A Circle (28); Upland B Circle, South-west Circle, (26). **Khairagarh.**—Doab Circle, (27); Ban Circle, (21); Dang Circle, (18). **Kiraoli.**—Canal Circle (27); Khari Nadi Circle (21); Dabar Circle, (18).

MAINPURI DISTRICT.

Mainpuri.—Mainpuri, 1 and 2, Kuraoli, 1, 2 and 3, Ghiror, 1 and 2, (33); Mainpuri, 3, Kuraoli, 4, (31). **Bhongaon.**—Bhongaon, 1, 4, 5 (a) and 5 (b), Alipur Patti, 2, 4 and 5 (a), Kishni, 1 and 4, Bewar, 3, 4 and 5 (b) (31), Bhongaon, 2 and 3, Kishni, 2 and 3, Alipur Patti, 3 and 4 (a), Bewar, 4 (a), (29). **Karhal.**—Karhal Barnohal, 1 and 2, (35); Karhal Barnohal, 3 and 4, (27). **Shikohabad.**—Shikohabad, 1 and 2, (34); Shikohabad, 3, 4 and 5, (32). **Jasrana.**—Mustafabad, 1 and 2, (32).

ETAH DISTRICT.

Etah.—Kail Nadi, 1 and 2, Central, 1 and 2, Suburban, Isan Nadi, 1 and 2, Bhur, 1 and 2, Dumat, 1 and 2, Circle, 1, 2 and 3, Kali Nadi, (34). **Jalesar.**—Eastern, South-eastern, North-eastern, Central, 1 and 2, Brackish Water, (34). **Qasgang.**—Pargana Bilram—Northern, 1, 2 and 3, Suburban, Pargana Bilram, South-west and South-east, Pargana Bilram, Pargana Sirpura—Northern, Western, Central, Pargana Sahawar—Mohampur, Central, Western, Sahawar, Pargana Bachlana—Upland 1 and 2, (30). **Aliganj.**—Pargana Azamnagar—Bilsarh, Dumat, Central, Western, Pargana Berna—Upland, 1 and 2, Pargana Patiali—Suburban, Dumat, (30). **Qasganj.**—Pargana Bilram—Burhganga Bhur, Kali Nadi, 1 and 2, Pargana Sirhpura—Eastern, Kali Nadi, 1 and 2, Pargana Sahawar—Burhganga Bhur, Kali Nadi, 1 and 2, Pargana Pachlana—Upland, 3, (27). **Aliganj.**—Pargana Azamnagar—Burhganga Bhur, Kali Nadi Bhur, Pargana Patiali—Patiali Bhur, (27). **Qasganj.**—Pargana Mai—North-West, North-East, Southern, Alluvial, Pargana Faizpur Badaria—Western, Burhganga, Ganges, Alluvial, Pargana Soron—Upland 1 and 2, Burhganga Valley, 1, Burhganga Valley, 2, Pargana Sahawar—Burhganga Valley, 1, Burhganga Valley, 2, Pargana Pachlana—Tarai, (26). **Aliganj.**—Pargana Azamnagar—Burhganga, 1 and 2, Kali Nadi 1 and 2, Pargana Berna—River, 1 and 2, Pargana Patiali—River, Pargana Nidhpur—Danda, 1 and 2; Burhganga, Flooded, 1 and 2, Alluvial, (26.)

ROHILKHAND DIVISION.

BAREILLY DISTRICT.

Nawabganj.—Circles 1 and 5, Circle 2, (20); Circle 3 and 4, (18). **Baheri.**—Circle Richha 1, Chaumahla 1, Sirsanwan and Kabar, (22); Circle Richha 2 and Chaumahla 2, (19); Circle Richha 3 and Chaumahla 3, (17). **Aonla.**—Circle Sirauli 3 and 4, Aonla 4, and 5, Sanha 1 and Ballia 1, (24); Sirauli 1, Aonla 1, Sanha 2 and Ballia 3, (22); Sirauli 2, Aonla 2 and 3, Sanha 3, Ballia 2, (18). **Faridpur.**—Circles 3, 5 and 6, (22); Circles, 1 and 4, Circle 2, (21). **Bareilly.**—Circles 3, 5, 6 and 1, 2 of Mirganj, (25); Circles 1, 4, 7 and 3 of Mirganj, (24); Circle 2, (23).

BIJNOR DISTRICT.

Bijnor.—Circles 1, 9, 11, 12 (34); Circles 2, 7, 10, 13, Circles, 3, 14, Circles, 5, 6, 8, (31); Circle, 15, Alluvial, (14). **Dhampur.**—Dhampur Circle, 1, Nehtour Circles, 1, 2, Sheohara Circles 3 and 4, Budpur

Circles 1 and 2, Dhampur Circles 2, 7, Sheohara Circles 1, 5, Dhampur Circles 4, 5, 9, 10, Seohara Circle 2, (28); Dhampur Circles 3, 8, Dhampur Circle 6, Budpur Circle 3, (26). **Najibabad.**—Kiratpur Circle 2, Najibabad 1, Akbarabad 1, 2, 3, Kiratpur 1, 4, Najibabad 3, 4, Kirtapur 2, 5, Najibabad 2, 2, 6, Najibabad 5, 8, (28); Najibabad 7, Kiratpur 6, (20). **Nagina.**—Nagina 2, 3, 4 (Non-Alluvial), Afzalgarh Circles 4, 6 (30); Nagina Circle 1, Budhapur Circles 1 and 2, 4 (Non-Alluvial), Afzalgarh 1, 2, 3, 5, Badhapura 3 (a), (b), (c), Afzalgarh Circle 4 (a), (26); Pargana Nagina 4 (Alluvial), Badhapura 4 (Alluvial), (16).

BUDAUN DISTRICT.

Budaun.—1st Dumat, 2nd Dumat, Ujhani, 1st Dumat, Ujhani, 2nd Dumat, (Alluvial), (24); Bankati, Khadir, (22); Bhur, (19). **Sahaswan.**—Dumat, 1st Khadir Bela, (18); Bhur, 2nd Khadir, (Alluvial), (17). **Bisauli.**—Dumat, Salaisi Dumat, 1st Dumat, 2nd Dumat, (20). **Dataganj.**—Dumat, Bankati, Alluvial, (22); Matiyar, Bankati, Bhur, Khadir, Alluvial, (19). **Gunnaur.**—Khadir Bankati, Bela, 1st Khadir, Khadir Dumat, Khadir Bhur, Alluvial, 2nd Khadir, Bhur, Alluvial (20).

MORADABAD DISTRICT.

Moradabad, 3, 4, 6, Bilari, 3, 6, 7, 4, Sambhal, 3, 5, 4, Amroha, 10, 2, 6, 5, 11, 3, Hasanpur, 8, 9, Thakurdwara, 1, 2, 3, 5, (24); Moradabad, Bilari, Sambhal, 6, 7, Amroha, 9, 8, Hasanpur, 6, 2, 3, 4, 5, 7, Thakurdwara, 4-A, 4-B. 6, (21); Moradabad, 8, 1, 5, 7, 2, Bilari, 1, 2, 5, Sambhal, 8, 1, 9, 2, Amroha, 12, 1, 4, 7, Hasanpur, 1, Thakurdwara. (20).

SHAHJAHANPUR DISTRICT.

Shahjahanpur.—Rasgawan and Remainder, (25); Khanant Valley, Sukheta Valley, Simari, and Remainder, (24); Garai North, Garai South and Remainder, (23). **Powayan.**—Baragaon, Powayan, Nahil Central, Gola and Abad North, Abad South, Nahil Khanant, Golarya, Nahil Jungle and Banda, (22); Viran Jukhna, Viran forest, Bhainsi Sanwat, Gomti and Sanwat Khanant, (21). **Jalalabad,** Bhur Jalalabad, Bhur Chauki, Remainder and Allahganj, (25); Tarai Umar-sandh and Remainder Tarai, (23); Bankatiganj Khadar and Remainder Bankati, (21); **Tilhar.**—Tarai—Tilhar, Garra—Jalalpur, Dumat—Nirgohi, (92); Bahagul—Jalalpur, Niranpur Katra, Kaimnau—Nirgohi, Ramganga—Khera Bajhera, Bhur—Tilhar, Bahgul—Khera Bajhera, Bhur Khera Bahjera (20).

PILIBHIT DISTRICT.

Pilibhit.—Circles Pilibhit Suburban 1 and Jahanabad 1, (21); Circles Pilibhit 2 and Jahanabad 2, (20); Pilibhit 3 and 4 and Jahanabad 3 and 4, (19). **Bisalpur.**—Circles 1 and 3 (21); Circle 2, (20); **Puranpur.**—Roster Circles 4, 6, 7, (2.); Roster Circles 2 and 3, Roster Circles 1, 5, 8, and 9, (19).

ALLAHABAD DIVISION.

FARRUKHABAD DISTRICT.

Farrukhabad.—Bangar Ordinary, 1 and 2 class, Mixed Kali Nadi, 1 and 2 class, Bangar Suburban, 1 and 2 class, (3). **Kaimganj.**—Bangar Suburban Circle, 1 and 2 class, Mixed Suburban Circle, 1 and 2 class, Bangar Ordinary, 1 and 2 class, (31). **Kanauj.**—Mixed Esan Nadi, 1 and 2 class, Bangar, 1 and 2 class, Mixed Kali Nadi Circle, (31). **Chhibramau.**—Suburban Circle, Ordinary Bangar Circle 1, (31). **Farrukhabad.**—Tarai Middle Suburban, 1 and 2 class, Tarai Middle Ordinary, 1 and 2 class, Mixed Ganges Circle Papar, Ordinary Upland, 1 and 2 class, (25). **Kaimganj.**—Tarai Middle Suburban Circle, Tarai Middle Ordinary Circle, Mixed Ordinary Circle, 1 and 2 class, (25). **Kanauj.**—Kachcha, 1 and 2 class, Mixed Ganges Circle, (25). **Chhibramau.**—Ordinary, Bangar Circle 2, Mixed Kali Nadi Circle, 1 and 2, Mixed Esan Nadi Circle, 1 and 2, (25). **Farrukhabad.**—Alluvial Ganges, 1 and 2 class, Alluvial Ramganga 1 and 2 class, (16). **Kaimganj.**—Alluvial, 1 and 2 class, (16). **Kanauj.**—Alluvial, 1 and 2 class, (16).

