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FIRST EDITION

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1919.

PREFACE.

Rao Bahadur H. V. Sathe, after having published his fourth and last annotated edition of the Land Revenue Code and the rules thereunder, has transferred to me his copy-right inclusive of translations.

2. The Government of Bombay in their Resolution Government No. 3980 dated 12th April 1916 ordered as follows:—

“ It is open to Rao Bahadur R. N. Joglekar to prepare a new and revised edition of Sathe's Land Revenue Code and Government will be glad if he will make it convenient to do so. Heads of offices are authorized to communicate to Rao Bahadur Joglekar any information regarding Government rules and orders which he may require.”

3. In accordance with the desire of Government I willingly undertook this important work as in the performance of my revenue duties for more than 30 years, I had collected all the necessary materials and had also the experience gathered during my administrative and executive work.

4. Besides being upto date in the subject matter, the arrangement of the contents in this edition differs from that of Rao Bahadur Sathe's previous editions in the following particulars:—

(1) Modifications in Sections.

The modifications that have been made from time to time in certain sections have been denoted by indicative letters *a*, *b*, *c*, etc. and are placed immediately under those sections.

(2) Notes.

Under important sections I have added my own notes containing explanations; my experience, and remarks for the sake of brevity the notes are denoted as N 1, N 2, N 3. etc.

(3) Government Orders.

All government orders, resolutions and notifications relating to each section are arranged in their chronological order and have been briefly numbered as G 1, G 2, etc.

(4) Judicial decisions.

All Judicial decisions of the Bombay and other High Courts relating to each section have also been arranged in proper order and have likewise been marked as J 1, J 2, etc.

(5) Summary.

With a view to facilitate ready reference to the notes (N), Government resolutions (G), and Judicial decisions (J) under each section, I have added a summary with the subjects arranged alphabetically.

5. The contents of this book will therefore be arranged as follows:—

(1) Section

(2) Modifications, if any, indicated by letters *a, b, c*, etc.

(3) Summary of the notes (N), Government Resolutions etc. (G) and Judicial decisions (J) pertaining to the section.

(4) Notes (N) Government Resolutions etc. (G) and judicial decisions (J), given in full.

At the end of the book are attached

(a) General alphabetical index of subjects.

(b) Index of the Government Resolutions.

and

(c) Index of the Judicial cases.

PREFACE.

6. The Rules under the Land Revenue Code revised by the Bombay Government. I am informed that they have not been published for at least six months to come so I have not published the old rules with this edition.

Dhananjayrao Gadgil
GIPE-PUNE-023

7. After my retirement from the British service on the 1st of August 1916, His Highness the Maharaja Gaekwar of Baroda, was pleased to employ me in his State on the responsible post of the Collector of the Baroda District. This employment with its manifold responsibilities and the spread of influenza in Bombay and elsewhere have naturally delayed the speedy publication of the book, but all the same, the delay has been fully utilized in making the edition fully upto date *i. e.* 1st October 1919.

8. Just next to the preface, I have inserted addenda and corrigenda under the general heading corrections numbered serially. It is suggested that these numbers should be entered in red ink in the text in their proper places to serve as ready reminders.

9. I wish to place on record my sense of gratitude to the Honourable Mr. G. S. Curtis C. S. I., I. C. S. member of Council, Bombay, C. N. Seddon Esqr., I. C. S., Commissioner, Central Division, and F. G. H. Anderson Esqr., M. A., I. C. S., Survey Commissioner and Director of Land Records, Bombay Presidency for the advice and help which they have given to me from time to time. My thanks are also due to P. K. Pendse Esqr., M. A., L. L. M., Advocate of the Bombay High Court and other gentlemen for assisting me in compiling this edition.

Baroda, 17th October, }
1919.

R. N. JOGLEKAR.

CORRECTIONS.

1 Page 8 Add the following note at the bottom of the page.

Note. *vide* J. 5 under sections 217 on pages 559-60.

2 Page 12, after line 4—Insert, 'G 1. In the office of the Commissioner C. D., one Assistant has been abolished. (G. R. F. D. 1894 dated 15th May 1918).'

3 Page 55, subsection (3) of section 37. Score out the words "by the Collector" in line 3 and substitute '[c]'

Above summary under section 37. Insert '[c] the words repealed by Bombay Act II of 1919 second schedule are omitted.'

4 Page 56. Strike out the word 'Government' against (b) and (c) at the top of the page.

5 Page 73, 8th line from top for G. 13 read G. 14.

6 Page 89—For G 21, substitute, G 21. *Trees*—The concessions granted to permit-holders by G 18 above, should be continued to their legal heirs without any restriction with regard to succession or transfer. (G.R.R.D. No. 9124 dated 6th September 1918).

7 Page 134, after (6) under 2 waterrate, insert (7) Old wells.....G 22.

8 Page 141 after the words "R. D. 4967 dated 20th April 1917" insert. G. 22. Water rates:—The levy of a waterrate under sec. 55 of the Code on old wells exempted under sec. 48 of the Irrigation Act must be regarded as inadmissible (G. O. R. D. No. 13614; dated 24th December 1918.)

9 Page 154 line 3 from bottom. After the letters 'feiture' insert [g] or to summary removal [g]

10 Page 155 line 2 from top. After the word "direct" insert [g] " and the cost of the removal of any encroachment under this section shall be recoverable as an arrear of land revenue " [g]

Page 155. After [f-f] insert [g-g] these words are added by Bombay Act II of 1919 first schedule

11 Page 155, In the summary (S. 61) strike out G 27 and substitute [g-g] above.

12 Pages 170 and 171, Strike out G. 27.

13 Page 174. Add the following as G. 9 after G. 8
G 9. *Grant of waste land to soldiers and their nearest relatives.*

2. So far as the Presidency proper is concerned Government consider that the Collectors should continue—

- (1) to give preference to persons mentioned in Government Order No. 12029 dated 6th October 1917, in the matter of grant of waste lands.
- (2) failing applications from such persons preference should be given to soldiers (including recruits) provided that their military service is satisfactory or the dependants of soldiers dying in service ;
- (3) waste land should only be given to persons not included in Classes (1) and (2) when there are no recruits from the village or where the Collector thinks the giving out necessary for food production, but in such cases the grant should only be temporary.

3. As regards Sind the Commissioner and Collectors already have discretion in the matter of the grant of waste lands to any suitable applicant. But Government desire that preferential treatment should be accorded to applications for waste land from recruits provided that their military service is satisfactory or from their near relatives and that the grant of land to such persons should be made either free or at a reduced rate of occupancy price (G. O. No. 7830 R. D. dated 29th July 1918).

14 Page 178—After the case at J I insert the following cases J 2, J 3.

J 2—Non-riparian owner—R sued for a declaration that he had a right to take the water of a river for cultivating his lands by making it flow over the paddy lands of J. From time immemorial R and his ancestors, as owners of certain non-riparian lands, had been taking water from the river at or about a certain spot on the river banks, and thence over the lands of J successively till R's lands were reached. J's objection was that the right claimed was really one 'to surface water not flowing in a stream' and hence could not be acquired as an easement under sec. 17 (c) of the Easements Act 1882. *Held* that sec. 17 (c) of the Act did not apply as R's claim was to river water and not to mere surface water on J's lands and that R having acquired the right claimed by him before the Act came into force and having enjoyed such right from time immemorial, the case was saved by sec. 2, clause (c) of the Act. (I. L. R. 42 Bombay 288).

J 3—Non-navigable river—In the case of a grant of land by Government described as bounded by a non-navigable river, the presumption (which may be strong or weak according to circumstances of each case) is that the grant passes to the grantee with a right to half the bed of the river, and that the onus of showing the contrary is on the grantor. I. L. R. 41 MADRAS, page 840.

15 Page 180. line 8 from bottom For 'manual' read manure.

16 Page 180 summary section 65 after G. 13 add 'G. 17.' and after G. 1, 2 against (5) and G. 18. and at the bottom of the page add 10. Lands near Railway Stations.....'G. 18.'

17 Page 190. Insert as follows :—

G. 17. The latter part of rule 6 of the rules published under G. 13 above should be interpreted as applying to lands which the superior holder has let to tenants-at-will, from whom the holder can levy non-agricultural assessment in excess of the standard rates. (G. O. R. D. No. 8779, dated 29th August 1918).

G. 18. Section 65 does not apply to buildings on alienated lands. When it is intended to grant permission under section 65 to build upon unalienated agricultural lands and unoccupied waste lands in the vicinity of any railway station, Collectors should give an intimation to the Railway Administration of his intention to grant the desired permission within a specified period not exceeding six months. A definite limit of distance from railway stations as regards these buildings cannot be prescribed in view of the varying conditions of railway stations situated in different localities. Government prefer therefore to leave this question to the discretion of the Collectors in each case. (G. O. R. D. No. 856I, dated 20th August 1918.)

18 Page 261. Insert the following above section 85.

N. 2. Vide appendix XIII (pages 620 to 626) for rules relating to suspension and remissions.

19 Page 318. After (e) Vacant lands in village sites insert (f) Area over 10 acres G 6.

20 Page 319. After G. 5 insert. G. 6 *Survey*—When it is proposed by any Department of Government survey in the presidency proper an area over ten acres in extent (intimation of the nature, purpose and extent) of such survey should first be communicated to the Settlement Commissioner and Director of Land Records.....The Collectors should be instructed to invite the municipalities, local boards and other public bodies concerned also to communicate such proposals to the Settlement Commissioner and Director of Land Records. G. O. R. D. No. 13152, dated 12th December 1918.

21 Page 355. Insert the following under section 103.
N. 1. Vide appendix XV on pages 628 and 629.

22 Page 357. Line 7. Read 'N I' instead of No. 1.

23 Page 380. After (6) Stamp duty, insert (7) Civil Court's duty J. 3, 4.

CORRECTIONS.

24 Page 385. Insert the following after J 2.

J 3. The Civil Court has no jurisdiction to reopen a partition made by the Collector under section 54 of the Civil Procedure Code (Act 5 of 1908). I. L. R. 42 Bombay 689.

J 4. Where the whole of the property which is the subject matter of a suit for partition consists of landed property assessed to revenue, the suit would be governed by the provisions of order XX, rule 18, clause (1), and section 54 of the Code of Civil Procedure, and all that a Civil Court can do is to give a decree declaring the amount of the plaintiff's share as against the defendant and leaving the plaintiff to take any steps he may think proper for the actual partition of his share in the Revenue Court. (I. L. R. 41 Allahabad page 207).

25 Page 435. Section 135 D. (1) in the 5th and the 6th line of this section strike out the words " subsection (1) " and substitute [a] the first paragraph [a]

Page 437 below subsection (7) and above J. 1 insert [a-a] these words are added by Bombay Act II of 1919. first schedule.

26 Page 442. After G. 3 insert.

G 4. *Record of Rights*—Government sanction Mr. Anderson's proposal to raise the fee from 2 to 4 annas per mutation in the Record of Rights of certain village site in Gujarat as remuneration of talaties. G. O. R. D. No. 9211 dated 25th September 1918. 10872 dated 6th November 1918.

27 Page 452. Insert under section 139. G. I Credit of interest due to an investor in the Indian War Loan in direct payment of the land revenue assessment.

The Government of India have acceded to the expressed desire of many landholders, particularly of the Mahomedan community, that interest due to them on investments in the Indian War Loan should be credited to their land revenue accounts instead of being paid direct. This concession will be granted to all holders of War Loan Scrip whether in the form of promissory notes, stock certificates or bearer bonds, no matter whether they are original applicants or their

transferees. Those investors who desire to take advantage of this concession should apply to the treasury officer of the district in which they reside.

(G. O. F. D. No. 2630 dated 13th July 1918).