ETAWAH DISTRICT.

Etawah.—Pachar Circle, Ghar Circle (Sirsa Doab), (27); Patti Kamait (24). **Bharthana.**—Pachar Circle, (28); Ghar Circle, (25) Chakarnagar Circle, (23); Sahson Circle, (22). **Bidhauna.**—Circle 1, (27); Circle 2, (25). **Auraiya.**—North 1 and 2 and South 1 and 2, Ilaqas Bhareh and Sandaus, (28); Kbarka Circle, (23).

CAWNPORE DISTRICT.

Akbarpur.—Red Loam 1, Usar Dumat 1, (29); Rind 1, Rind 2, Dumat 1, Red Loam 2, Usar Dumat 2, (25); Sengur, Dumat 2, (24). **Bilhour.**—Usar Dumat 1, Sheorajpur, Bangar Dumat 1, Swarup 1, Ganges Esan Doab, Red Loam 1, Stiff Dumat 1, (26); Usar Dumat 1, Bilhour, Usar Dumat 2, Bangar Dumat 2, Swarup 2, Red Loam 2, Stiff Dumat 1, Esan Sand, Ganges Cliff, (25). **Bhognipur.**—Dumat Wet 1, Sengur Dumat Dry, Dumat Wet 2,

(30); Jumna, (25). **Cawnpore**.—Suburban, Urban, (33); Ganges Cliff, Dumat North 1, Dumat South, Dumat North 2, Red Soil 1, Alluvial, Ganges Pando Doab, Southern, (31); Red Soil 2, (30). **Derapur**.—Dumat 1, (35); Dumat 2, Rind 1, Rind 2, Usar Dumat 1, Usar Dumat 2, Dumat Wet 1, Sengur North, (30); Sengur South, Dumat Dry, Dumat Wet 2, (26). **Ghatampur**.—South 1, South 2, Ganges Pando Doab, 2, Dumat Wet 1, (30); Dumat Wet 2, Dumat Dry, Non-Jumna, (Alluvial), (29).

FATEHPUR DISTRICT.

Fatehpur.—Fatehpur Circle 1, Fatehpur Circle 2, Fatehpur Circle 4 (Non-Alluvial), Fatehpur Circle 4 (Alluvial), Haswa Circle 1, Muttour Circle 2, Muttour Circle 2, (Alluvial), (18); Fatehpur Circle 3, Haswa Circle 2, Haswa Circle 3, (Alluvial); Ghazipur Circle 1, Ghazipur Circle 2, Ghazipur Circle 3, (Alluvial) Muttour Circle 1, Ayah-Shah, (14). **Khajua**.—Kora Circle 1, Kora Circle 2, (Alluvial), Bindki Circle 1, Bindki Circle 2, Tappa-Jar Circle 1, Tappa-Jar Circle 1, (Alluvial), Kotiya-Gunir Circle 1, (27); Kora Circle 2, Tappa-Jar Circle 2, (20); Kotiya-Gunir (Alluvial) Bindki (Alluvial), Kora Circle 3, (15). **Khaga**.—Hathgaon Circle 1, (32); Hathgaon Circle 2, Kotila Circle 1, Kotila Circle Alluvial, Dhata Circle 1, Dhata Circle 2, Ekdala Circle 1, (28); Hathgaon Circle 3, Ekdala Circle 2, Ekdala Circle 3, (24).

ALLAHABAD DISTRICT.

Chail.—Circles 4, 6, and 7, (33); Circles 1, 2 and 5, (30); Circles 3, 8 and 9, (26). **Sirathu**.—Circle 1, Pargana Kara, (29); Circles 2, pargana Kara, (26). **Manjhanpur**.—Circle 1, pargana Karari, Circle 1, pargana Atherban, (32); Circle 2, pargana Karari, Circle 2, pargana Atherban (30); Circle 3, pargana Karari, Circle 3 pargana Atherban, (27). **Phulpur**.—Circle 1, pargana Sikandra, Circle 2, pargana Jhusi, Circle 3, pargana Jhusi, (33); Circle 2, pargana Sikandra, Circle 1, pargana Jhusi, Circle 4, pargana Jhusi, (32) **Soraon**.—Circle 1, pargana Mirzapur Chauhari, Circle 2, pargana Soraon Circle 3, pargana Soraon, (31). Circle 1, pargana Soraon Circle 3, pargana Nawabganj, (28); Circle 1, pargana Nawabganj, Circle 2, pargana Nawabganj, (25) **Handia**.—Circle 3, pargana Kewai, Circle 4, pargana Kewai, Circle 3, pargana Mah, (29); Circle 2, pargana Kewai, Circle 4, pargana Mah, Circle 6, pargana Kewai, Circle 2, pargana Mah, (27); Circle 1, pargana Kewai, Circle 5, pargana Kewai, Circle 1, pargana Mah, (26). **Karchhana**.—Loam

pargana Arail, River 1, pargana Bara, River 1, pargana Arail, River 2, pargana Bara (29); Rice 1, pargana Arail, Kachhar, Loam 1, pargana Bara, Mar 1, pargana Bara, Loam 2, pargana Arail, River 2, pargana Arail, Rice 2, pargana Arail, Highlying 1, pargana Bara, Loam 2, pargana Bara, Mar 2, pargana Bara Highlying 2, pargana Bara (24). **Meja**.—Loam 1, River 1, Kachhar, (32); Loam 2, River 2, Matyar, Pal 1, (29); Loam 3, River 3, Pal 2, Lapermar, Laper River, (25).

JHANSI DIVISION.

JHANSI DISTRICT.

Circles 1 to 9, Lalitpur Sub-division, Circles 20 to 26, (18); Jhansi Proper, Circles 10 to 19, Lalitpur Sub-division, Circles 27 to 37, (16).

JALAUN DISTRICT.

All tahsils.—All Circles, (16).

HAMIRPUR DISTRICT.

All tahsils.—All Circles, (16).

BANDA DISTRICT.

All tahsils.—All Circles, (16).

BENARES DIVISION.

BENARES DISTRICT.

Benares.—City Circles Nos. 1, 2, 3, 4, (a), 4 (b) and 5 of Pargana Dehat Amanat, (48). **Benares.**—Dhankhar Circles 1, 2, and 3 of Kaswar Raja, Circle 1 of Katehar East, Circles 1, 2, 3, 5 and of Kole Aslah East, Circle 1 of Sultanpur, Circle 1 of Katehar West, Circles 1 and 3 of Sheopur, Circles 2 and 4 of Athagaon, Circles 2 and 4 of Kaswar Sarkari, Circles 1 (a), 1 (b), and 2 of Pandrah, Circles 1, 2, 3, 4, 5 and 6 of Kole Aslah, (34). **Chandauli.**—Circle 2 of Pargana Mahaich, 2 of Pargana Dhus, 1, 2 and 4 of Pargana Budhwal, 3 of Pargana Mahuari, 3, 4, 5 and 6 of Pargana Majhwar and 2 of Pargana Narwan, (33). **Benares.**—Circles 4, 5 and 6 of Pargana Kaswar Raja, Circle 3 of Pargana Jalhupur, Circle 2 of Pargana Katehar East, Circle 2 of Pargana Sultanipur, Circles 2 and 3 of Katehar West, Circles 2, 4 and 5 of Pargana Sheopur, Circles 1 and 3 of Athagaon, Circles 1, 3, 5 and 6 of Kaswar Sarkari, Circle 3 of Pandrah, (31). **Chandauli.**—Circle 2 of Pargana Ralhupur, 2 and 4 of Pargana Mahuari, 3 of Pargana Barah, and 7 of Pargana Majhwa, (30). **Chandauli.**—Circle 1 of Pargana Mahaich, 1 and 3 of Pargana

Ralhupur, 1 of Pargana Dhus, 1 and 5 of Pargana Mahuari, 1, 2 and 3 of Pargana Mawai, 1 and 2 of Pargana Majhwar, 1 of Pargana Narwan, 1 and 2 of Pargana Barah and 3 of Pargana Budhwal, (28). **Benares.**—Circles 4 and 5 of Katehar East, Circles 1, 2, 4, 5, 6 of Jalhupur, and Circles 4 and 5 of Katehar West. (24).

MIRZAPUR DISTRICT.

Mirzapur.—Kon, (33). **Mirzapur and Chunar.**—Chaurasi Suburban, Haveli, Chunar, (33). **Mirzapur.**—Chaurasi Pahari, (26). **Robertsganj.**—Barhar, (19). **Mirzapur.**—Upraudh, (19). **Robertsganj.**—Agori, (19).

JAUNPUR DISTRICT.

Jaunpur.—Pargana Haveli—City Circle 1, Pargana Haveli—Loam Circle 2, Pargana Saremu—Loam Circle 1, Pargana Rari—Loam Circle 1, Pargana Qariat Dost—Loam Circle 1 and Pargana Khapraha—Loam Circle 1, (34) ; Pargana Haveli—Gomti Circle 3, Pargana Haveli—Sai Circle 3, Pargana Saremu—Gomti Circle 2, Pargana Rari—Gomti Circle 2, Pargana Rari—Sai Circle 3, Pargana Qariat Dost—Sai Circle 2, Pargana Khapraha—Sai Circle 2 and the whole of Pargana Zafarabad (30) ; Pargana Haveli Usar (Rice) Circle 5 and Pargana Saremu Usar (Rice) Circle 3, (24). **Mariahun.**—Pargana Mariahun Loam Circle 1, Pargana Barsathi—Loam Circle 1, Pargana Gopalpur—Loam Circle 1, (34) ; Pargana Mariahun—Rice Circle 2, Pargana Barsathi—Rice Circle 2, (28) ; Pargana Mariahun—Sai Circle 3, Pargana Mariahun—Basuhi Circle 4, Pargana Mariahun—Barna Circle 5, Pargana Barsathi—Basuhi Circle 3, Pargana Barsathi—Barna Circle 4 and Pargana Gopalapore—Basuhi Circle 2, (18). **Kerakat**—Pargana Chandwak—Loam Circle 1, Pargana Guzara—Loam Circle 1, Pargana Bealsi—Loam Circle 1, Pargana Dariyapur—Loam Circle 1, and Pargana Pisara—Loam Circle 1, (34) Pargana Chandwak—Gomti Circle 2, Pargana Guzara—Gomti Circle 2, Pargana Bealsi—Sai Circle 2, Pargana Daryapar—Gomti Circle 2, and Pargana Pisara—Gomti Circle 2, (30). Pargana Chandwak Usar (Rice) Circle 3, Pargana Bayalri Usar (Rice) Circle 3, Pargana Daryapar Usar (Rice) Circle 3, Pargana Pisara Usar (Rice) Circle 3, (28). **Shahganj.**—Pargana Ungali—Loam Circle I and the whole of Pargana Rari, Pargana Chanda—Loam Circle 1, Qariat Mendha—Loam Circle 1, (34). Pargana Ungali—Gomti Circle 2, Pargana Chanda—Gomti Circle 2, Pargana Qariat Mendha—Gomti Circle

2, Pargana Ungali—Usar—(Rice) Circle 3, (34). **Machhlishahr**,—Pargana Ghiswa—Loam Circle 1, Pargana Garwara—Loam Circle 1, Pargana Mongara—Loam Circle 1, Pargana Ghiswa—Sai Circle 2, and Pargana Garwara—Sai Circle 2, Pargana Ghiswa Usar (Rice) Circle 3, Pargana Garwara Usar (Rice) Circle 3 and Pargana Mongara Usar (Rice) Circle 2, (34).

GHAZIPUR DISTRICT.

Ghazipur.—Karaunda Alluvial Ganges, (32). **Sayedpur**—Khanpur Matiyar (Usar), Khanpur Gomti, (32). **Mohammadabad**.—Alluvial Karial, Mohammadabad, Alluvial Tarai, Mohammadabad, Loam, Zahurabad, Loam (Bhainsahi) Pachotar, (32). **Ghazipur**.—Loam City, Ghazipur, Alluvial Ganges, Ghazipur, Loam, Ghazipur, Alluvial Ganges, Zamania, (30). **Sayedpur**.—Saidpur 1st Loam, Shadipur 1st Loam, Saidpur Ganges 3rd, Bahariabad 1st Loam, Saidpur 2nd Loam, Shadiabad 3rd, Matiyar, Shadiabad 2nd Loam, Khanpur 1st Loam, Bhariabad Matiyar (Usar), (30). **Mohammadabad**.—Loam Dehma and Mohammadabad Loam Mangai, Pachotar, (30). **Ghazipur**.—Ghazipur Rice, Zamania Superior Karil, Karaunda Loam Ganges, Zamania Rice, Zamania Inferior Karil, (28). **Sayedpur**.—Saidpur Matiyar (Usar), (28), **Mohammadabad**.—Dhankhar Clay, Pachotar, Dhankhar Jhil, Zahurabad Loam, Sarju, Dehma, Zahurabad, Dhankhar Usar, Zahurabad. (28).

BALLIA DISTRICT.

Ballia.—Circles 1, 2 and 4, (42). **Rasra**.—Sarju Circle B, Rasra Circle A, (42). **Ballia**.—Circle 3, (31). **Rasra**.—Kopachit Circles A and B, Sikanderpur and Bhadaon A and B, (31). **Bansdih**.—Circles 2, 3 and 4, (31). **Rasra**.—Sikanderpur and Bhadaon—D (Circles C, D and E), (31) **Rasra**.—Sikanderpur and Bhadaon—F, (23). **Ballia**.—Circle 5. (23). **Bansdih**.—Circle 1, (23).

GORAKHPUR DIVISION.

GORAKHPUR DISTRICT.

Sadar.—All the Circles in Pargana Bhawapur, except Circle 7 Alluvial. All the circles in Pargana Hasanpur Magher, except Circles 4 and 5 Alluvial, (70). **Bansgaon**.—All the circles in Pargana Dhuriapar, except Circles 5, 6, 4 Alluvial, 6 Alluvial, 7 Alluvial, 7 Non-alluvial and 4 Non-alluvial. All the circles in Pargana Chullupar, except Circles 1 Alluvial, 2 Alluvial, 4. All the circles in Pargana Unwal. All the circles in Pargana Bhawapur, except Circles 9

Alluvial and 10 Alluvial, (70). **Hata**.—Silhat-Bangar Southern, (70). **Padrauna**.—Circles 8 and 9, (70). **Deoria**.—Circle Bangar, (70). **Sadar**.—Circle 7 Alluvial, Pargana Bhawapar Circles 4 and 5 Alluvial, in Pargana Hasanpur Magher. All the Circles in Pargana Haveli, except Circles 1, 2, 3, 10 Alluvial, and 11 Alluvial, (65). **Mahrajganj**.—All the Circles in Pargana Haveli West, except Circles 10, 11 and 14, Circles 1, 4, 5 and 6 in Pargana Haveli East, (65). **Bansgaon**.—Circles 5, 6, 4 Alluvial, 6 Alluvial, 7 Alluvial, 7 Non-alluvial, 4 Non-alluvial in Pargana Dhuriapar, Circles 1 Alluvial, 2 Alluvial, 4 in Pargana Chullupar. Circles 9 Alluvial, 10 Alluvial in Pargana Bhawapar, (65). **Hata**.—Haveli, Silhat-Bangar Northern and Shahjahanpur, (65). **Padrauna**.—Circles 4, 5, 6 and 7, (65). **Deoria**.—Circle Bhat, (65), **Sadar**.—Circles 1, 2, 3, 10 Alluvial and 11 Alluvial in Pargana Haveli, (60). **Mahrajganj**.—Circles 10, 11 and 14 in Pargana Haveli West. All the Circles in Pargana Haveli East, except Circles 1, 4, 5 and 6. All the Circles in Pargana Tilpur and Binayakpur, (60). **Hata**.—Silhat-Kachhar and Alluvial (60). **Padrauna**.—Alluvial Mahals and all the Circles, except 4, 5, 6, 7, 8 and 9, (60). **Deoria**.—All the Alluvial circles, (60).

BASTI DISTRICT.

Basti.—Circles 1—12, (65). **Khalilabad**.—Circles 2, 3, 4 and 7, (70); Circles 1, 5, 6 and 8, (65). **Domariaganj**.—Circles 1—9, (60). **Bansi**.—Circles 1—9, (65). **Harraiya**.—Circles 3, 4, 7 and 8, (65); Circles 1, 2, 5 and 6, (60).

AZAMGARH DISTRICT.

Nizamabad.—Circle Suburban, (70); Bangar Circle, Kachhar Circle (60). **Sagri**.—Circle Bangar, (70); Circle Kachhar, Circle Alluvial, (70). **Phulpur**.—Northern Circle, Southern Circle, (70). **Lalganj**.—Bangar Circle, Ordinary Circle, (70). **Muhammadabad**.—Bangar Circle, Ordinary Circle, (60). **Ghosi**.—Bangar Circle, Kachhar Circle, Mixed Circle, (55).

KUMAUN DIVISION.

NAINI TAL DISTRICT.

Kashipur.—Jaspur Bangar A, Phika Poli, Kosi Khadar, (38); Jaspur Bangar B, Kashipur Bangar, Dhela Tumaria, (26); Jungle Tarai, the *bandobasti* villages of the Tarai and Bhabar Government Estates. (20).

LUCKNOW DIVISION.**LUCKNOW DISTRICT.**

Lucknow.—City Circle 1, Matiyar Circle 2 of Pargana Lucknow, Inferior outer Circle 3, Superior outer Circle 4, Matiyar Circle 2 of Parganas Kakori and Bijnaur, (28); Dumat 1, Gomti 3, Sai Circle 1, Bhur Circle 5, Tarai Circle 6, (26). **Malihabad.**—Usar Circle of Pargana Malihabad, Usar Circle 4 of Pargana Mahona, (27); Dumat Circle of Pargana Malihabad, Dumat Circle 3 of Pargana Mahona, Beta Circle, Bhur Circle, Jhil Circle 5, (24). **Mohanlalganj.**—Matiyar Circle 2 of Parganas Mohanlalganj and Nigohan, Dumat Circle 1, Sai Circle 1, Bhur Circle 2, (32).

UNAO DISTRICT.