28 Page 481. Summary section 154. After G. 6. against (2) write G. 10.

29 Page 484. After G. 9 insert. G. 10. Illegality of breaking open the outer doors of the house of a defaulter for the purpose of distraining goods for the recovery of arrears of land revenue :—

Having regard to the legal opinions recorded in G. R. R. D. No. 11240 dated 11th December 1913, Government do not sanction the application of Section 62 (2) of the Civil Procedure Code to the recovery of arrears of land revenue, the word 'defaulter' being substituted for 'judgment-debtor.'

(G. O. R. D. No. 7673 dated 24th July 1918).

30 Page 492. After G. 1 insert.

J. 1. *Right of Government to recover proportionate assessment from the grantee of rent free lands.*

The Talukdar of a village, who paid to Government assessment for the whole village in a fixed sum, granted certain lands to the plaintiff free of rent. The assessment not having been paid by the Talukdar, the Government attached the village under the provisions of section 144 of the Bombay Land Revenue Code, 1879, and proceeded to levy proportional assessment from the plaintiff in respect of the lands held by him. The plaintiff sued to restrain the Government from levying the assessment from him :—

Held, dismissing the suit that the fact that the plaintiff held rent free lands from the Talukdar, did not affect the right of Government to levy proportionate assessment from the plaintiff, under the provisions of section 160 of the Bombay Land Revenue Code, 1879. I. L. R. 43 Bombay page 6.

31 Page 542. Insert the following as N. 7 after N. 6.

N. 7. Vide appendix XII regarding form of Commissioner's order to extend the provisions of Chapters VIII and IX to an Inam village.

32 Page 568, lines 3 and 4 from top—for the words “and thereafter at successive periods of years in perpetuity,”
Substitute “and thereafter at such periods as may from time to time be fixed in this behalf”.

Page 567, lines 14 to 16 from top—*omit* the words “facing towards the the road leading from to”

(G. O. R. D. No. 8241 dated 10th August 1918).

33 Page 558 after G.-32 insert—G. 33 *Inam Village Survey*.—If the survey of the unsettled Inam villages is to be carried out extensively the Udtara method must be adopted, otherwise the cost of operations will be prohibitive.

(G. O. R. D. No. 339 dated 13th January 1919)

34 Page 355, after 10 lines from top, insert, ‘G 15. *Settlement Reports*—Government Order No. 706 dated 23rd January 1919 abolishes Appendix J to Settlement Report at page 554 of the new Survey and Settlement Manual and adopts a revised Appendix M, showing village population and area of unoccupied assessed cultivable Government land.’

(G. O. R. D. No. 706 dated 23rd January 1919)

35 Page 170, insert the following as G 27 in place of the present G 27 cancelled by correction 12.

“G. 27 Balcony—The act of putting up a balcony so as to project over land lying below amounts to occupation of such land within the meaning of section 61 of the Bombay Land Revenue Code.”

(G. O. R. D. No. 3141, dated 26th March 1919).

36 Page 190, below G 18, inserted by correction 17, *insert*.

‘G 19—*Proposal to control the erection of buildings on unalienated lands in the vicinity of railway stations*:—

The period of six months referred to in paragraph 2 of Government order No. 8561 dated 20th August 1918 is a maximum and it will not be possible to allow a delay of six months in every case for the Agent’s decision. The collectors should be directed to give as long notice within six

months as can be given without undue hardship to applicants, and to send clear plans showing the plots which it is intended to build upon with their distances from the railway boundary, and the nearest railway mileage which will be found marked on the telegraph poles.

When the Collector is making his survey, he should do so in conjunction with the Railway Executive Engineer concerned, as this will save a further meeting when the question as to whether the building should be permitted or not is under discussion.

(G. O. Nos. 5434, R. D. dated 28th May 1919)
 (" 7338, R. D. " 18th July 1919)
 (" 9448, R. D. " 13th September 1919.)

37 Page 497,—at the bottom of this page, after N. I, add:—

" G I,—G. O. R. D. No. 6755 dated 5th July 1919 approves revised forms for holding auction sales of moveable and immoveable property."

(G. O. R. D. No. 6755 dated 5th July 1919.)

38 Pages 620 to 627 (rules for suspensions and remissions) The following changes should be made in these rules:—

(a) rules I and 6—Insert the words "and to superior holders of alienated land" between the words "alike" and "without" in rule I and also after the word "occupants" the first time it occurs in rules 6.

(b) in rules 4 and 7, after the word "occupants" insert the words "and superior holders of alienated land"

(c) For rules $\frac{5}{7}$ substitute
 "suspensions

..... may be granted to superior remissions

holders in accordance with the orders and provisions of section 84A of Bombay Act 5 of 1879."

(d) delete the words "cultivating their own holdings
 • and except as provided in clause (ii) below, to non-cultivating occupants" occurring in rule 6.

(e) delete clause (ii) of rule 6 and add the following between the last two sentences of clause (i) of the rule :—

“ the oldest arrears should be remitted first.”

(G. O. 9402, R. D. dated 12th September 1919.)

39 Page 190, below G 19 inserted by correction 36, add :—

“ G 20—*Non-agricultural assessment*—In the following case, the non-agricultural assessment was properly levied by the Collector :—

A Co-operative dairy society for Gaolis was organised, bringing them into one place, securing some land for them, putting up a shed for the cattle, and arranging for the joint purchase of feeding stuffs and the joint marketing of the milk. 2. As a general rule, Government think that in the case of enterprises closely connected with agriculture, the rule regarding the levy of non-agricultural assessment should be liberally interpreted.

(G. O. R. D. No. 10108 dated 29th September 1919.)

40 Page 486, J. 3.—add :—

“ I. L. R. 43 Bombay 550 ” below “ 21 Bombay Law Reporter, pages 251-255 ” at the end of J 3.

THE BOMBAY LAND REVENUE CODE, 1879.

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(The Government servants' conduct rules corrected upto July 1915.)

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APPENDIX I

(The Government servants' conduct rules corrected up to July 1915.)

1. In these rules,—

- (a) "Government servant" includes every person holding or exercising any civil office, other than a menial office, under the Government;
- (b) "Native of India" means a person of unmixed (Asiatic descent permanently) resident in India.

2. A Government servant may not, without the previous sanction of the Government of India, directly or indirectly accept, either on his own behalf or in behalf of any other person, any gift, gratuity or reward, or any promise of a gift, gratuity or reward, from any Native of India, [13 Geo. III, Chap. 63, section 24; Foreign Department Circular no. 1299. G., dated the 20th June 1876.]

The Head of a Government or Administration or a Political Officer may accept from any Native Prince or Chief a ceremonial gift which is deposited in the Government Toshakhana and for which a return present is made at the Government expense. Any Government servant may accept a complimentary present of flowers or fruits or similar articles of trifling value. The practice of giving such presents should however be discouraged.

When a gift of substantial value cannot be refused without giving offence, it should, unless the Government of India by special order otherwise direct, be delivered up to the Government.

3. A Government servant may not, without the previous sanction of the local Government, receive any complimentary or valedictory address, accept any testimonial presented to him, or attend any public meeting or entertainment held in his honour; nor may he take part in any similar action of the services of any other Government servant, or of any person who has recently quitted the service of Government. [Home Department (Public) Resolution no. 29—1629-45, dated the 22nd July 1887; Home Department Resolution no. 729—753 (Public), dated the 6th May 1898; Home Department Circular no. 4566—75, dated the 8th August 1910.]

The rule admits of the following exceptions:—

- (a) The Head of any Government or Administration may receive an address.

- (b) At the request of any public body a Government servant may sit for a portrait, bust or statue not intended for presentation to him.
- (c) A Government servant may take part in the raising of funds to be expended, in recognition of the services of another Government servant, on the foundation of a scholarship or other public or charitable object, or on the execution of any portrait, bust or statue not intended for presentation to such other Government servant. He may not, however, solicit subscriptions for the purpose.
- (d) A Government servant may take part in a private farewell entertainment, attended only by personal friends, as a mark of regard to himself when retiring from the service or quitting a district or station, or to another Government servant in similar circumstances.

[Home Department Circular nos. 4566—75, dated the 8th August 1910.]

4. A Government servant may not, without the previous sanction of the local Government, receive any trowel, key or other similar article, offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

[Home Department Circular nos. 1173—1184, dated the 18th June 1913.]

A local Government may delegate its power of sanction under this rule to Commissioners of Divisions, or, in the Madras Presidency, to the Board of Revenue.

[Home Department Circular nos. 718—721, dated the 13th May 1915.]

This rule shall not apply to the Head of any local Government or Administration or to any Member of the Imperial or Provincial Executive Council, or to the Commissioner in Sind.

5. Subject to the departmental rules governing the question, a medical officer may accept any gift, gratuity or reward offered in good faith by any person or body of persons in recognition of his professional services.

Application of rules 2 and 3 to medical officers.

6. A Government servant may not, without the previous sanction of the local Government, ask for or accept from any Native Prince or Chief, or the agent of any Native Prince or Chief, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

[Home Department (Public) Resolution no. 31—1217-42, dated the 11th July 1885; Home Department (Public) Resolution no. 25—1437-60, dated the 14th August 1889.]

7. Government servants may not enter into any pecuniary arrangement for the resignation by one of them of any office under the Government for the benefit of the others. Should this rule be infringed, any nomination or appointment consequent upon such resignation will be cancelled and such parties to the arrangement as are still in the service will be suspended, pending the orders of the Secretary of State or of the Government, as the case may be.

[General Notification no. 216, dated the 9th September 1842; Home Department Circular no. 55—1864-73 (Public), dated the 29th December 1883.]

8. (1) A gazetted officer may not lend money to any person possessing land within the local limits of his authority, nor may he, except in the ordinary course of business with a Joint Stock Bank or a firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to, any person subject to his official authority, or residing, possessing land or carrying on business within the local limits of such authority.

[Home Department (Public) Resolution no. 2-R.—87-103, dated the 16th January 1890; letter to Government of Madras, no. 2407, dated the 6th December 1890; Home Department Circular letter nos. 560—569, dated the 28th February 1907.]

(2) When a gazetted officer is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property or carry on business within the local limits of such authority, he must forthwith declare the circumstances to the Government through the usual channel.

[Home Department (Public) Resolution no. 22—637-653, dated the 16th March 1888; Home Department (Public) Resolution no. 1032—1049, dated the 9th June 1897.]

[Home Department Circular no 4952-60 (Public), dated the 28th October 1869; Home Department letter no. 1899 (Public), dated the 25th April 1872; Home Department letter no. 1556 (Public), dated the 31st May 1892.]

(3) The orders contained in this paragraph apply also to non-gazetted officers, but in the case of the latter they may be relaxed in exceptional cases at the discretion of the head of their office. Non-gazetted officers should make the report referred to in sub-paragraph (2) to the head of their office.

[Home Department Notification no. 1437 (Public), dated the 23rd September 1881; Home Department Notification no. 53 (Public), dated the 20th January 1882; Home Department Circular no. 387-96, dated the 20th February 1911.]

9. When a Government servant, other than a Native of India, wishes to buy from or sell to any Native of India residing, possessing immovable property, or carrying on business within the station, district or other local limits for which he is appointed, any house, elephant, horse, conveyance or other valuable thing, he must declare his intention, with a full statement of the circumstances and the price offered or demanded, as the case may be, to the Commissioner or to such other authority as the local Government may direct. When such a declaration has been made, the Commissioner, or other officer authorised by the local Government in this behalf, may pass such orders upon the proposal as he may think fit. These orders do not apply to any transaction conducted in good faith with a regular dealer.

A Government servant, who is about to quit the station, district or other local limits for which he has been appointed, may, without reference to any authority, dispose of his furniture, household goods, live-stock and the like, either by circulating lists thereof among the community generally or by causing them to be sold by public auction.

NOTE.—It will be understood that the Commissioner or other officer authorised to dispose of such applications is at liberty to refer any application to Government for advice or orders if he considers such a course desirable. In cases where the Commissioner or other officer authorised in this behalf is himself interested in the proposed transaction, he should refer the matter to Government for orders.

10. A Government servant who is a member of the Indian Civil Service, or a military officer, may not hold or acquire any immovable property within the territories of any Native Prince or Chief.

[Home Department Circular no. 21—797-806 (Public), dated the 13th May 1885; Home Department Circular no. 19—1161-1170 (Public), dated the 14th June 1890; Home Department Circular nos. 2224—32, dated the 13th May 1909.]

A Government servant, who, not being a Native of India, is a member of the Indian Civil Service, or a military officer, or holds any office ordinarily held by members of the Indian Civil Service or by military officers, may not, directly or indirectly, hold or acquire any immovable property within the Province in which he is employed or within any Province with the administration of which he is concerned, whether such employment or concern is permanent or temporary.

A Native of India who is a member of the Indian Civil Service, or holds any office ordinarily reserved for members of the Indian Civil Service, and any Government servant belonging to the Provincial or Subordinate Civil Services, may continue to hold any immovable property actually held by him at the time of his entry into Government service, and may thereafter acquire any immovable property by succession, inheritance, or, bequest, or, with the previous sanction of the local Government or such heads of Departments as may be specially empowered by the local Government in this behalf, by purchase or gift.

He will, however, be liable to be debarred from employment within the district or other local limits within which such immovable property is situated.

Any Government servant may hold or acquire immovable property in good faith for the purpose of residence.

11. Every government servant or candidate for Government service must make to the Government, through the usual channel, a declaration of all immovable property which may from time to time be held or acquired by him or by his wife or by any member of his family living with him, or in any way dependent upon, him.

[Home Department Circular no. 21—707-806 (Public), dated the 13th May 1885; Home Department Circular no. 33—2405—14 (Public), dated the 11th September 1888.]

Such declaration should state the district within which or the Native Prince or Chief within whose territories the property is situated and should give such further information as the Government may by general or special order require.

[Home Department Circular nos. 718-721, dated thr 13th May 1915,] This rule shall not apply to any Member of the Imperial or a Provincial Executive Council who is a Government servant only in that capacity and not otherwise.

12. A Government servant may not make any investment, other than an investment in immovable property permitted by rule 10, which gives him such private interest in matters with which his public duties are connected as would be likely in the opinion of the local Government to embarrass or influence him in the discharge of his duties.

Subject to this condition he may hold or acquire shares in any Company, including a mining or agricultural Company, which has for its object the development of the resources of the country; but he will not be employed in any district in which the operations of any such Company are conducted :

Provided that this rule, in so far as it relates to the making of investments or placing of deposits by Government servants in co-operative societies registered under Act

II of 1912, shall, subject to any general or special restrictions or relaxations made or permitted by the local Government, be read with the following limitations :—

- (a) Government servants of the class referred to in the second paragraph of rule 10 shall not make such investments or place such deposits within the Province in which they are employed.
- (b) Government servants of the class referred to in the third paragraph of rule 10 shall not make such investments or place such deposits except in cases in which they are allowed to retain or acquire immoveable property.
- (c) All other classes of Government servants shall be at liberty to make such investments or place such deposits.

Home Department Circular no. 21—797—806 (Public) dated the 13th May 1885.]

Speculation. 13. A Government servant may not speculate in investments.

In applying this general rule, the purchase of a grant of land supposed to contain minerals with the object of disposing of it to Companies, and the habitual purchase and sale of securities of notoriously fluctuating value, will be treated as speculation in investments.

14. A gazetted officer, whether on leave or in active service, may not, without the special sanction of the Secretary of State, take part in the promotion, registration or management of any Bank or other Company.

This rule does not apply to any Government servant who, with the sanction of the Government of India, enters into the service of a Railway Company working a concession granted by the Government or to the management of a Government servant of any association established and conducted in good faith for the purpose of mutual supply and not for profit, when such management does not interfere with his public duties, or (subject to the same condition) to any Government servant who, under the general or special sanction of the local Government, takes part in the management of a co-operative society registered under Act II of 1912.

Solicitors to the Government at Calcutta, Madras or Bombay, Government pleaders, Crown Prosecutors, Diocesan Registrars and Coroners may serve as Directors of a Bank or other Company if such service does not interfere with their public duties and the interests of the Bank or Company are not opposed to those of the Government.

15. A Government servant may not, without the previous sanction of the local Government, engage in any trade or employment, or undertake any employment, other than his public duties.

A Government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but the Government may, in its discretion, at any time forbid him to undertake or require him to abandon any employment which in its opinion is undesirable.

Note.—The Secretaryship of a club does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his public duties and that it is an honorary office, that is to say, that it is not remunerated by any payment in cash, or any equivalent thereof other than the customary concessions of free quarters and personal exemption from messing charges only. Any officer proposing to become the Honorary Secretary of a club, should inform his immediate departmental superior who will decide, with reference to this rule and note, whether the matter should be reported for the orders of Government.

Home Department Circular no. 21—797-806 (Public), dated the 13th May 1886; Secretary of State's Despatches no. 73 (Public), dated the 19th July 1883; no. 25 (Financial), dated the 7th February 1889; and no. 53 (Public), dated the 14th May 1891 Home Department Circular nos. 2139 — 48, dated the 25th September 1908; Home Department Circular nos. 79—90, dated the 23rd January 1913. [Home Department Circular no. 21—797-806 (Public), dated the 13th May 1886.]

[Home Department Circular nos. 928—937B, dated the 9th June 1914.]

[Home Department Notification no. 181, dated the 26th January 1855; Circular Memorandum no. 67-2816-2821, dated the 19th November 1874; Resolutions no. 100 (Public), dated the 12th January 1856, No. 2-77-102 (public) dated the 19th January 1884, and no. 29-1770-92, dated the 8th October 1889.]

16. (1) When a Government servant is adjudged or declared an insolvent, or when one moiety of the salary of such Government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he will be considered liable to dismissal.

(2) When such Government servant is not liable to dismissal otherwise than by or with the sanction of the Secretary of State, the matter must, if he is declared insolvent, and may, if a moiety of his salary is attached, be reported to the Secretary of State, pending the receipt of whose orders he will be suspended from the service.

(3) In the case of any other Government servant, the matter should be reported to the local Government or to such authority subordinate to the Government as may, by general or special order, be directed.

(4) When a moiety of an officer's salary is attached, the report should show what is the proportion of the debts to the salary; how far they detract from the debtor's efficiency as a Government servant; whether the debtor's position is ir retrievable; and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him when the matter was brought to notice, or in any post under the Government.

(5) In every case under this rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, will be upon the debtor.

[Home Department Circular no. 30-1267-76 (Public), dated the 16th August 1884; Home Department Resolution no. 22-A (Public), dated the 3rd June 1885.]

17. A Government servant may not, unless generally or specially empowered by the local Government in this behalf, communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons, or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise.

18. A Government servant may not, without the [Home Department Resolution no. 19—1134 (Public), dated the 8th July 1875.] previous sanction of the local Government, become the proprietor in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

Such sanction will be given only in the case of a newspaper or publication mainly devoted to matters not of a political character, and may at any time, in the discretion of the local Government, be withdrawn.

19. Subject to the provisions of rule 17, a Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion; and, if his connection with the Press is contrary to the public interest, the local Government may withdraw his liberty to contribute. When there is room for doubt whether the connection of any Government servant with the Press is or is not contrary to the public interests, the matter should be referred to the Governor-General in Council for orders.

Nothing in this rule will limit or otherwise affect the operation of any Army Regulations for the time being in force relating to the same subject.

20. A Government servant may not publish in his own name. [Secretary of State's despatch, no. 182 (Public), dated the 27th September 1912; Home Department Circular no. 2660—2671, dated the 15th November 1912.]

(a) any statement of fact or opinion which may embarrass the relations between Government and the people of India or any sections of the people;

(b) any statement of fact or opinion concerning the policy or affairs of, or negotiations with, a foreign country which may embarrass the relations between such country and the British or Indian Government.

A Government servant who intends to publish a statement which may be considered to fall within this rule shall submit a proof thereof and shall obtain the permission of Government before publication.

[Home Department Circular no. 11—679-88 (Public), dated the 18th March 1890; Home Department Circular no. 4015-24 (Public), dated the 16th December 1905.]

21. A Government servant may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs. Nor may he attend any political meeting his presence at which is likely to be misconstrued or to impair his public usefulness. When there is room for doubt whether any action which a Government servant proposes to take will contravene the provisions of this rule, he should refer the matter for orders to the local Government to which, or the Government servant to whom he is immediately subordinate.

[Home Department Circular no. 30—1676-85 (Public), dated the 5th September 1890; as such, Home Department Circular no. 1365—74, dated the 29th May 1900.]

22. A Government servant may not, without the previous sanction of the local Government, have recourse to any Court or to the Press for the vindication of his public acts or character from defamatory attacks. In granting sanction to the local Government will in each case decide whether it will itself bear the costs of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether, in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs.

Nothing in this rule will limit or otherwise affect the right of any Government servant to vindicate his private acts or character.

1. Government servants, on certain conditions, may become members of Anglo Indian Empire League (G. R. 7855 dated 9th October 1915.)
2. Government servants should decide whether they should attend a political meeting without orders of higher authority (G. R. 2647 dated 12-4-16.)

APPENDIX II.

(Referred to in S. 31, G 6)

FORM A.

Register of landed property held by public servants—prescribed by G. R. No. 3000, dated 10th June 1903.

District.	Name of officer or candidate for office.	Appointment held or sought.	Landed property including buildings in possession.						REMARKS.
			Nature of property.	The approximate value of the property.	Where situated.	How acquired.	When acquired.	Extent in Acres.		Assessment.

NOTE.—Property held or managed by or on behalf of an officer's wife or other member of his family joint with or living with or in any way dependent on him is, for the purposes of this register, considered to be held or managed by the officer himself.

FORM B.

I hereby declare that no change in the landed property (including buildings) held by me has occurred in the financial year ending 31st March.

_____ Name

_____ Designation as Government Officer.

_____ District in which serving.

APPENDIX III.

(Referred to in s 41, & 11)

(Form of Sanad for the planting of trees in open places in villages sanctioned by G. R. No. 8966, dated 27th December 1901.)

Whereas _____ resident of Mouze
Taluka _____ in the District of _____
has applied to plant and rear (here enter the description of trees) trees in Government land _____ and whereas the aforesaid application has been duly sanctioned under the authority of G. R. No. 4118, dated 14th June 1901.

Now the Sanad is hereby granted to the said _____ authorizing him, his heirs and ancestors to plant and rear _____ (Here enter the description of trees) trees in the marginally noted Government land of the village of _____ Taluka _____ in the district of _____ and to

enjoy the produce thereof without any question on the part of Government and without paying to Government any assessment or rent otherwise leviable under the Land Revenue Code or any other similar law in force from time to time on account of the land occupied by or under the trees, subject to the below-mentioned conditions, namely :—

1. No right of ownership in or over the soil of the land in which the trees are planted shall thereby be acquired.
2. The said land shall be kept open and no fence or other obstruction shall be placed thereon, other than a separate fence round each tree such as may be necessary for its proper protection.
3. The wood of the trees shall be the property of Government.
4. The trees shall be given up without compensation if the land be required by Government or the Local Board for any public purpose.
5. No compensation shall be claimed or given for any damage done to the trees by any excavation or work done connected with an adjoining tank.
6. Trees growing on land forming part of the village site may be lopped by the orders of the Collector, if necessary, without giving any compensation.

This Sanad is executed on behalf of the Secretary of State in Council by order of the Governor-in-Council of Bombay, by and under the hand and seal of _____ Esquire, Assistant Collector of _____ this _____ day _____

When any unalienated land assessed or held for purposes of agriculture only is used for any purpose unconnected with agriculture by the occupant of the land.

Any person who shall unauthorisedly occupy any land set apart for any special purpose or any unoccupied land which has not been alienated shall

With permission.	Without permission.
Section. 65.	Fine leviable under Section 66 of the Code.