Purwa.—Pargana Purwa 1, 2, 3 and 4, Pargana Maurawan, Main Circle, Pargana Asoha 1 and Pargana Baiswara 1 and 2, (31); Pargana Maurawan, River Circle, Pargana Asoha 2, Pargana Baiswara 3, (29); Pargana Asoha 3, Pargana Baiswara 4, (26). **Unao.**—First Class 1 and (2), (26); Intermediate Class 4, (24); Third Class 3, 5, 6 and 8 (22). **Hasanganj.**—Superior Class 4, Auras and Mohan, (32); First Class parganas Jhalotar, Ajgain, Gorinda, Parsandan 1, 2 and 3, Parganas Mohan and Auras 1 and Pargana Aswan-Rasulabad, (26); Pargana Jhalotar, Ajgain and Gorinda Parsanda 4, Pargana Auras 5, Pargana Mohan 2, Pargana Aswan Rasulabad, (24). **Safipur.**—First Class Pargana Safipur, 1 and 2. Parganas Bangarmau and Fatehpur Chaurasi, 1 and 2 (27); Intermediate, Pargana Safipur, 3 and 4 (23); Third Class Parganas Safipur 5; Pargana Bangarmau and Fatehpur Chaurasi 3, 4 and 5, Tahsil Safipur Alluvial 6, (20).

SITAPUR DISTRICT.

Sidhauri.—Superior Dumat, Inferior Dumat, Half Tarai, Eastern High Lying (29); Tarai, Chauka, (28); Jhil, Gomti Sarain, Western High Lying (27). **Biswan.**—Uperhar, 1, 2 and 3, Tarai 1, (28); Tarai, 2, High Lying, Low Lying West 1, Low Lying East 1, (26); Eastern, Ganjar, Low Lying West 2, Low Lying East 2, (25). **Sitapur.**—Northern Dumat, Northern Sarain, Gond Basin, (30); Central Gond, West Perai, North-Western Jhil, Perai Nadi, (29); Ramkot Jhil, Sarain Gond Saddle, Southern Sarain, Saran Perai Plateau, Sarain Gond Plateau, Uperhar Circle, Tarai Circle, (28). **Misrikh.**—Inferior Dumat Circle, Kathna Perai Circle, Perai Dumat, Eastern Kathna (29); Southern Light Circle, Chandra Light Circle, Southern Gomti

Bhur, Gomti Kathna Bhur, (28). Superior Dumat Circle, Machhrehta Korauna Dumat, Lower Beta Circle, Machhrehta Stiff Circle, Usar Jhil Circle, Sarain Circle, (26).

RAE BARELI DISTRICT.

Salon.—Salon, Circles 1 and 2, Parshadipur North, Rokha, (35). **Dalmou.**—Dalmou Circle, Khiron Circle, Sareni Circle, (33). **Maharajganj.**—Bachhrawan Circle 1, Hardoi Circle, Inhauna, Circles 1 and 2, Bachhrawan, Circle 2, Semrauta Circle, Kumrawan Circle, Mohanganj, Circles 1 and 2, (31). **Salon.**—Salon, Circles 3 and 4, Parshadipur South, (29). **Rae Bareli.**—Rae Bareli, Circle 1, (26); Rae Bareli, Circles 2 and 3, (20).

HARDOI DISTRICT.

Bilgram.—Town Circle, Superior Dumat, Jail, Superior Ridge, Light Dumat, (26); Sai, Inferior Ridge, Stiff Tarai, Light Tarai, Superior Light Dumat, Inferior Light Dumat, Ridge, Garra Tarai, Stiff Tarai, Ram Ganga Tarai, Ganga Tarai, Stiff Circle, Light Circle, Saindha Circle, Kachar, (21). **Sandila.**—Superior Dumat, Usar Circle, Light Loam, Inferior Dumat, Sai Circle, (25). **Shahabad.**—Gomti Bhoor Circle, Superior Dumat, Superior Light Dumat, Superior Garra Tarai, Gomati Bhur, Eastern Tarai, Ridge Circle, Inferior Light Dumat, Jhil Circle, Sai Basin, Western Garra Tarai, Saindha, Baukab Bhur, Garra R. Ram Ganga Bhur, Khadar Bangar, Inferior Garra Tarai, Dumat Matyar, (23). **Hardoi.**—Town Circle, Superior Dumat, Bhansta Circle, Superior Jhil Usar, Superior Light Dumat, Inferior Dumat, Sai Circle, Inferior Jhil Usar, Inferior Light Dumat, Sai Basin, Alluvial, Superior Tarai, Gomti Bhur, Garra Bhur, Ridge, Swamp, Inferior Tarai, Garra Ram Ganga Bhur, (23).

KHERI DISTRICT.

Lakhimpur.—Parganas Kheri and Paila, Circles 1 and 2. O. K. Tracts 1 and 2, Aliganj South, Circle 1, Sansarpur, Circle 1, (28). **Muhamdi.**—Pargana Pasgawan, Circle 1, Pargana Kasta, Circle 1, Pargana Haidrabad, Circle 1, Pargana Muhamdi, Circle 1; Pargana Aurangabad, Circle 1, Pargana Pasgawan, Circle 2, Pargana Kasta, Circle 2, Pargana Muhamdi, Circle 2, Pargana Aurangabad, Circle 2, Pargana Haidrabad, Circle 2, (28). **Lakhimpur.**—Pargana Srinagar, O. S. Tract 1, Pargana Bhur, Aliganj South, Circle 2, Pargana Bhur, Aliganj North, Circle 1, Pargana Paila, Circle 3, Pargana Paila, Grant Circle, Pargana Srinagar, O. S. Tract 2, Pargana Bhur, Srinagar Circle, Pargana Kukra, Sansarpur, Circle 2, Pargana Kukra, Kukra

Circle 1, Pargana Bhur, Aliganj, 2, Pargana Srinagar, Circle 3, Pargana Kheri, Circle 3, Pargana Bhur, Aliganj South, 3, Pargana, Kukra, Kukra Circle 2, Pargana Kukra, Grant Circle, (26). **Muhamdi**.—Pargana Haidrabad, Circle 3, Pargana Pasgawan, Circle 3, Pargana Pasgawan, Grant Circle, Pargana Muhandi, Circle 3, Pargana Aurangabad Circle 3, Pargana Kasta, Circle 3, Pargana Haidrabad, Grant Circle, Pargana Atwapiparia, Circle 2, Pargana Atwapiparia, Circle 1; (26). **Nighasan**.—Pargana Firozabad, Central Circle, Class 1, Pargana Dhaurehra, Central Circle, Class I, Pargana Nigghasan Central Circle 1, Pargana Dhaurehra, Central Circle 2, Pargana Firozabad, Central Circle 2, Pargana Khairigarh, Haveli Class 1, Pargana Dhaurehra, Chauka, and Dahawar Circle, Pargana Firozabad, Chauka and Dahawar Circle, Pargana Nighasan, Soheli Circle 1, Pargana Khairigarh, Konawat Class 1, Pargana Nighasan; Central Circle 2, Pargana Nighasan, Chauka 1, (26). **Lakhimpur**.—Pargana Bhur, Circle 1 Bhur, Pargana Bhur, Circle 2 Bhur; (23). **Muhamdi**.—Pargana Magdapur, Grant Circle, Pargana Magdapur, Bhur Circle, Pargana Aurangabad, Bhur Circle. (23). **Nighasan**.—Pargana Firozabad, Gogra Circle, Pargana Dhaurehra, Gogra Circle, Pargana Khairigarh, Konawat Class 2, Pargana Palia, Palia Circle, Pargana Nighasan, Soheli Circle 2, Pargana Nighasan, Chauka 2, Pargana Khairigarh, Haveli Class 2, Pargana Khairigarh, River, Pargana Khairigarh Forest. (23).

FYZABAD DIVISION.

FYZABAD DISTRICT.

Fyzabad.—Mangalsi, I and III, Haveli Oudh, I and III, (36); Mangalsi, II, IV, and VI; Haveli Oudh, III, Amsin, I and III, (34); Mangalsi, V, Haveli Oudh, IV, Amsin, II (a), II (b) and IV; Mangalsi, VII, Haveli, Oudh V, Amsin, V, (28). **Akbarpur**.—Akbarpur, II and III; Majhaura, II, Surhurpur, I and II; Birhar, I, Akbarpur I and V; Manjhaura, III, Surhurpur III, Akbarpur IV and V; Manjhaura III, Surhurpur III, Akbarpur IV and VI; Manjhaura, I (55) **Bikapur**.—Khandasa, II, Pachmirath, III and IV, (40); Khandasa, I, Panchmirath, I, V and VIII; Khandasa, III and IV, Panchmirath II, VI and VII; (35). **Tanda**.—Tanda, I, Tanda, II, III and IV; Birhar, II and III; Tanda, V, Birhar, IV, (33).

GONDA DISTRICT.

Tarabganj.—Gwarich, I, II, Digsir, I, Nawabganj, I, Gwarich, III, IV, V, Digsir, II, III, Mahadewa I, II, III, Nawabganj, II, Digsir,

IV, Mahadewa, IV, Nawabganj, III, IV, (36). **Gonda**.—Paharpur, I, Gonda, IV, Paharpur, II, III, Gonda, II, III, VI, Gonda, I, VI, (37) **Utraula**.—Utraula, I, Budhapair, I, Mankapur, I, Sadullanagar, I, Utraula, II, III, Budhapair, II, Sadullanagar, II, Babhnipair II, Utraula, IV, Babhnipair, III, Mankapur, II, III, Budhapair III, Sadullanagar, III, IV, (35).

BAHRAICH DISTRICT.

Kaisarganj.—Pargana Hisampur, II, Pargana Hisampur III to VI, Pargana Fakharpur, I, (40); Pargana Fakharpur, III, Pargana Hisampur, I, (23). **Nanpara**.—Pargana Charda, I, Pargana Dharamanpur I, (40) **Bahraich**.—Pargana Bahraich II, Pargana Ikauna III, Pargana Bhinga, I, (40).

SULTANPUR DISTRICT.

Sultanpur.—Circles I, II, and III, of both parganas. (48) **Kadi-pur**.—Circles I, II, and III of both Aldemau and Chanda parganas, (41) **Musafirkhana**.—Dumat circles of all the four parganas, Gomti and Naya circles of all the four parganas, Usar and stiff soil circles of all parganas, (45). **Amethi**.—Circles I and II of both parganas, Circle III of Pargana Amethi, (41).

PARTABGARH DISTRICT.

Partabgarh.—Partabgarh, I, II, III and IV, Athena, I, II, III, and IV, (36) **Patti**.—Circles I and IV, (35); Circles II and III (31). **Kunda**.—Pargana Manikpur, I, II, III, and IV, Pargana Birhar I, II, III, IV and V, Pargana Dhingwas, I, II and III, Pargana Rampur I, II, and III, (32).

BARA BANKI DISTRICT.

Nawabganj.—Circle I of group A, (42); Circle I of group B, (35); Circle I of group C. (30), **Fatehpur**.—Circle I, (38); Circles II, III, IV and V, (35). **Ramsanehighat**.—Circle XIV of group A, Circles I, II, VIII, IX, X, XI, and XII of group B, Circles III, IV, V, VI, VII, XIII, and XV of group C. (39) **Haidergarh**.—Sidhaur, I, Subeha, II and Haidergarh, IV, Haidergarh, I, Sidhaur, II, and Subeha III, Subeha, I and Haidergarh, III, (33).

APPENDIX III—(concluded)
 Table of Compound Interest.
 (2) Principal Re. 1—half-yearly rests.

Year.	5 per cent	5½ per cent.	6 per cent.	6½ per cent.	7 per cent.	7½ Per cent.	8 per cent.	9 per cent.	10 per cent.	11 per cent.	12 per cent.	Year.
½	1·02500	1·02750	1·03000	1·03250	1·03500	1·03750	1·04000	1·04500	1·05000	1·05500	1·06000	½
1	1·05063	1·05576	1·06090	1·06006	1·07123	1·07641	1·08160	1·09203	1·10250	1·11302	1·12360	1
1½	1·07089	1·08479	1·09273	1·10070	1·10872	1·11675	1·12486	1·14117	1·15703	1·17424	1·19102	1½
2	1·10381	1·11462	1·12551	1·13648	1·14752	1·15865	1·16986	1·19252	1·21551	1·23882	1·26251	2
2½	1·13141	1·14527	1·15927	1·17341	1·18709	1·20210	1·21665	1·24618	1·27628	1·30696	1·33823	2½
3	1·15969	1·17677	1·19405	1·21155	1·22926	1·24718	1·26532	1·30226	1·34010	1·37884	1·41852	3
3½	1·18869	1·20913	1·22987	1·25092	1·27228	1·29395	1·31599	1·36086	1·40710	1·45468	1·50367	3½
4	1·21840	1·24238	1·26677	1·29158	1·31681	1·34244	1·36857	1·42210	1·47746	1·53469	1·59395	4
4½	1·24886	1·27654	1·30477	1·33355	1·36290	1·39281	1·42331	1·48610	1·55133	1·61910	1·68952	4½
5	1·28008	1·31165	1·34392	1·37090	1·41660	1·44544	1·48024	1·55297	1·62889	1·70815	1·79100	5
5½	1·31209	1·34772	1·38423	1·42164	1·45997	1·49924	1·53945	1·62285	1·71034	1·80209	1·89830	5½
6	1·34489	1·38478	1·42576	1·46785	1·51107	1·55545	1·60103	1·69588	1·79586	1·90121	2·01220	6
6½	1·37851	1·42286	1·46853	1·51555	1·56396	1·61378	1·66507	1·77220	1·88665	2·00578	2·13298	6½
7	1·41297	1·46199	1·51259	1·56481	1·61869	1·67430	1·73168	1·85194	1·97993	2·11609	2·26101	7
7½	1·44830	1·50220	1·55797	1·61567	1·67535	1·73709	1·80094	1·93528	2·07893	2·23248	2·39673	7½
8	1·48461	1·54351	1·60471	1·66817	1·73399	1·80223	1·87298	2·02237	2·18287	2·35527	2·54059	8
8½	1·52122	1·58595	1·65285	1·72239	1·79468	1·86981	1·94790	2·11338	2·29202	2·48481	2·69296	8½
9	1·55966	1·62967	1·70243	1·77837	1·85749	1·93993	2·02582	2·20848	2·40662	2·62147	2·85447	9
9½	1·59865	1·67438	1·75351	1·83617	1·92250	2·01268	2·10685	2·30786	2·52695	2·76565	3·02567	9½
10	1·63862	1·72043	1·80611	1·89584	1·98979	2·08815	2·19112	2·41171	2·65330	2·91776	3·20714	10
10½	1·67958	1·76774	1·86029	1·95746	2·05943	2·16646	2·27877	2·52024	2·78506	3·07824	3·39957	10½
11	1·72157	1·81635	1·91610	2·02107	2·13151	2·24770	2·36992	2·63365	2·92526	3·24754	3·60354	11
11½	1·76461	1·86630	1·97359	2·08676	2·20611	2·33199	2·46472	2·75217	3·07152	3·42616	3·81976	11½
12	1·80873	1·91762	2·03279	2·15458	2·28333	2·41944	2·56330	2·87601	3·22510	3·61460	4·04894	12
12½	1·85394	1·97036	2·09378	2·22460	2·36324	2·51017	2·66584	3·00643	3·38635	3·81340	4·29188	12½
13	1·90021	2·02454	2·15659	2·29690	2·44596	2·60430	2·77247	3·14068	3·55567	4·02314	4·54939	13

U P. Encumbered Estates Act.

INDEX

- Abatement on the death of a landlord, 65.
- Account stated, 37.
- Amendment of application under S. 4, 11.
- Amount of interest held to be due on the date of the application, 37.
- Any transfer, 32.
- Annulment of transfer, 28.
 - Onus on whom, 30.
- Applicants
 - Landlords when not entitled to protection under the Act, 9.
 - Members of a Joint Hindu family, 24.
 - When not entitled to protection under the Act, 13.
- Application—
 - For mortgage under S. 25 when to be rejected, 102 (Rule 72).
 - Of the Agriculturists' Relief Act under S. 14, 37.
 - Of the Usurious Loans Act of 1918, 37.
 - Time limit for an application under S. 4, 12.
- Apportionment, 26.
- Appeals, 59.
 - Power of District Judge to transfer appeals against the decision of Special Judge 2nd grade to a civil Judge—See supplement.
- Attachment null and void, 18.
- Bar of second application, 14, 70.
- Bar of suits, 65.
- Benefit of payment of lump sum after instalments, 56, 105.
- Bonds—
 - Interest to run on bonds from what date, 97 (Rule 54 d).
 - Person entitled to receive interest on bonds, 107 (Rule 92).
 - Rate of interest on bonds, 48.
 - To be issued by whom, 96 (Rule 54).
 - To be granted to creditors, 51.
- By any contract made in the course of the transaction, 36.
- Cessation of disabilities, 58.
- Charge, 94.
- Claim—
 - Effect of omission to claim on non-applicant debtors, 33.
 - Examination of claim, 34.
 - For unliquidated damages, 36.
 - For partnership not a claim for unliquidated damages, 36.
 - Not duly notified to be deemed discharged, 32, 33.
 - Preliminary requisites for a claim, 33.

- Time for filing claim under S. 10, 24.
- Time for filing claim under S. 11. (2), 28.
- To contain full particulars, 10.
- Classes of loans to be ranked, 40.**
- Collector.**
 - Alone can decide that application was duly made, 10.
 - Can he cancel his own order passed under S. 6, 14.
 - Duty of the Collector, 10.
- Confirmation of sale after application under S. 4 ultravires, 17.**
- Consequences.**
 - Of acceptance of an application by the Collector, 15.
 - Of dismissal under S. 8 (3), 58.
 - Of not filing an objection under S. 11 (2), 28.
 - Of not paying instalments, 50, 51.
 - Of quashing of proceedings, 58.
- Consideration, 31.**
- Court to which stay application for execution is to be made, 18.**
- Creditor, 31.**
 - His right to come in appeal or revision against order under S. 6, 14.
 - Preference to one creditor, 31.
- Court fee in an appeal against decree passed under S. 14, 38.**
- Damages—**
 - Instances of unliquidated damages, 2.
 - Liquidated and unliquidated, 2.
 - Mesne profits are unliquidated damages, 2.
- Date of Commencement of Act, 2.**
- Death of proprietor before liquidation, 64.**
- Debt, 2, 3.**
 - Due from deceased ancestor, 64.
 - Pecuniary liability under a family Settlement, 17.
 - Private and public, 3.
 - Procedure for public debts, 15, 108.
- Decision against non-applicant debtors whether a decree, 26.**
- Decrees to be touched to what extent under S. 14, 39.**
- Defect, neither application nor Vakalatnama signed curable, 13.**
- Disability, 19.**
- Determination—**
 - Of claims under S. 11 (2), 27.
 - Of amount of public debts reported by Collector, 41.
 - Of amount of public debts not reported by Collector, 43.
 - Of the amount due on mortgage after its running for a certain number of years, 103.
 - Of instalment value and transfer value, 47.
 - Of minimum and maximum instalment, 83, 84.
 - Of share of the landlord's property to be transferred to creditors, 85 to 92.
 - Of post-slump and pre-slump rent, 72, 73.
 - Of period of repayment and the amount of annual instalment for mortgages 82, 83.
 - Of the valuation of a mortgage with possession, 103.