If he have used it for any non-agricultural purpose.	Fine leviable under Section 61. If he have taken up the land for purpose of cultivation.
--	--

No fine (Rule 71).	Classes into which villages, towns and cities in their respective division, are divided by the Commissioners under rule 72 for the purpose of determining the amount of fine.	Under the provisions of para. 2. Section 48, the assessment of the land so appropriated shall be altered in accordance with the rates fixed in rule 56 (1) viz. whichever be the greater of the following.		Shall be fixed by the Collector at his discretion, but shall not exceed the following sums (<i>vide</i> rule 73).	When land is appropriated to building site or brickmaking without permission the Collector may require the payment of a fine not exceeding the rate fixed for the 1st class (Rule 74).
		At Rs.— per acre.	No. of times the assessment for agricultural purposes.		
1	2	3	4	5	
I	10-0-0 or Ten times.		Rs. 1,250		
II	5-0-0 ,, Five times.		750		
III	2-0-0 ,, Three times.		500		
IV	1-0-0 ,, Double.		250		
V	No alteration in the assessment shall ordinarily be made.		100		

6	7
Be liable to pay a fine equal to double the amount that would be leviable under Section 66 of the Code, <i>vide</i> , double the amount shown in column 4 (<i>vide</i> rule 70).	Be liable to pay the assessment of the entire No. for the whole period of his occupation if the land forms part of an assessed survey No. or
Be liable to pay a fine equal to double the amount that would be leviable under Section 66 of the Code, <i>vide</i> , double the amount shown in column 4 (<i>vide</i> rule 70).	Be liable to pay such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose, if the land has not been assessed.
Rs. 2,500	And shall also be liable at the discretion of the Collector to a fine not exceeding five rupees or a sum equal to ten times the amount of assessment payable by him for one year if such sum be in excess of five rupees.
1,500	
1,000	
500	
200	

The subjoined table shows how the altered assessment and fine leviable under Sections 48, 61, and 66 and the rules framed thereunder, on account of unauthorised occupation and appropriation of unalienated land.

(Referred to in S. 48, N 14.)

APPENDIX IV.

APPENDIX V S. 62 (N1)

The following Memo. of conditions imposed in respect of sale by auction of the occupancy-right of Government lands is in accordance with Government Resolutions Nos. 1189, dated 13th February 1886, and 9915, dated 19th October 1906.

Memo. of the conditions of sale of the occupancy-right of the following unoccupied land to be held at

on the _____ day of _____ 19 ____
vis. :— Survey No. _____
 _____, area about _____ Acres,
 Gunthas, Assessment Rs. _____ in the
 village of _____ Taluka
 and bounded
 on the North by _____
 on the South by _____
 on the East by _____ and
 on the West by _____

1. The sale shall be subject to confirmation by the Collector, or by some other revenue officer duly authorized to confirm the same.

2. It shall be in the discretion of the Collector or other officer aforesaid, to accept or not to accept, the highest bid.

3. The highest bidder shall have no ground for complaint if the sale be not confirmed, or if there be delay in the confirmation of the sale.

4. The party who is declared, subject to confirmation of the sale, as aforesaid, to be the purchaser shall be required to deposit immediately 25 per centum on the amount of his bid, and, in default of such deposit, the occupancy-right shall forthwith again be put up and sold.

5. The full amount of the purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the auction takes place, or if the said fifteenth day be a Sunday or other authorized holiday, then before sunset of the first office day after such fifteenth day.

6.* In default of payment within the said period of the full amount of the purchase-money, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government and occupancy-right shall be resold, and the defaulting purchaser shall forfeit all claim to the occupancy-right, or to any part of the sum for which it may be subsequently sold.

7.* If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Collector as an arrear of land revenue.

(*The arrangement of these clauses has been altered in compliance with G. R. No. 6334, dated 20th August 1895.)

8. If the sale is not confirmed, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be.

9. The purchaser shall, previously to entering upon occupation of the land, obtain the permission in writing of the Mamlatdar or Mahalkari under Section 60 of the Land Revenue Code. Such permission will only be accorded on the purchaser's paying local fund cess at the rate of one anna in the Rupee on the amount of the purchase-money, and on his executing an agreement (which should be executed within thirty days of the receipt of intimation by him of the confirmation of the sale) in the form of Appendix B to the rules framed under the Land Revenue Code. If the land is occupied without such permission being first obtained, the occupation will be liable to be treated as unauthorised under Section 61 of the Land Revenue Code.

10. The purchaser will have to pay the assessment of the land and local fund cess thereon commencing with the year.

Provided that, if without his own fault, he does not obtain possession of the land in due time to make use of it that year, he shall not be chargeable with the assessment and local fund cess thereof till the next following year.

11. The sale is subject to the right of Government to the following trees standing in the land which have been specially reserved (namely):—

(Here enter the number and description of trees, to be reserved)

The trees, other than the reserved ones, are sold along with the occupancy-right.

(Where there are toddy and other juice producing trees the following condition should be inserted.)

12. Government reserves to itself the right of prohibiting the extraction of the juice of all cocoanut, toddy, bherlimad, shindi, or other trees growing in the land, and of permitting any person to extract it on certain conditions. The purchaser must afford all reasonable facilities and conveniences to

any person licensed by, or under the authority of Government to extract the juice from any such tree.

13. The purchaser, his heirs, executors, administrators and approved assigns, may not at any time lease, mortgage, sale or otherwise however encumber the said occupancy or any portion thereof without the previous sanction in writing of the Collector and subject also to the provisions of the Bombay Land Revenue Code. 1879, and of the rules in force thereunder.

(Signed)

Collector (or Mamlatdar or Mahalkari, as the case may be.)

N. B.—1. Clause 13 should be scored out when the occupancy of land is sold on full tenure.

2. When the occupancy is sold on restricted tenure in Thana, the reservation of trees will be in accordance with the rules promulgated with G. R. No. 5033, dated 22nd July 1902.

APPENDIX VI.

Section 62 (N. 2).

NOTIFICATION.

No. 2154, dated 1st March, 1909.

In exercise of the powers conferred by section 62 of the Bombay Land Revenue Code, 1879, the Governor in Council is pleased to direct that in the Thana and Kolaba districts and in any other district to which Government may hereafter by notification extend these orders, the following conditions, regulating the cutting of trees for tahal, shall be annexed to the occupancy before permission to occupy is granted under section 60 of the said Code, namely :—

Conditions.

1. Save as provided in conditions 2 and 3 no occupant shall in the land occupied cut down, pollard, or lop any tree whatever.

2. An occupant may in the land occupied cut down, lop or pollard for his own use injaili trees that are not fruit trees in accordance with the following rules but not otherwise :—

(a) in the case of injaili trees 10 feet high or higher—

- (i) the leading shoot must be permanently preserved along with all shoots from the topmost third of the main stem ;
- (ii) shoots that have taken less than 2 years to grow may not be touched : only shoots that have taken 2 years or more to grow may be lopped off ;

(b) in the case of injaili trees less than 10 feet high—

- (i) where several stems spring from the same root or stump the best of such stems with all shoots from it shall be left untouched till the stem is 10 feet high, but all other shoots from the root or stump or from the ground within a yard of the untouched stem may be cut down to the ground ;
- (ii) no stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard of it.

Provided that, with the previous permission of a revenue-officer not lower in rank than a Mamlatdar, such occupant may cut down for his own use—

(a) any injaili tree not useful for tahal or fruit, and

(b) any fruit tree and any leading shoot or best stem preserved under clause (a) (i) or (b) (i) of this rule when in the opinion of such officer such tree, shoot or stem is no longer useful for fruit or tahal.

3. With the previous permission of a revenue-officer not inferior in rank to an Assistant or Deputy Collector, an occupant may in the land occupied cut down for his own use any tree other than an injaili tree.

Explanation.—The Collector or Prant Officer may, by written order delivered to the patel, authorize the occupants of a village to cut down the after-growth of teak, blackwood and tivas, subject to the condition that two leading shoots from each stump with all their branches are left permanently untouched and may at any time modify such order by withdrawing such authority either from particular occupants or from all the occupants or in respect of particular areas, and such order as so modified shall be a saving order under condition 3.

Note.

1. In these conditions—

- (a) the word "tree" includes all ground shoots which grow into trees, such as Kuda, Kudi, Pethari and Chera, but does not include bushes; and the word "bush" shall be deemed to include all ground shoots which do not grow into trees such as Karand, Ukshi, Phangli, Dhaiti and Nirgudi;
- (b) the word "occupant" includes—
 - (i) all persons who personally cultivate the soil, whether as tenants or in their own right;
 - (ii) all landlord residents in a village and holding land therein, whether they cultivate the soil personally or through tenants;— but does not include non-resident landlords.

APPENDIX VII.

Section 62 (G6).

Accompaniments to Government order, Revenue department. No. 12176, dated 11th December 1916.

1 FORM OF LEASE.

The land comprised in survey No. area acres gunthas
assessment Rs. As. Ps. in the village of in the
taluka of the is hereby granted on lease to—

(1)

(2)

inhabitant (s) of in the taluka of the
district hereinafter called "the lessee(s)" on payment of an occupancy
price of rupees in perpetuity (x)
from the day of 191 , subject to the provisions of the
Bombay Land Revenue Code, 1879 and to the rules from time to time in
force thereunder and to the following conditions namely—

(1) that the lessees, their heirs, or assigns shall not at any time
lease, mortgage, sell or otherwise howsoever encumber the said
occupancy or any portion thereof without the previous sanction in writing
of the Collector of or of any Asst. or Deputy Collector to whom
the said Collector may delegate this power.

(2) that the lessees, their heirs and assigns shall pay the land
revenue and other dues from time to time lawfully due in respect of the
said occupancy.

(3) that if within twenty years of the date of the grant of this lease
the lessees or their heirs or any of the male issues of the lessees or
their heirs living jointly with them be convicted of any offence punishable
under the Indian Penal Code or any other Act for the time being in force
and sentenced to imprisonment for a period of not less than six months,
the said occupancy may be forfeited at the discretion and under the order
of the Collector of or of any Asst. or Deputy Collector to whom
the said Collector may delegate this power and such order of forfeiture
shall be final.

This grant is made on behalf of the Secretary of State for India in
Council by order of the Governor of Bombay in Council by, and under
the hand and seal of, the Collector of this day of 191 .

Seal of the Collector of
Collector,

In the presence of.....

This grant is hereby accepted, on the terms and conditions therein mentioned, by—

Y.....

Y.....

Y.....

in the presence of

Z.....

Z.....

x. (or if the grant is not in perpetuity but merely for a term, delete the words "in perpetuity" and insert here "to the day of 191";)

z Signatures of witnesses.

y Signatures of the lessees.

2 Form of lease for sites for houses or huts.

The building site described below, in the village of _____ of the _____ taluka of the _____ District is hereby granted on lease to—

(1)

(2)

inhabitant (s) of _____ in the village of _____ in the taluka of _____ in the _____ District (hereinafter called "the lessees") for the purpose of building a house or hut thereon, for a term of _____ years commencing from the day of _____ and ending on the day of _____ subject to the provisions of the Bombay Land Revenue Code, 1879, and to the rules from time to time in force thereunder and to the following conditions:—

(1) That the lessees, their heirs and assigns shall pay _____ rupees per year as the rent of the said site in addition to such other rent or Land revenue (if any) as may be demanded of them under the Bombay Land Revenue Code, 1879, or the rules thereunder.

(2) That one or more permanent buildings shall be constructed on the said site within _____ years from the date of this lease.

(3) That the lessees, their heirs or assigns shall not at any time lease, mortgage, sell or otherwise howsoever encumber the said site or any portion thereof without the previous sanction in writing of the Collector of _____ or of any other officer to whom he may delegate this power.

(4) That if within twenty years of the date of the grant of this lease the lessees or their heirs or any of the male issue of the lessees or their heirs living jointly with them be convicted of an offence punishable under

the Indian Penal Code or any other Act for the time being in force and sentenced to imprisonment for a period of not less than six months, this site, together with all the buildings erected thereon and all rights and interests connected therewith, may be forfeited at the discretion and under the orders of the Collector of _____ or of any other officer to whom he may delegate this power and such order of forfeiture shall be final.

The building site referred to herein is bounded as follows—

- On the North by _____
- On the South by _____
- On the East by _____
- On the West by _____

and is of the following size and measurements—

This grant is made on behalf of the Secretary of State for India in Council by order of the Governor of Bombay in Council by, and under the hand and seal of, the Collector of _____ this the _____ day of _____ 191.

Seal of the _____ Collector of _____
Collector.
in the presence of—

x.....

x.....

This grant is hereby accepted, on the terms and conditions therein mentioned, by.....

y.....

y.....

In the presence of—

x.....

x.....

x Signatures of witnesses.

y Signatures of the lessees.

APPENDIX VIII

(Section 67, G 2)

(These forms were sanctioned by G, R, No. 1188,
dated 13th February 1904.)

FORM A.

(To be used where applicant applies for permission to appropriate to building purposes land hitherto used for agricultural purposes.)

(Royal Arms)

N. B.—Under the provisions of Section 67 of the Bombay Land Revenue Code, 1879, the applicant should be the registered occupant before an Agreement under that section is entered into with him. If necessary, the land appropriated under the Agreement should be demarcated as a separate number under section 116 of the Land Revenue Code, and the applicant entered as the registered occupant thereof.

THIS AGREEMENT made this _____ day of _____ one thousand nine hundred and _____ between the SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter referred to as "the Secretary of State") on the one part and _____ inhabitant of _____ (hereinafter referred to as "the applicant") on the other part.

WHEREAS the applicant being the registered occupant of _____ Taluka _____ district _____ has applied to the Collector of _____ (hereinafter referred to as "the Collector") under Section 65 of the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the said Code"), for permission to appropriate to building purposes the plot of land indicated by the letters _____ on the site-plan hereto annexed,* forming part of the said _____ and measuring _____ square yards, be the same a little more or less.

AND WHEREAS the Collector has been authorized by Government to grant, under Section 67 of the said Code, the permission applied for subject to the provisions of the said Code, and rules and orders thereunder, and to the terms and conditions hereinafter contained,

* Care must be taken that this is duly annexed.

NOW IT IS HEREBY AGREED between the Secretary of State and the applicant that permission to appropriate to non-agricultural purposes the plot of land indicated by the letters _____ on the said site-plan (which plot of land is hereinafter referred to as "the said plot of land") in the particular manner shown in the said site-plan, namely,—

- (A) an area of _____ square yards indicated by a _____ colour and the letters _____ for the purpose of* or for the purpose of an open compound only :
- (B) an area of _____ square yards indicated by a _____ colour and the letters _____ for the purpose of† or for the purpose of an open compound only :
- (C) an area of _____ square yards indicated by the uncoloured portion of the said plot for the purpose of an open compound only :
- shall be and is hereby granted subject to the provisions of the said Code, and rules and orders thereunder, and on the following special terms and conditions, namely :—
- (1) The applicant in lieu of the present assessment leviable in respect of the said plot of land shall pay to Government without deduction on the day of _____ in each and every year an annual assessment of Rupees (Rs. _____) during the fifty (50) years commencing on the day of _____ 19____, and ending on the day of _____ 19____, or in composition therefor a lump sum of Rupees (Rs. _____) being twenty-five (25) times the said annual assessment and thereafter such revised assessment as may from time to time be fixed by the Collector under the said Code and the rules and orders thereunder ;
- (2) The applicant hereby gives up, resigns and relinquishes to Government without claiming any compensation therefor all interest in, and the Collector on behalf of Government is hereby permitted without further notice to the applicant to enter upon and take possession of the following pieces of land, that is to say :—
- (a) for the purpose of widening and forming part of the _____ road on the _____ side of the aforesaid plot a strip of land containing by admeasurement _____ square
- * Here insert the particular purpose for which the building is to be erected, such as "a residential bungalow and attached out-houses other than a stable or privy."
- † Here insert the particular purpose for which the building is to be erected, such as "a shop" or "a privy."
- N. B.—Omit this clause in cases where no such surrender is made.

yards, be the same a little more or less, indicated by a colour and the letters on the site-plan hereto annexed; and

- (b) for the purpose of being used as a sweeper's passage (and not as a public thoroughfare) a strip of land situate along and within the boundary of the aforesaid plot and indicated by a

colour and the letters
on the said site-plan

and containing by admeasurement

square yards, be the same a little more or less :

- (3) The applicant is hereby prohibited under the last paragraph of Section 48 of the said Code from appropriating, without the previous permission in writing of the Collector, any part of the said plot of land to any purpose other than that for which permission to appropriate it is hereinbefore granted to the applicant :

Provided that :—
* Here insert any special exception or reservation that may be necessary, such as, save on the sides indicated by the lines O D, E F, on the said site plan, where the existing margin as shown therein is allowed to remain."

- (i) nothing in the above shall be deemed to prohibit the applicant :—

(a) from erecting or constructing, without such previous permission, in the portion (C) (*i. e.*, appropriated for the purpose of an open compound only) boundary-walls not exceeding four feet in height, garden-fountains, uncovered steps and similar structures, not being projections from a building, such as verandahs, balconies, eaves or shop-boards ;

(b) from constructing, without such previous permission, wells or tanks in any part of such portion (C) that does not lie within a margin consisting of a strip feet broad along and inside the perimeter of the said plot of land.*

(c)† from appropriating, without such previous permission, to any non-agricultural purpose, other than that of a shop, a stable or a privy, to an extent not exceeding in total admeasurement yards, any part of such portion (C) that does not lie within the aforesaid margin ;
and

†Omit this sub-clause (c) if applicant has not agreed to pay full assessment in respect of the portion (C) so as to be entitled to this concession.

- (ii) where any such prohibited appropriation is permitted by the Collector the applicant shall, *except in the case of an appropriation of any part of the land measuring square yards and specified in sub-clause (c) of proviso (i) above,* be liable to pay from the date of the appropriation in respect of the land so appropriated such enhanced assessment not exceeding $\frac{1}{2}$ Rupees Rs.) per hundred (100) square yards as the Collector may deem fit to impose and in any such case the total amount payable under clause (1) of this Agreement shall be modified accordingly ;
- (4) If at any future date the Collector gives the applicant notice in writing that any portion of the margin specified in subclause (b) of proviso (i) to clause (3) of this Agreement is required by Government for the purposes of a road, the applicant shall, at the expiration of one month after the receipt of such notice, quietly surrender and hand over possession of such portion to the Collector on behalf of Government in consideration of receiving from Government in exchange and as full compensation therefor a sum equivalent to thirty (30) times the assessment proportionately payable upon the portion so surrendered, namely, an assessment at the rate of (Rs.) per hundred (100) square yards :
- † Provided that, where the materials of any gate, wall, pavement or other such authorized erection or construction on such portion cannot in the opinion of the Collector be removed without appreciable loss, such further compensation on this account shall be paid to the applicant as the Collector may deem fit :
- (5) § The applicant shall within three (3) years from the date of this Agreement, that is before the day of 19 , erect and complete on the said plot of land of a substantial and permanent description, and shall in regard thereto duly comply in every respect with the building regulations contained in the Schedule hereto annexed :
- ‡ Omit the words in italics if sub-clause (c) has been omitted.
- § Enter the amount calculated at five times the rate of assessment on the land permitted to be built over under the Agreement (see paragraph 4 of G. R. D. No. 6411 of the 16th September 1903.
- * Enter the amount calculated in accordance with paragraph 1 of G. R. D. No. 1188, of the 13th February 1904.
- † This proviso was added by G. R. No. 5088, dated 4th July 1904.
- § As to retention or omission of this clause, vide G.R. No. 7496 dated 6th August 1906, printed under section 67.
- ‡ Here insert description of the buildings, such as "a residential bungalow and outhouses."

- (5a) The applicant shall not, without special permission, erect on the said plot of land any structure having more than upper $\frac{\text{floor}^*}{\text{floors}}$ in addition to the ground floor

* here insert the maximum number of upper floors to be allowed.

N. B. Omit this clause in cases where it is not considered necessary to impose any restriction as to the height of the building.

(G. R. R. D. No 5124, dated 26th April 1918)

N. B.—Omit this clause in cases where there are no existing buildings to be removed.

- (6) The applicant shall remove the existing indicated on the site-plan hereto annexed by a colour and the letters within a period of from the date of this Agreement :

- (7) Nothing in this Agreement shall affect the applicant's liability to any payment which may be required under any law for the time being in force for the construction and maintenance of roads and drains:

- (8) The Collector may without prejudice to any other penalty to which the applicant may be liable under the provisions of the said Code, or rules or orders thereunder, direct the removal or alteration of any building or structure erected contrary to clause (3) or

- (5) * *or not removed in accordance with clause (6), of this Agreement within a time prescribed in that behalf by the Collector, and on such removal or alteration not being carried out within the prescribed period may cause the same to be carried out at the expense of the applicant ;*

* Omit the words in italics in cases where clause (6) is omitted.

- (9) AND IT IS HEREBY LASTLY AGREED between the parties hereto that in this Agreement the words " the Secretary of State " shall include the Secretary of States his successors and assigns, and the word, "the applicant" shall include the applicant, his heirs, executors, administrators and assigns, and the words " the Collector " shall mean the Collector of

for the time being or any other officer whom the Governor of Bombay in Council or the Commissioner,

Division, or the Collector, directs to exercise the powers or perform the duties of the Collector under this Agreement. And also that the applicant shall bear and discharge all the costs and expenses incurred in the preparation, execution, stamping and registration of these presents.

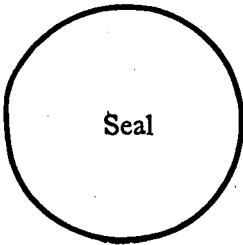
IN WITNESS WHEREOF the Collector of

has by order of the Governor of Bombay in Council hereunto set his hand and the seal of his office, on behalf of the Secretary of State for India in Council, and the applicant has also hereunto set his hand first above written.

N. B.—Two copies should be executed, one to be kept by the Collector, and the other to be handed to the applicant.

Signed by (Applicant's signature.)

in the presence of
Signed by
Collector of
in the presence of



Seal

(Collector's signature.)

FORM B. (Appendix 8)

(To be used where applicant has already appropriated Land to building purpose without permission and applies for permission to continue so to appropriate it.)

(Royal Arms.)

N. B.—Under the provisions of Section 67 of the Bombay Land Revenue Code, 1879, the applicant should be the registered occupant before an Agreement under that section is entered into with him. If necessary the land appropriated under the Agreement should be demarcated as a separate number under Section 116 of the Land Revenue Code, and the applicant entered as the registered occupant thereof.

THIS AGREEMENT made this _____ day of _____ one thousand nine hundred and _____ between the SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter referred to as "the Secretary of State") on the one part and _____ inhabitant of _____ (hereinafter referred to as "the applicant") on the other part,

WHEREAS the applicant being the registered occupant of _____ of _____ Taluka _____ District has appropriated to building purposes without the permission of the Collector of _____ (hereinafter referred to as "the Collector") being first obtained as required by Section 65 of the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the said Code"), the plot of land indicated by the letters _____ on the site-plan hereto annexed,* forming part of the said _____ and measuring _____ square yards, be the same a little more or less, and has thereby become liable to the penalties prescribed by Section 66 of the said Code,

AND WHEREAS the applicant has applied for permission to remain in possession of and to continue to appropriate the above said plot of land to building purposes,

* Care must be taken that this is duly annexed.

AND WHEREAS the Collector has been authorized by Government to grant, under Section 67 of the said Code, the permission applied for subject to the provisions of the said Code, and rules and orders thereunder, and to the terms and conditions hereinafter contained.