- Dismissal of application for non-payment of publication charges,**
26, 29.
- Duly made, meaning of,** 10.
- Effect.**
Of finding of Special Judge, 41.
Of order passed under S. 11 (2), 29.
Of submission of account under S. 32 of the Agriculturists' Relief Act, 38.
- Execution.**
Against joint debtors to be stayed even if only one of them, has applied under S. 4, 18.
Against surety to be stayed under S. 7, 18.
In a Court outside U. P., 19.
In decree for arrears of rent or revenue to be null and void, 18.
Of a decree passed by a court outside U. P., 38.
Of decrees passed by Special Judge, 43.
Process, 17.
- Exchange,** 30.
- Except in so far as they are inconsistent with the provisions of S. 14,** 39.
- Expenses of publication to be paid by whom,** 71.
- Final, meaning of,** 60.
- Form of mortgage under S. 25,** 68.
- Future interest on instalments,** 48.
- Gift.**
By a landlord after order under S. 6, void, 16.
By a landlord transferring bulk of his property before making application, 12.
In lieu of dower, 30.
- Grove holder,** 12.
- Good faith,** 31.
- Hindu son when not entitled to apply under S. 4,** 10.
- Incumbrance,** 13.
- Insolvency Courts to come within the operation of S. 7 (1) (a),** 18.
- Insolvency proceedings to be stayed under S. 7, 62, 63,**
- Instalment value,** 47.
- Instalments.**
Reduction in abnormal years, 54.
Revision of instalments in certain cases, 54, 66.
Redetermination of instalments, 55.
To be charge on land, 55, 94.
- Joint decree and Joint Judgment debt,** 18.
- Judgment debt,** 33.
- Khudkasht and valuation of Khudkasht rent,** 4, 73.
- Khewat and its evidentiary value,** 13.
- Land,** 3.
His land, meaning of, 4.
Protected and unprotected, 3.
- Landlord,** 3, 9.
Interpretation of, 12.
Qualification for a landlord, 4.

130. INDEX TO THE U. P. ENCUMBERED ESTATES ACT

- Revenue Court alone entitled to decide who is entitled to apply, 10.
- Who can apply under S. 4 of the Act, 9.
- Lawyers fee, 38, 108.
- Lien, 42.
- Limitation.
 - For application under S. 4, 12.
 - For appeals, 59, 60.
 - For filing claims by creditors, 24.
 - For objection by creditor before Collector, 10.
 - For objection under S. 11 (2), 28.
 - For making an application for quashing of proceedings, 43.
 - Of the powers of Special Judge, 36.
- Liquidation of debts, 43.
 - By grant of mortgage, 45.
 - By means of money paid by debtor under S. 23, 44.
 - By realization of value of property other than proprietary rights in land, 48, 90.
 - By transfer of proprietary rights and by bonds, 51, 90, 95.
 - In order of priority, 52, 90, 92.
 - Public debts, liquidation of, 97.
 - Where debts do not exceed instalment value of proprietary rights in land, 48, 90.
 - Where they exceed instalment value, 48, 85.
- Liquidation Scheme, 96
- Local authority, 3.
- Mahal, 3.
- Malikana adna entitled to apply under S. 4, 11.
- Manager of Wakf property or mutwali entitled to apply under S. 4, 11, 12.
- Manner in which application under S. 4 should be disposed of, 13.
- Matters to be regarded in making rules relating to multiples, 66.
- Mesne profits, not a claim in respect of debt, 17.
- Method of payment of instalments and recovery of arrears, 50.
- Non disclosure of members of a Joint Hindu Family in application, 11
- Non applicant debtors whether entitled to benefit of S. 14, 26.
- Object of the Act, 2.
- Objection by creditor before Collector, if can be heard, 10.
 - Proper order on creditor's objection, 11.
- Onus in an objection under S. 11 (2), 30.
- Papers to be forwarded to Special Judge, 15.
- Percentage of commission on sale of land, 107.
- Pendulite and future interest, 38, 39.
- Persons entitled to possession after transmission of decree, 54.
- Possessory mortgages, 38.
- Powers—
 - Of Assistant Collector 1st class, 106, 107.
 - Of Special Judge to appoint receiver, 20.
 - Of Special Judge to decide claims, 35.
- Preliminary valuation of proprietary rights in land, 72 to 76.
- Pre-slump and post-slump profits 4, 5, 6,
 - Pre-slump and post-slump rent, 72 to 74.

- Presentation in person of the claim, if necessary, 13.**
Prevented, meaning of, 12.
Proceedings:—
 For compulsory registration of sale deed not to be stayed under S. 7, 17
 For realization of compensation awarded in a partition case to be stayed under S. 7, 20.
 Under S. 144 C. P. C. for refund of preemption money paid to be stayed, 17.
 Under S. 30 of the Agriculturists' Relief Act not to be stayed under S. 7, 20.
 Under the Act to be governed by C. P. C. 70.
- Process, meaning of, 19.**
 Fee to be paid by whom, 72.
- Proper order in a suit coming partly under S. 7 (1) (b) and partly not, 17, 20.**
- Public debts, 3,**
 Kinds of, 97
 Report and their liquidation, 108.
- Quashing of proceedings, 42.**
 Consequence of quashing of proceedings, 57.
- Ranking of debts for priority, 40.**
- Reasons for raising instalment multiple, 79.**
- Receiver, appointment of, 20, 22.**
- Regular suit whether lies against decision under S. 11 (2), 29**
- Remedy of creditor against order staying execution proceedings by Collector under S. 7, 21**
- Rental of grain-rented and other holdings, 74**
- Restoration of possession on expiry of mortgage, 56**
- Revision, 61**
- Sale of transferred proprietary rights in land, 53**
- Sanction to transfer when to be granted by Collector, 106,**
 Sanction for sale for marriage expenses and repairs of residential house illegal, 18
- Second application under S. 4 after dismissal of first, 12**
- Selection of transfer and instalment multiple, 78, 79.**
- Special Judge, 3**
 A public servant, 65
 Investigation by him to be deemed a judicial proceeding, 65.
 Cannot question order passed by Collector on application under S. 4, 10.
 Jurisdiction and appointment of, 7
- Substituted service, 71**
- Suit for possession not affected by S. 7, 17**
- Suits and Proceedings, difference between the two, 19**
- Stay of execution. 20.**
- Standard instalment and transfer multiple, 76**
- Table of standard transfer multiples, 109 to 123.**
 Agra Division, 111.
 Allahabad Division, 114.
 Benares Division, 116.
 Fyzabad Division, 122.
 Gorakhpur Division, 118.

Jhansi Division, 116.

Kumaun Division, 119.

Lucknow Division, 120.

Meerut Division, 109.

Rohilkhand Division, 112.

Table of compound interest, 125.

Table showing the amount of debt which is liquidated by equal instalments over a given number of years, if the rate of interest is per cent. per annum, 124.

Transfer—

Transfer to creditors of shares in particular mahals, 53.

Made in contravention of S. 7 (2) and 7 (3), void 19, 20.

Made before and in consideration of marriage, 30.

Of proceedings by Collector and by Board of Revenue, 66.

Value, 47.

Town Area Tax, 10.

Trustees, 10.

Transmission of decrees to Collector, 42.

Ubaridar, 4.

Verification of written statement filed by creditors, 71.

Valuation of Sir and Khudkasht, 73.

Wakf, 30, 20.

Will does not come under disability clause, 20.

Written statement.

By applicant, 21.

Consequence of not filing within time, 24.

**The Usurious Loans Act X
of 1918**

*As amended by the U. P. Amendment
Act No. XXII of 1934.*

The Usurious Loans Act X of 1918
As amended by the U. P. Amendment Act
No. XXII of 1934.



CONTENTS.

Sections.	Page.
1. Short title of the Usurious Loans Act X of 1918	... 1
Extent of the Usurious Loans Act X of 1918	... 1
Short title of the U. P. Amendment Act XXII of 1934	... 1
Extent of the U. P. Amendment Act XXII of 1934	... 1
2. Definitions	... 2
(1) Interest	... 2
(2) Loan	... 2
(3) Suit to which this Act applies	... 3
3. Reopening of transaction	... 4
4. Insolvency proceedings	... 9

The Usurious Loans Act (X of 1918.)
As amended by the Usurious Loans (United Provinces)
Amendment Act no XXII of 1934.

Sec.
1

(PASSED BY THE LEGISLATIVE COUNCIL OF THE UNITED
PROVINCES OF AGRA AND OUDH.)

Received the Governor-General's assent on 10th April, 1935.

An act to give additional powers to courts to deal in certain cases with usurious loans of money or in kind.

Whereas it is expedient to give additional powers to courts to deal in certain cases with usurious loans of money or in kind; it is hereby enacted as follows:—

Short title and
extent.

1. (1) This Act may be called the Usurious Loans Act, 1918.

(2) It extends to the whole of British India including Baluchistan.

(4) The Local Government may, by notification in the Local Official Gazette, direct that it shall not apply to any area, class of persons, or class of transactions which it may specify in its notification.

The following amendments have been made by the U. P. Usurious Loans (Amendment) Act, 1934:

(1) *It extends to the whole of the United Provinces of Agra and Oudh.*

(2) *The provisions of this Act shall apply to all suits instituted after the passing of this Act to which the Usurious Loans Act of 1918 hereinafter referred to as the principal Act would apply.*

Short History—The earliest Usury Law in India was the Regulating Act of 1774, which applied to European British Subjects in India and fixed the maximum rate of interest at 12 p. c. per annum. In due course Regulations for Bengal, Madras and Bombay Presidencies were passed and the maximum rate of interest was fixed at 12 p. c. per annum.

**Secs.
1 & 2**

These regulations were repealed by the Usury Laws Repeal Act 28 of 1855, which removed the maximum limit and enacted that interest at the rate stipulated between the parties, shall be awarded. In the year 1918, to undo the mischief the Usurious Loans Act, 1918 was passed by the Legislative Assembly, on 22nd March, 1918. The object of the Act was to enable courts to reduce the interest where it found that the interest was excessive and the transaction was unconscionable. Both these conditions were required to exist simultaneously before the court could grant any relief.