NOW IT IS HEREBY AGREED between the Secretary of State and the applicant that permission to appropriate to non-agricultural purposes the plot of land indicated by the letters _____ on the said site-plan (which plot of land is hereinafter referred to as "the said plot of land") in the particular manner shown in the said site-plan, namely,—

(A) an area of _____ square yards indicated by a _____ colour and the letters _____ for the

- purpose of* or for the purpose of an * Here insert
 open compound only : the particular
 purpose for
 which the
 building is to
 be erected,
 such as "a
 residential bun-
 galow and
 attached out-
 houses or other
 than a stable
 or privy."
- (B) an area of square yards indicat-
 ed by a colour and the letters for
 the purpose of † or for the purpose such as "a
 of an open compound only : residential bun-
 galow and
 attached out-
 houses or other
 than a stable
 or privy."
- (C) an area of square yards indicated by
 the uncoloured portion of the said plot for the
 purpose of an open compound only : † Here in-
 shall be and is hereby granted subject to the provisions of sert the parti-
 the said Code, and rules and orders thereunder, and on the cular purpose
 following special terms and conditions, namely : for which the
 building is to
 be erected,
 such as "a
 shop" or "a
 privy."
- (1) The applicant in lieu of the present assessment levi-
 able in respect of the said plot of land shall pay
 to Government without deduction on the
 day of in each and every year an
 annual assessment of Rupees (Rs.) during
 the fifty (50) years commencing on the
 day of 19 , and ending on the
 day of 19 , or in composition
 therefor a lump sum of Rupees
 (Rs.) being twenty-five (25) times the
 said annual assessment and thereafter such revis-
 ed assessment as may from time to time be fixed
 by the Collector under the said Code and the rules
 and orders thereunder,
- (2) The applicant hereby gives up, resigns and relin-
 quishes to Government without claiming any N. B.—Omit
 this clause in
 compensation therefor all interest in, and the cases where
 Collector on behalf of Government is hereby no such sur-
 rendered is
 permitted without further notice to the applicant made.
 to enter upon and take possession of, the follow-
 ing pieces of land, that is to say :—
- (a) for the purpose of widening and forming part of
 the road on the
 side of the aforesaid plot a strip of land
 containing by admeasurement
 square yards, be the same a little more or less,
 indicated by a colour and
 the letters on the site-plan
 hereto annexed ; and

- (b) for the purpose of being used as a sweeper's passage (and not as a public thoroughfare) a strip of land situate along and within the boundary of the aforesaid plot and indicated by a colour and the letters on the said site-plan and containing by admeasurement square yards, be the same a little more or less ;
- (3) The applicant is hereby prohibited under the last paragraph of Section 48 of the said Code from appropriating, without the previous permission in writing of the Collector, any part of the said plot of land to any purpose other than that for which permission to appropriate it is hereinbefore granted to the applicant.

Provided that—

- (i) nothing in the above shall be deemed to prohibit the applicant—
- (a) from erecting or constructing, without such previous permission, in the portion (C) (*i. e.*, appropriated for the purpose of an open compound only) boundary-walls not exceeding four feet in height, garden-fountains, uncovered steps and similar structures, not being projections from a building such as verandahs, balconies, eaves, or shopboards ;
- (b) from constructing, without such previous permission, wells or tanks in any part of such portion (C) that does not lie within a margin consisting of a strip feet broad along and inside the perimeter of the said plot of land*
- (c)§ from appropriating, without such previous permission, to any non agricultural purpose, other than that of a shop, a stable or a privy, to an extent not exceeding in total admeasurement square yards, any part of such portion (C) that does not lie within the aforesaid margin ;

* Here insert any special exception or reservation that may be necessary, such as "save on the sides indicated by the line C. D. E. F. on the said siteplan, where the existing margin as shown therein is allowed to remain."

§ Omit this sub-clause (c) if applicant has not agreed to pay full assessment in respect of the portion (C) so as to be entitled to this concession.

and

- (ii) where any such prohibited appropriation is permitted by the Collector, the applicant shall, *† except in the case of an appropriation of any part of the land measuring square yards and specified in sub-clause (c) of proviso (i) above,* be liable to pay from the date of the appropriation in respect of the land so appropriated such enhanced assessment not exceeding \dagger Rupees (Rs.) per hundred (100) square yards as the Collector may deem fit to impose, and in any such case the total amount payable under clause (1) of this Agreement shall be modified accordingly :
- (4) If at any future date the Collector gives the applicant notice in writing that any portion of the margin specified in sub-clause (b) of proviso (i) to clause (3) of this Agreement is required by Government for the purposes of a road, the applicant shall, at the expiration of one month after the receipt of such notice, quietly surrender and hand over possession of such portion to the Collector on behalf of Government in consideration of receiving from Government in exchange and as full compensation therefor a sum equivalent to thirty (30) times the assessment proportionately payable upon the portion so surrendered, namely, an assessment at the rate of Rupees § (Rs.) per hundred (100) square yards :
- ¶ Provided that, where the materials of any gate, wall, pavement or other such authorised erection or construction on such portion cannot in the opinion of the Collector be removed without appreciable loss, such further compensation on this account shall be paid to the applicant as the Collector may think fit :
- (5) †The applicant shall within three (3) years from the date of this Agreement, that is, before the day of 19 , erect and complete on the said plot of land. * Here insert description of the buildings, such as "a residential bungalow and outhouses."

‡ This proviso was added by G. R. No. 5088, dated 4th July 1904.

† As to retention or omission of this clause *Vide* G. R. No. 7496, dated 6th August 1906, printed under section 67.

of a substantial and permanent description, and shall in regard thereto duly comply in every respect with the building regulations contained in the Schedule† hereto annexed.

- (5a) The applicant shall not, without special permission, erect on the said plot of land any structure having more than upper $\frac{\text{floor}^*}{\text{floors}}$ in addition to the ground floor.

* here insert the maximum number of upper floors to be allowed.

N. B. Omit this clause in cases where it is not considered necessary to impose any restriction as to the height of the building.

(G. R. R. D. No. 5125, dated 26th April 1918).

N. B.—Omit this clause in cases where there are no existing buildings to be removed.

- (5) The applicant shall remove the existing indicated on the site-plan hereto annexed by a colour and the letters within a period of from the date of this Agreement :
- (7) Nothing in this Agreement shall affect the applicant's liability to any payment which may be required under any law for the time being in force for the construction and maintenance of roads and drains :
- (8) The Collector may, without prejudice to any other penalty to which the applicant may be liable under the provisions of the said Code, or rules or orders thereunder, direct the removal or alteration of any building or structure erected contrary to clause (3) or (5), *for not removed in accordance with clause (6) of this Agreement* within a time prescribed in that behalf by the Collector, and on such removal or alteration not being carried out within the prescribed period may cause the same to be carried out at the expense of the applicant :

† Omit the words in italics in cases where clause (6) is omitted.

† For Schedule of Building regulations, see below form C.

(9) AND IT IS HEREBY LASTLY AGREED between the parties hereto that in this Agreement the words " the Secretary of State " shall include the Secretary of State, his successors and assigns, and the words " the applicant " shall include the applicant, his heirs, executors, administrators and assigns, and the words " the Collector " shall mean the Collector of _____ for the time being or any other officer whom the Governor of Bombay in Council or the Commissioner, Division, or the Collector, directs to exercise the powers or perform the duties of the Collector under this Agreement. And also that the applicant shall bear and discharge all the costs and expenses incurred in the preparation, execution, stamping and registration of these presents.

IN WITNESS WHEREOF the Collector of _____ has _____ N. B.—Two copies should be executed, one to be kept by order of the Governor of Bombay in Council hereunto set his hand and the seal of his office, on behalf of the Secretary of State for India in Council, and the applicant has also by the Collector, and the other to hereunto set his hand the day and year first above written. be handed to the applicant.

Signed by	(Applicant's signature.)
in the presence of	
Signed by	
Collector of	
in the presence of	(Collector's signature.)



FORM C. (Appendix 8).

(To be used where applicant has appropriated Land to building purposes with permission, but is willing to comply with the terms of this agreement in order to gain the benefits thereof.)

(Royal Arms.)

N. B.—Under the provisions of Section 67 of the Bombay Land Revenue Code, 1879, after referred to as "the Secretary of State") on the one the applicant part and should be the registered occupant before part.

THIS AGREEMENT made this day of one thousand nine hundred and between the SECRETARY OF STATE FOR INDIA IN COUNCIL (herein- after referred to as "the Secretary of State") on the one inhabitant of (hereinafter referred to as "the applicant") on the other

an Agreement under that Section is entered into with him.

WHEREAS the applicant being the registered occupant of Taluka

If necessary, District has appropriated to building the land ap- purposes with the permission of the Collector of propriated under, the (hereinafter referred to as "the Collector") granted under Agreement Section 65 of the Bombay Land Revenue Code, 1879. (here- should be demarcated as inafter referred to as "the said Code"), the plot of land a separate indicated by the letters on the site-plan number under hereto annexed,* forming part of the said and Section 116 of the Land Re-measuring square yards, be the same a little more venue Code, or less :

and the appli- AND WHEREAS the applicant has applied, in lieu of the as the regis- said permission of the Collector, for permission to appropri- tered occup- ate the aforesaid plot of land to building purposes on certain ant thereof, special terms and conditions;

*Care must be taken that this is duly annexed.

AND WHEREAS the Collector has been authorized by Government to grant, under Section 67 of the said Code, the permission applied for subject to the provisions of the said Code, and rules and orders thereunder, and to the terms and conditions hereinafter contained.

NOW IT IS HEREBY AGREED between the Secretary of State and the applicant that permission to appropriate to non-agricultural purposes the plot of land indicated by the letters

on the said site-plan (which plot of land is hereinafter referred to as "the said plot of land") in the particular manner shown in the said site-plan, namely,—

(A) an area of square yards indicated by a colour and the letters

- for the purpose of § or, § Here insert the particular purpose for which the building is to be erected, such as "a residential bungalow and attached out-houses other than a stable or privy."
- (B) an area of square yards indicated by a colour and the letters for the purpose of †
or for the purpose of an open compound only:
- (C) an area of square yards indicated by the uncoloured portion of the plot for the purpose of an open compound only :
- shall be and is hereby granted subject to the provisions of the said Code, and rules and orders thereunder, and on the following special terms and conditions, namely:—
- (1) The applicant in lieu of the present assessment leviable in respect of the said plot of land shall pay to Government without deduction on the day of in each and every year an annual assessment of Rupees. (Rs.) during the fifty (50) years commencing on the day of 19 , and ending on the day of 19 or in composition thereof a lump sum of Rupees (Rs.), being twenty-five (25) times the said annual assessment, and thereafter such revised assessment as may from time to time be fixed by the Collector under the said Code and the rule and orders thereunder :
- (2) The applicant hereby gives up, resigns and relinquishes to Government without claiming any compensation therefor all interest in, and the Collector on behalf of Government is hereby permitted without further notice to the applicant to enter upon, and take possession of, the following pieces of land, that is to say :—
- (a) for the purpose of widening and forming part of the road on the side of the aforesaid plot a strip of land containing by admeasurement square yards, be the same a little more or less, indicated by a colour and the letters on the site-plan hereto annexed ; and for the purpose of being used as a
- (b) sweeper's passage (and not as a public thoroughfare) a strip of land situate along and within the
- † Here insert the particular purpose for which the building is to be erected, such as "a residential bungalow and attached out-houses other than a stable or privy."
- N. B.—Omit this clause in cases where no such surrender is made.

boundary of the aforesaid plot and indicated by a colour and the letters on the said site-plan and containing by admeasurement square yards, be the same a little more or less :

- (3) The applicant is hereby prohibited under the last paragraph of Section 48 of the said Code from appropriating, without the previous permission in writing of the Collector, any part of the said plot of land to any purpose other than that for which permission to appropriate it is hereinbefore granted to the applicant :—

Provided that :—

- (i) nothing in the above shall be deemed to prohibit the applicant—

* Here insert any special exception or reservation that may be necessary, such as "save on the sides indicated by the lines CD, EF, on the said site-plan, where the existing margin as shown therein is allowed to remain."

- (a) from erecting or constructing, without such previous permission, in the portion (C) (*i. e.*, appropriated for the purpose of an open compound only) boundary-walls not exceeding four feet in height, garden-fountains, uncovered steps and similar structures, not being projections from a building such as verandahs, balconies, eaves or shop-boards ;
- (b) from constructing, without such previous permission, wells or tanks in any part on such portion (C) that does not lie within a margin consisting of a strip feet broad along and inside the perimeter of the said plot of land*

† Omit this sub-clause (c) if applicant has not agreed to pay full assessment in respect of the portion (C), so as to be entitled of this concession.

- (c) † from appropriating, without such previous permission, to any non-agricultural purpose, other than that of a shop, a stable or a privy, to an extent not exceeding in total admeasurement square yards, any part of such portion (C) that does not lie within the aforesaid margin ; and

‡ Omit the words in italics if sub-clause (c) has been omitted.

- (ii) where any such prohibited appropriation is permitted by the Collector, the applicant shall, ‡ *except in the case of an appropriation of any part of the land measuring square yards and specified in sub-clause (c) of proviso (i) above,* be liable to pay from the date of the appropriation

n respect of the land so appropriated such enhanced assessment not exceeding § Rupees (Rs.) amount calculated at five times the rate of assessment on the land permitted to be built over under the Agreement shall be modified accordingly.

- (4) If at any future date the Collector gives the applicant notice in writing that any portion of the margin specified in sub-clause (b) of proviso (i) to clause (3) of this Agreement is required by the Government for the purposes of a road, the applicant shall, at the expiration of one month after the receipt of such notice, quietly surrender and hand over possession of such portion to the Collector on behalf of Government in consideration of receiving from Government in exchange and as full compensation therefor a sum equivalent to thirty (30) times the assessment proportionately payable upon the portion so surrendered, namely, an assessment at the rate of Rupees*

(Rs.) amount calculated in accordance with paragraph 1 of G. R. D., No. 1188 of the 13th February 1904.

per hundred (100) square yards :

¶ Provided that, where the materials of any gate, wall, pavement or other such authorized erection or construction on such portion cannot, in the opinion of the Collector, be removed without appreciable loss, such further compensation on this account shall be paid to the applicant as the Collector may think fit :

- (5)† The applicant shall within the three (3) years from the date of this Agreement, that is, before the day of 19 erect and complete on the said plot of land † of a substantial and permanent description, and shall in regard thereto duly comply in every respect with the building regulations contained in the Schedule* hereto annexed :

* This proviso was added by G. R. No. 5088, dated 4th July 1904.

† As to retention or omission of this clause *Vide* G. R. No. 7496, dated 6th August 1906, printed under Section 67 at page 108.

* For Schedule see pages 341 to 343.

† Here insert description of the buildings, such as "a residential bungalow and outhouses."

- (5a) The applicant shall not, without special permission, erect on the said plot of land any structure having more than upper $\frac{\text{floor}^*}{\text{floors}}$ in addition to the ground floor

* here insert the maximum number of upper floors to be allowed.

N. B. Omit this clause in cases where it is not considered necessary to impose any restriction as to the height of the building.

(G. R. R. D. No. 5124, dated 26th April 1918).

N. B.—Omit this clause in cases where there are no existing buildings to be removed.

- (6) The applicant shall remove the existing indicated on
the site-plan hereto annexed by a
colour and the letters
within a period of
from the date of this Agreement :

- (7) Nothing in this Agreement shall affect the applicant's liability to any payment which may be required under any law for the time being in force for the construction and maintenance of roads and drains :

- (8) The Collector may without prejudice to any other penalty to which the applicant may be liable under the provisions of the said Code, or rules or orders thereunder, direct the removal or alteration of any building or structure erected contrary to clause (3) or (5), * or not removed in accordance with clause (6), of this Agreement within a time prescribed in that behalf by the Collector, and on such removal or alteration not being carried out within the prescribed period may cause the same to be carried out at the expense of the applicant :

* Omit the words in italics in cases where clause (6) is omitted

- (9) AND IT IS HEREBY LASTLY AGREED between the parties hereto that in this Agreement the words "the Secretary of State" shall include the Secretary of State, his successors and assigns, and the words "the applicant" shall include the applicant, his heirs, executors, administrators and assigns, and the words "the Collector" shall mean the Collector of for
the time being or any other officer whom the

Governor of Bombay in Council or the Commissioner Division, or the Collector, directs to exercise the powers or perform the duties of the Collector under this Agreement; and also that the applicant shall bear and discharge all the costs and expenses incurred in the preparation, execution, stamping and registration of these presents.

IN WITNESS WHEREOF the Collector of Council hereunto set his hand and the seal of his office, and the applicant has also hereunto set his hand the day and year first above written.

N. B.—Two copies should be executed, one to be kept by the Collector, and the other to be handed to the applicant

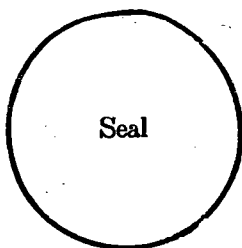
Signed by (Applicant's signature)

in the presence of

Signed by

Collector of (Collector's signature)

in the presence of



***SCHEDULE OF BUILDING REGULATIONS.**

1. In these rules—

Definitions.

(i) "dwelling" means any building or part of a building used or intended for use as a dwelling for human beings, horse, or cattle;

* (1) These regulations are common to the three (A.B.C.) forms given above.

(2) For cases in which this schedule is to be substituted by model regulations (Vide Appendix IX) See G. R. No. 7496, dated 6th August 1906, printed under section 67.

(ii) "window" includes an open space running right through a wall so as to admit of the entry of air.

Plinth. 2. Every building intended to be used as a dwelling for human beings, or as a privy or kitchen, shall have a plinth at least two feet above ground level.

Ventilation. 3. (i) Every room that is a dwelling shall be at least eight feet high at every point.

(ii) Every such room shall have a window opening directly into the air outside the house.

(iii) In every such room the total area of such outside windows shall be not less than one tenth of the floor area.

(iv) In every such room every window shall be so constructed that at least its upper half is open or can be opened.

Privies. 4. (i) No privy shall be built within five feet of any dwelling or within twenty feet of any kitchen, public road or place of public resort, or within thirty feet of a well or other source of water-supply.

(ii) For every twenty persons a house is intended to accommodate there shall be at least one privy.

(iii) Every privy shall be provided with a moveable receptacle for night-soil with a capacity of not more than two cubic feet.

(iv) Every privy shall be so constructed that the bottom of the receptacle for night-soil, urine or ablution-water shall be at a level at least two feet above ground level.

(v) There shall be ventilation-holes at the bottom both of the door of the privy and the door of the chamber for the night-soil receptacle and also as near the top of the privy as practicable, these latter topholes aggregating at least two square feet in area.

(vi) The sides and floor of the chamber for the receptacle shall be constructed of hard smooth stone, brickwood plastered with cement, or other non-absorbent material; and the floor shall be so sloped that any liquid discharged on it shall rapidly and easily flow to an outlet.

(vii) The door of the said chamber shall occupy the whole height and width of the chamber and shall open outwards on to a space screened in behind the privy and so arranged that a sweeper may conveniently do his work there without being seen by anyone outside.

(viii) Arrangements shall be made to allow of the receptacle for night-soil being so fixed that it projects on all sides at least one inch beyond the space vertically below the aperture through which night-soil falls.

(ix) Every privy shall be so constructed that urine, and such ablution-water as is not actually used for ablution can be disposed of without entering the receptacle for night-soil.

5. (i) No cess-pool shall be built within twenty feet of a dwelling or kitchen, or within thirty feet of a well or other source of water supply.

Cess-pools.

(ii) Every cess-pool shall be constructed of good masonry, at least one foot thick, plastered inside with cement, and shall be perfectly water-tight.

(iii) The bottom of every cess-pool shall be at a level not lower than one foot below ground level.

(iv) The sides of every cess-pool shall project above ground sufficiently to prevent the inflow of surface drainage.

(v) Every cess-pool shall be entirely open to sun and air and shall have a superficial area of at least two square feet.

6. (i) Every outlet for the passage of urine, sullage water or other filthy liquid from any building shall be at a height of at least two feet above ground level.

Urine, sullage water etc.

(ii) Arrangements shall be made for all such urine, sullage water or other filthy liquid either—

(a) to flow rapidly without touching the walls of the building or the ground through drains of glazed earthenware or other hard, impervious material to points at least twenty feet from the nearest point of every dwelling or kitchen; or

(b) to fall without touching the walls of the building into a water-tight removeable receptacle entirely above ground level and open to light and air.

(iii) Every such drain that is not open to the air shall be trapped at the end nearest the building from which it runs.

7. All land within one hundred yards of any dwelling shall be so cleared and sloped as effectually to prevent the formation of pits or hollows in which water may stagnate, other than cess-pools satisfying rule 5.

Prevention of stagnation.

APPENDIX IX.

Vide footnote 2 under schedule of building regulations at the end of Form C in Appendix VIII.

Model Regulations for notified areas.

(Published under G. R. G. D. No. 3543, dated 15th June 1906.)

Nothing in these rules shall affect the validity of any stipulations attached to the agreements taken from persons permitted to build on Government lands under Land Revenue Code, section 67.

1. (1) No person shall erect a building in an area in which alignment of streets likely to be required in the future has not yet been determined, unless the site proposed for such buildings is, in the opinion of the committee, such as will admit of the satisfactory construction of such streets; provided that any person desiring to erect a building in such an area may, by written notice to the Committee, require that the positions and descriptions of the streets in the vicinity of his intended building be forthwith laid down and determined, and, if such requisition be not complied with, within six months from the date thereof, may, subject to all other regulations applicable thereto, proceed with the erection of his building.

(2) No person shall erect a building which will abut on a street to a greater height, measured from the ground level to half the height of the roof, than twice the width between the point at which the plinth approaches nearest to the street and the centre line of such street.

(3) Every person who shall erect a new building shall so construct it that no part of the plinth shall be within three feet of any existing or proposed street.

2. No site shall be built on until passed as fit for the purpose by the Committee,

3. All new buildings shall be constructed subject to the following conditions :—

Dwelling rooms, bath rooms and privies shall have a 2 feet plinth.

Cow houses shall have a plinth of at least one foot.

4. One side of every dwelling rooms shall either be an external wall, or shall abut on an interior open space having an area equal to not less than one-fourth the aggregate floor area of all the rooms and verandahs abutting thereon, and such interior open space shall not be less than ten feet across in any direction.

5. (1) Every dwelling house shall have at the rear thereof an open space, exclusively belonging thereto, and free from any erection thereon except a well, privy or bath room. Such open space shall extend laterally throughout the width of such building, and the distance across

such building, and the distance across such open space, measured from, and at right angles to, the back of such building to the boundary of any lands or premises immediately opposite or adjoining the site of such building, shall average not less than the height of the building (measured from the ground level to half the height of the roof) and also not less than twenty-five feet.

(2) Provided that this condition shall not apply so as to require any open space to the rear of any kitchen or out-house appurtenant to a dwelling when the open space provided in the rear of such dwelling is sufficient to comply with the provision of this rule.

6. Every dwelling room shall average at least eight feet in height, unless it is an attic, in which case the height may average seven feet.

7. (1) Every dwelling room shall have a window or windows or other aperture for the admission of light and air opening directly into the external air or into an open verandah; the area of such window or windows exclusive of the frames shall aggregate not less than one-tenth of the floor area and every such window shall be so constructed that at least half the area thereof is open or can be opened.

(2) If the cubic contents of any dwelling room are less than 300 cubic feet for each person likely to be accommodated therein, it shall be provided with an opening or openings, near the ceiling thereof, and having direct communication with the external air. Such opening or openings shall have an area aggregating at least 64 square inches for each such person.