Truly speaking, relief was granted in rare cases only, because of the strict requirements of law. It was under these circumstances that the Legislative Council of this province took up the matter and passed the Amendment Act by virtue of the provisions of Sec. 80 A of the Government of India Act of 1919. This is undoubtedly a measure, which will help the courts to reduce the interest. The most important part of it is that now it shall be mandatory on the courts to reduce the interest when either of the above two conditions exist. Another important feature of this Act is that it prescribes limits above which the rate shall be deemed excessive and below which it shall not be deemed excessive. Thus the courts have been saved of the trouble of going into the attendant circumstances to hold a certain rate of interest to be excessive.

Applicability of the Amended Act.—It is applicable to all suits instituted after the passing of this Amendment Act to which the Principal Act would apply. The Principal Act applies to all loans taken after its coming into force on 22nd March 1918. The Act of 1918 is not retrospective and is inapplicable to mortgage bond executed before 22nd Mar. 1918—A. I. R. 1929 Allahabad. p. 59. The Act can be applied in favour of a person, who confesses judgment—A. I. R. 1924 Rang. 144. It is also applicable in a case heard *ex parte* vide Sec. 3, clause (1).

Retrospective effect of the Amendment Act.—It is retrospective in the sense that it applies to loans taken before its passing but not to loans taken before the passing of the Principal Act. But it is not applicable to suits instituted after its passing, *i. e.*, 27th April 1935.

Passing of this Act.—The Amendment Act was published in the U. P. Gazette on 27th April 1935, after having received the assent of Governor-General. In accordance with Sec. 5 of the U. P. General Clauses Act 1 of 1904, this Act shall be deemed to have been passed on that date. In the Amendment Act, 'this Act' means the Amendment Act of 1934.

Usurious Loans Act is a remedial Act and a court ought not to be alert in placing a restricted construction upon its language 5. O. W. N. 780.

2. In this Act, unless there is anything repugnant in the subject or context:—

(1) 'Interest' means rate of interest and includes the return to be made over and above what was actually lent, whether the same is charged or sought to be recovered specifically by way of interest or *in the form of service to be rendered* or otherwise.

(2) 'Loan' means a loan whether of money or in kind, and includes any transaction which is in the opinion of the court in substance a loan.

(4) 'Suit to which this Act applies, means:—

(i) Any suit,

(a) for the recovery of loan made after the commencement of this Act; or

(b) for the enforcement of any security taken or any agreement whether by settlement of account or otherwise, made after the commencement of this Act in respect of any loan made either before or after the commencement of this Act; or

(c) for the redemption of any security given after the commencement of this suit, in respect of any loan made either before or after the commencement of this Act; or

(d) for account of a loan by a debtor against his creditor.

(ii) Any proceedings for the determination of a claim under the Encumbered Estates Act, 1934.

Notes—Clause 1. Interest.—In its definition the words "or in the form of service to be rendered" have been newly added by the Amendment Act. The application of these words would arise in cases where the advance is in cash or kind and repayment is in service. But such cases would be rare except in a few districts like Gorakhpur, Basti, Gonda and Tarai.

Clause 2. Loan.—This definition is the same as in Agriculturists' Relief Act. Loans such as due to Local Government or any Municipal or District or Cantonment Board, authorised by the Local Government to grant loans or by a Co-operative Society, small loans not exceeding Rs. 20/- repayable within a year in fixed equal instalments and loans of agricultural produce were excluded in the A. Relief Act from the orbit of the loan. No kind of loan is excepted in the Usurious Loans Act and it will apply to all classes of loans.

Clause 3 (i)—A suit for the redemption of jewels pledged is not one to which the Act can apply, for under section 2 clause (3), the applicability of the Act is confined to a suit for the enforcement of the security kept—27 Bom. L. R. 1162.

A suit for the redemption of credit is one to which the Act is applicable—50 Bom. 107—A. I. R. 1925 Bom. 65. Case of a surety is covered by clause (b) and he can be relieved against—47 Alld. p. 745.

Clause (d)—Section 33 of the Agriculturists' Relief Act provides for a suit by a debtor against his creditor for an account of money lent or advanced to or paid for, him by any person or due by him to any person as the price of goods or on a written or unwritten engagement for the payment of money, and of money paid by him to such person. It lays down that the provisions of the Usurious Loans Act 1918 should be followed in such suit by the court.

This seems the reason why this clause (d) has been added in this Act otherwise such suits, would not have come within the suits mentioned in this Act.

Clause, 3 (ii)—It has been added to make this Act applicable to proceedings under the Encumbered Estates Act, 1934, for the determination of any claim.

Section 3 (1) Notwithstanding anything in the Usury Laws
 Reopening of Repeal Act 1855, wherein any suit to which this
 transaction. Act applies, whether heard *ex parte* or otherwise
 the court has reason to believe,—

(a) that the interest is excessive, or

(b) that the transaction was as between the parties thereto substantially unfair, the court *shall exercise one or more of the following powers*, namely may,—

(i) Reopen the transaction, take an account between the parties and relieve the debtor of all liability in respect of any excessive interest ;

(ii) Notwithstanding any agreement purporting to close previous dealings and to create a new obligation, reopen any account already taken between them and relieve the debtor of all liability in respect of any excessive interest and if anything has been paid or allowed in account in respect of such liability, order the creditor to repay any sum which it considers to be repayable in respect thereof ;

(iii) Set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan, and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent as it may deem just.

Provided that in the exercise of these powers the court shall not—

(i) reopen any agreement purporting to close previous dealings and to create a new obligation which has been entered into by the parties or any person from whom they claim, at a date more than *17 years* from the date of the transaction ;

(ii) do anything which affects any decree of a court.

Explanation :—In the case of a suit brought on a series of transactions the expression 'the transaction' means for the purposes of proviso (1) the first of such transactions.

(2) (a) In this section 'excessive' means in excess of that which the court deems to be reasonable having regard to the risk incurred as it appeared, or must be taken to have appeared, to the creditor at the date of the loan.

(b) In considering whether interest is excessive under this section, the court shall take into account any amounts charged or paid,

whether in money or in kind, for expenses, inquiries, fines, bonuses, premia, renewal or any other charges, and if compound interest is charged, the periods at which it is calculated and the total advantage which may reasonably be taken to have been expected from the transaction.

Provided that in the case of loans secured by a first mortgage the court shall deem the interest excessive if—

(1) the rate exceeds 12 p. c. per annum or

(2) the amount of interest that might become due at any time exceeds the amount that would become due at the time if the rate were 12 p. c. per annum and the interval between rests were six months.

Provided also that in the case of loans secured otherwise than by a first mortgage the court may, if it considers that the nature of the security warrants it, deem that the interest is not excessive even though the rate exceeds the amount that would become due at that time if the rate were 12 p. c. per annum and the interval between rests were six months.

Provided also that in the case of unsecured loans the court shall, unless the contrary is proved, deem the interest excessive if the rate exceeds 24 p. c. per annum or

(i) the amount of interest that might become due at any time exceeds the amount that would become due at that time if the rate were 24 p. c. per annum and the interval between rests were six months.

Provided also that in the case of secured loans the court shall not deem the interest excessive if (1) the rate does not exceed 7 p. c. per annum, and (2) the amount of interest that might become due at any time does not exceed the amount that would become due at that time if the rate were 7 p. c. per annum and the interval between rests were six months

Provided also that in the case of unsecured loans the court shall not deem the interest excessive if—

(i) the rate does not exceed 9 p. c. per annum and

(ii) the amount of interest that might become due at any time, does not exceed the amount of interest that would become due at that time if the rate were 9 p. c. per annum and the interval between rests were six months.

(c) In considering the question of risk, the court shall take into account the presence or absence of security and the value thereof, the financial condition of the debtor and the result of any previous

transaction of the debtor, by way of loan, so far as the same were known or must be taken to have been known to the creditor.

(d) In considering whether a transaction was substantially unfair, the court shall take into account all circumstances materially affecting the relations of the parties at the time of the loan or tending to show that the transaction was unfair, including the necessities of the debtor at the time of the loan so far as the same were known or must be taken to have been known to the creditor.

Explanation:—Interest may of itself be sufficient evidence that transaction was substantially unfair.

(3) This section shall apply to any suit, whatever its form may be, if such suit is substantially one for the recovery of a loan or for the enforcement of any agreement or security in respect of a loan or for the redemption of any such security.

(4) Nothing in this section shall affect the rights of any transferee for value, who satisfies the court that the transfer to him was bonafide, and that he had at the time of such transfer no notice of any fact, which would have entitled the debtor as against the lender to relief under this section.

For the purpose of this sub-section, the word 'notice' shall have the same meaning as is ascribed to it in section 4 of the Transfer of Property Act, 1882.

(5) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

Comment.

Has reason to believe—mean something more than mere suspicion, namely that the person has sufficient cause to believe that thing. The court should apply its mind even in *ex parte* cases—A. I. R. 1930 C. 776. Under section 3, the court shall exercise one or more of the following powers when it is satisfied either that the interest is excessive or that the transaction was unconscionable.

Formerly the word used was 'may.' Now the word used is 'shall' which is mandatory and the court shall be bound to grant relief, if any one of the conditions is established.

(1) It may reduce the interest and award what sum is due at the reduced rate and disallow the rest of the claim. Transferee of a debtor is a debtor and that of a creditor a creditor within the meaning of this section and the court can relieve the transferee of the debtor. It may refuse if the court thinks that the transferee has accepted with eyes open or that he is a speculator—A. I. R. 1928 Oudh P. 396.

(2) Irrespective of the fact that by means of an agreement, the old dealings have been closed and new obligations to pay by renewal of the transaction substituted, the court may reopen the transaction and account afresh and free the debtor from excessive interest and in case the debtor has made payments or made allowance

towards this excessive liability, order repayment of the sum paid or allowed in excess, which it considers repayable in respect of the same. Thus the court has the power to go behind the dealings of the parties and reopen them. See 3 O. W. N. P. 222.

(3) The court has also the power to set aside wholly or in part or revise or alter any security given in respect of the loan or any agreement made in respect of the loan and also the court can order the creditor to make amends to the debtor in case he has made a transfer of the security.

The limitations to the exercise of these powers are (i) that the court shall not be entitled to reopen any agreement entered into by the parties or any person from whom they claim, which substitutes a new liability for the old ones and which was executed more than 17 years after the date of the transaction. For example if the transaction of loan was made in 1913 and the renewal took place in 1931 the court shall not open the renewed contract.

(ii) Also that the court shall do nothing which would affect any decree of a court. If in lieu of a debt, a decree is passed and fresh loan made in lieu of that decree, the court shall not touch it. The court has no jurisdiction to reduce the rate of interest as set forth in a decree of court—163 I. C. 537=1936 A. L. J. 510. The court in exercise of its powers under sec. 3 must not do anything which affects any decree, whether such decree be interparties or not—1936 A. L. J. 919. If the suit is on the basis of several loan transactions the word transaction used above shall mean the first of such transactions. The words 'shall exercise one or more of the powers' mean in my opinion one or more than one or all of these powers.

Excessive interest. What interest is excessive is discretionary with the court but in considering this point, the court shall have regard to the amounts charged or paid for expenses, inquiries, fines, bonuses, premiums, renewals or any other charges and to the rests if compound interest is charged and in general to the sum total of the advantages which might have been expected to accrue from the transaction. To facilitate the court, the legislature has fixed certain scales of interest for secured and unsecured loans below which the interest shall not be deemed to be excessive and certain scales above which the interest shall be deemed to be excessive and in between the two, the court shall exercise its discretion whether it is excessive or not bearing in mind the rules for guidance laid down and given above. It is a relative term and depends upon surrounding circumstances, which must be proved by evidence.—144 I. C. 218.

Secured loans. Interest shall not be deemed excessive if the rate does not exceed 7 p. c. per annum with half-yearly rests or when the amount of interest found due at any time does not exceed the amount of interest calculated at the rate of 7 p. c. per annum with half-yearly rests at the same time. This would mean that even if the contractual rate of interest is more than 7 p. c. per annum with half-yearly rests, the interest will not be deemed excessive so long as the amount of interest found due at that rate, does not exceed the amount of interest that might be found on calculation at the rate of 7 p. c. per annum with half-yearly rests.

Second or subsequent mortgages. In the case of mortgages after the 1st mortgage, the court instead of shall, may deem the interest excessive if it exceeds 12 p. c. per annum with half-yearly rests or the amount of interest exceeds the amount found due at this statutory rate, provided it considers that the nature of the security warrants it,

Unsecured loans. Similarly interest shall not be deemed excessive if the rate does not exceed 9 p. c. per annum with half-yearly rests or the amount of interest found due at the rate charged does not exceed the amount found due on calculation at the rate of 9 p. c. per annum with half-yearly rests.

But interest shall be deemed excessive if the rate exceeds 24 p. c. per annum with half-yearly rests or the amount found due as interest exceeds the amount of interest found due at 24 p. c. per annum with half-yearly rests.

The rates of interest in between the two limits fixed for the secured and unsecured loans respectively shall be in the discretion of the court to decide whether they are excessive or not. The court shall exercise that discretion in the manner laid down above.

The words "*unless the contrary is proved*" do not find place in proviso 1 intended for secured loans but in this proviso, they have been added and their significance is that in the case of unsecured loans, the court should presume the interest to be excessive, if it exceeds the statutory rate unless the plaintiff creditor proves to the contrary, which burden would lie on him.

Clause C. The word excessive was defined in section 3 clause 2 (a) and therein the words used were 'having regard to the risk incurred.' In this clause (C) the legislature has prescribed some rules for the guidance of the court for considering the question of risk. The rules are that the court shall have regard to the presence or absence of the security and its value, the monetary condition of the debtor and the result of any previous transaction of loan taken by the debtor, so far as the same were known to the creditor or must be taken to have been known to the creditor. The last would include the general repute of the debtor in dealing with the transactions of loan previously. 'Excessive' is a relative term and what is excessive in one case will not necessarily be so in another. It depends upon the surrounding circumstances. Courts, however, cannot assume their existence; they must be found on proper evidence—1933 N. 224 (1928 O. 396 F. B. and 1930 C. 249 relied on).

Sub-section 2. Clause d. So far we have dealt with section 3 clause (i) (a) and now comes clause (b) when the court has reason to believe that the transaction was as between the parties thereto substantially unfair. What is substantially unfair—See A. I. R. 1930 Cal. 776.

In considering this question the rules prescribed for guidance are that the court shall have regard to the following circumstances:—

I. Circumstances materially affecting the relation of parties at the time of the loan or

II. Circumstances tending to show that the transaction was unfair.

Necessities or the supposed necessities of the debtor at the time of the loan known to the creditor or which must be taken to have been known to the creditor must also be looked into, to find whether the creditor has taken advantage of the miserable position of the debtor. If the court finds it to be in the affirmative the court shall deem the transaction unfair. If the rate of interest is very high, that by itself, is sufficient evidence that the transaction is substantially unfair. The court is limited to a consideration of circumstances, which existed at the date of the loan as was held in 1935 M. 468 and not to the happening of subsequent events—A. I. R. 1933 Nag. 224. In this ruling 23 Cal. 15 (P. C.) and 1918 A. I. R. 249 were referred. From the mere fact that the mortgagor was indebted and in urgent need of money, it cannot be inferred that the mortgagees were in a position to dominate his will, and interest at Rs. 2-8-0 per cent, per mensem compoundable quarterly was not held unconsiderable

—27 A. L. J. 1091. But this rate cannot be allowed now in view of the amended Act. The rate of Rs. 1 per cent. p. m. or, for the matter of that Rs. 1-4-0 p. c. p. m. cannot be characterised as in any way excessive extortionate in the case of a handnote which does not carry any security—116 I. C. 43. Where a mortgage stipulated interest at 1 p. c. p. m. with yearly rests, and there was no evidence either that the rate of interest prevailing at the time was lower than that provided in the bond or that the transaction was substantially unfair: Held that Sec. 3 was no bar to the enforceability of the claim for interest—56 C. 960.

Sub-section 3. The section 3 of the Usurious Loans Act shall apply

(1) to all suits in fact for recovery of loans, irrespective of the form in which they are brought.

(2) Suits for the enforcement of any agreement or security in respect of a loan *o. g.* mortgages, unpaid purchase money charges etc.

(3) Suits for the redemption of any such security.

Sub-Section 4. This section shall not affect any bonafide transferee for value and who had at the time of such transfer no notice of any fact which would have entitled the debtor to relief against the creditor under this section. But the transferee shall have to satisfy this to the court. The onus will rest on him to prove the same. A person is said to have notice of a fact when he actually knows that fact or when but for wilful abstention from an enquiry or search, which he ought to have made or gross negligence, he would have known it—Section 3 T. P. Act.

Sub-section 5. The powers given in this section shall not be taken to override the existing powers or the jurisdiction of any court before whom the suit is pending. Suppose for example A brings a suit in the court of the Munsif for recovery of Rs. 1200/- and the court under section 3 of this Act reduces the claim to Rs. 1000/- then the jurisdiction of the Munsif to try the suit will remain as it was.

Insolvency proceedings.—Section 4. On any application relating to the admission of a proof of a loan in any insolvency proceedings, the court may exercise the like powers as may be exercised under section 3 by a court in suit to which this Act applies.

Notes. In insolvency proceedings the insolvency court may exercise the powers given in section 3 of this Act in deciding the amount due to the creditor when he comes to prove his claim just like a regular court.

The Usurious Loans Act of 1918.

INDEX.

	Page.
1. Applicability of the Amended Act	2
2. Bonafid transferee when protected	9
3. Has reason to believe	6
4. Interest	2,3
Excessive interest, meaning of	4,7
Circumstances to be considered by the Court in considering whether interest is excessive	4
Maxima and minima rates for secured and unsecured loans	5,7,8
5. Insolvency proceedings governed by the Act	9
6. Limitation to the exercise of power of reopening loan transactions	7
7. Loan	2,3
Reopening of loan transaction	4
8. Passing of the Amendment Act	2
9. Preamble	1
10. Retrospective effect of the Amendment Act	2
11. Substantially unfair	8
Circumstances to be considered in deciding when a transaction is	6,8
12. Suit to which this Act applies	3
Suit for redemption of jewels, whether Act applicable	3
Suit for redemption of credit, whether Act applicable	3
Suit for accounts under Sec. 33 Agriculturists' Relief Act	3.
Proceedings under the U. P. Encumbered Estates Act	3
Suits to which section 3 applies	6

Corrigenda under the Agriculturist's Relief Act.

CORRECTION.

Page.

- 10 Read 'debtor' for 'creditor' in the last para.
- 11 Read "excepted" for 'expected' in VIIth para.
- 57 Read "furnishing" for 'finishing'.

Corrigenda under the U. P. Encumbered Estates Act.

CORRECTION.

Page.

- 6 Read 'his sir and khudkasht' for 'his and sir khudkasht'.
- 15 Read 'laid' for 'land'.
- 35 Add 'Proposed' before 'Amendment'.
- 69 Strike the first 'section' in rule 2 line 3.
- 69 Read "applicant" for 'application' in rule 2(3) line 4.
- 96 Read '1937' for 1931 in rule 53 line 8.

CHECKED
2003-04