8. No person shall construct a privy without the special sanction of the Committee except in accordance with the following rules :—

(1) No privy shall be constructed within three feet of any dwelling, or within ten feet of any existing or proposed street or other place of public resort or within twenty feet of any well or other source of water, supply except water service pipes and taps.

(2) There shall be at least one privy seat for every twelve persons or part thereof, that a house is intended to accommodate.

(3) For each privy seat there shall be provided a removable water, tight receptacle for night-soil, having a capacity of not more than two cubic feet.

(4) Every privy shall be so constructed that the bottom of the receptacle for night-soil, urine and ablution water shall be at least one foot above ground level.

(5) In every privy there shall be suitable openings for ventilation in the bottom of the door thereof and in the sweeper's door if any. There shall also be openings for ventilation as near the top of such privy as

practicable and these latter openings shall aggregate at least two square feet in area for each privy seat.

(6) The sides and floor of the chamber for the receptacle shall be constructed of hard smooth stone, brick-work plastered with cement, or other non-absorbent material; and the floor of such chamber shall have a slope towards the outlet of not less than half an inch to the foot. The floor of the privy itself and of the sweeper's enclosure shall be properly paved.

(7) The opening of such chamber shall be sufficiently large to admit of the ready inspection and cleansing thereof and shall be completely screened from view.

(8) The chamber shall provide space for the receptacle so that when placed in position the latter shall project laterally at least one inch in very direction beyond the aperture above it.

(9) The owner of every privy shall provide a passage therefrom communicating with the nearest street or conservancy lane, and such passage shall be at least four feet wide and shall not pass through any dwelling.

9. (1) Every outlet in a wall for the passage of urine, sullage or other filthy liquid from any dwelling shall be at a height of at least two feet above ground level.

(2) In every building arrangements shall be made for all urine sullage or other filthy liquids either—

(a) to flow rapidly without touching the walls of the building or the ground, through drains of glazed earthenware, or other hard and impervious material into a cess-pool or to a point at least twenty feet from the nearest point of every dwelling, and, except with the special written permission of the Committee, such urine, sullage or other filthy liquid shall not be allowed to approach within thirty feet of a well.

(b) To fall, without touching the walls of the building, into an open watertight removable receptacle, entirely above ground level.

(3) Every such drain, unless it is an open one, shall be properly trapped.

(4) Storm water shall be excluded from drains ending in a cess-pool.

10. No person shall construct a cess-pool without the special permission of the Committee except in accordance with the following rules :—

(1) Such cess-pool shall not be within five feet of a dwelling or kitchen or within thirty feet of a well or other source of water-supply, except water service pipes and taps.

(2) Every cess-pool shall be constructed of good masonry, or concrete, at least one foot thick, and so plastered as to be perfectly water-tight.

(3) The bottom of every cess-pool shall not be more than two feet below ground level unless special and satisfactory mechanical appliances are provided for its efficient cleansing. The bottom of such cess-pool shall slope in all directions towards the centre, and the side thereof shall project sufficiently above ground level to prevent the inflow of surface drainage.

(4) Every cess-pool shall either be entirely open at the top, or shall have a removable cover with adequate ventilation.

11. All open spaces within three hundred feet of any dwelling and within the curtilage thereof, shall be so cleared and sloped as effectually to prevent the formation of pits or hollows (other than cess-pools satisfying Rule 10) in which water may stagnate.

APPENDIX X. (s. 67 G 5)

(Vide G. R. No. 8823, dated 12th September 1906 R. D. given under Section 67 and G. R. No. 4016, dated 19th April 1907 R. D.)

Form of Agreement under section 67 of the Bombay Land-Revenue Code, 1879 in cases of appropriation of agricultural lands for the manufacture of bricks.

An agreement made this the _____ day of _____ one thousand nine hundred and _____ between the Secretary of State for India in Council (hereinafter referred to as "the Secretary of State" which expression shall include his successors and assigns) of the one part and _____ inhabitant of _____ (hereinafter referred to as "the applicant" which expression shall include his heirs, executors, administrators and assigns) of the other part

2. Whereas the applicant being the registered occupant of survey number _____ situate in deh _____ in the _____ taluka of the _____ district has applied to the Collector of _____ (hereinafter referred to as "the Collector") under section 65 of the Bombay Land-Revenue Code, 1879 (hereinafter referred to as "the said Code") for permission to appropriate to the purpose of the manufacture of bricks the plot of land (hereinafter referred to as "the said land") indicated by the letters _____ on the site plan hereto annexed forming part of the survey number aforesaid and measuring in superficial area _____ square yards be the same a little more or less

3. And whereas the Collector has been authorised by Government to grant under section 67 of the said Code the permission applied for subject to the provisions of the said Code and the rules and orders thereunder and to the terms and conditions hereinafter contained.

4. Now it is hereby agreed between the Secretary of State and the applicant that permission to appropriate the said land to the purposes of the manufacture of bricks shall be and it is hereby granted to the applicant for a term of _____ years (hereinafter referred to as "the said term") commencing on the _____ day of _____ one thousand nine hundred and _____ and ending on the _____ day of _____ one thousand nine hundred and _____ subject to the provisions of the said Code and the rules and orders thereunder and on the following special terms and conditions, namely:—

- (a) The applicant shall in lieu of the present assessment leviable in respect of the said land pay to Government without deduction on the _____ day of _____ in each and every successive year during the said term an annual assessment of _____ rupees (Rs. _____ only) or

in composition therefor a lump sum of _____ rupees
 (Rs. _____ only) being _____ times the annual assess-
 ment fixed as aforesaid ;

- (b) Earth shall not be excavated to a depth of more than _____ feet below the general level of the said land and the excavation shall be carried out in such manner as not to make the said land unfit for cultivation after the expiry of the said term
- (c) The surface of the said land shall be made level and all bricks, kilns and other materials used for the purposes of the manufacture of the bricks shall be removed from the said land before the expiry of the said term : and in default thereof the Collector may cause such levelling or removal to be carried out at the expense of the applicant without prejudice to any other penalty to which the applicant may by reason of such default become liable under the provisions of the said Code or the rules or orders thereunder.

And it is also agreed between the Secretary of State and the applicant that the expression "the Collector" wherever it occurs in his agreement shall be deemed to mean the Collector of the

_____ district for the time being or any other officer whom the Governor of Bombay in Council or the Commissioner* or such Collector directs to exercise the powers or to perform the duties of the Collector under this agreement.

In witness whereof _____ Esquire, Collector

of _____ hath by order of the Governor of Bombay in Council hereunto set his hand and the seal of his office for and on behalf of the Secretary of State and the applicant hath hereunto set his hand the day and year first above written.

Signed, Sealed, and Delivered by the }
 above-named _____
 Esquire, Collector of

In the presence of _____

Signed and Delivered by the above- }
 named _____
 In the presence of _____

* in Sind or N. D., C. D. or S. D., as the case may be.

APPENDIX XI S. 87 (N. 2).

The following form of notice to be issued under Section 87 to an inferior holder or co-sharer has been sanctioned by Government in their Resolution No. 5126, dated 5th September 1881:—

No.

Application under Section 86 of Bombay Act V of 1879 to the Collector of

A. B. Applicant Superior holder.

vs

C. D. inferior holder (co-sharer.)

To, Claim Rs.

C. D. resident of in Taluka District.

Whereas the superior holder abovenamed has made an application for the recovery of (land revenue) rent on account of Survey No. situated in the village of Taluka, from you the co-sharer) inferior holder abovenamed, which (land-revenue) rent has become payable during the current (revenue year) year of your tenancy.

You are hereby required to attend before me either in person or by recognized agent at o'clock of the noon at my office (camp at) in the Taluka on the day of 19 at which time and place enquiry into the said application will be made. And you are hereby required to produce before me at the abovenamed time and place any evidence you may wish to be heard, and further to show cause why the said application should not be granted.

If you fail to attend either in person or by recognized agent in pursuance of this notice, the abovementioned matter will be decided upon in your absence, and you will not afterwards be entitled to be heard with respect thereto Dated this day of 19 .

(Signed)

Designation of officer.

APPENDIX XII Section 88-89.

In exercise of the powers conferred by section 216 of the Bombay Land Revenue Code, 1879 as amended by section 79 of Bombay Act IV of 1913, the Commissioner, (N. D. C. D. S. D.) hereby authorises the extension of the provisions of Chapters VIII and IX of the said Code to the village of _____ in the _____ Taluka of the _____ District.

APPENDIX XIII. (S. 84A—Nz.)

The following Rules relating to Suspensions and Remissions of Land Revenue and Local Fund Cess in the Presidency proper, excluding Sind, were sanctioned by G. R. No. 650, dated 22nd January 1907, and approved by G. of I, Revenue and Agriculture No. 439-89-2 circulated with Bombay G. R. No. 2702, dated 13th March 1907.

In supersession of all previous orders on the subject the Governor in Council is pleased to lay down the following rules for the grant of suspensions and remissions of land revenue and local fund cess in the Presidency proper. It is to be clearly understood that suspensions and remissions are granted as a measure purely of grace and not of right and only in cases of calamity so severe as to necessitate a relaxation of the settlement contract.

NOTE.—Government do not approve the principle of introducing into the anna valuation of crops a variation based on the departure from the normal of the current price of the produce. (G. R. B. D. No. 11908, dated 4th December 1918).

RULES.

I.—GENERAL CALAMITIES.

A.—*Suspensions of Land Revenue.*

1. When the Collector has ascertained by local inquiries that owing to a partial or total failure or destruction of the crops throughout any tract on account of drought or any other cause, it will be necessary to suspend the collection of revenue in any area, he is authorised, especially when the tract is already impoverished or the previous harvests have been poor, to grant suspensions according to the scale given below to all occupants, agriculturists and non-agriculturists alike, without inquiry into the circumstances of individuals :—

Classification of crops.	Amount of assessment to be suspended.
4 annas and under	The whole.
Over 4 annas, under 6 annas	Half.
6 annas and over	None.

Note.—A normal crop is represented by 12 annas.

2. Where the area affected is homogeneous, or whole villages are very seriously affected, the suspensions should be announced for such tract or villages without detailed inspection,

3. The Collector should forthwith report his proceedings, stating fully the reasons for his order and the extent of its application with all other particulars, to the Commissioner, who should inform Government at once of the amounts to be suspended.

4. The Collector should cause the occupants whose land revenue is suspended distinctly to understand that such suspension is provisional only, and that it will be decided subsequently whether the revenue suspended shall be ultimately remitted or collected.

5. To Inamdars who themselves cultivate the inam lands suspensions may be granted in accordance with the foregoing orders. To inamdars who do not themselves cultivate the inam lands suspension of the dues payable by them to Government may be granted in accordance with the foregoing orders when it is possible to secure by guarantee given by the inamdar, or otherwise,* to the cultivating occupants or tenants holding under the inamdar a corresponding suspension of the revenue or rent due from them to the inamdar.

B.—Remissions of Land Revenue.

6. Remissions should be granted as explained below to occupants cultivating their own holdings, and except as provided in clause (ii) below, to non-cultivating occupants : there should be no inquiry into the circumstances of individuals :—

(i) The grant of remissions should depend on the †character of the three seasons following that in which the assessment is suspended.—Suspended revenue should be collected to the extent permissible under the table given below. In accordance with the table all suspended arrears which either (a) in Gujrát and the Konkan are in excess of one year's revenue, or in the Deccan are in excess of two years' revenue, or (b) are more than three years old, should ordinarily be remitted by the Collector. Cases in which, owing to the impoverishment of a tract by a succession of bad seasons, or for any special reasons, it appears to the Collector desirable to remit or to collect suspended revenue otherwise than in accordance with the ordinary rule should be reported through the Commissioner for the orders of Government.

† The following illustrations show the mode in which the instructions relating to the collection of suspended arrears will generally work when remission of suspended revenue is granted by the Collector:—

Suppose A in Gujarat or the Konkan has had—

‡ assessment suspended in 1903-04	(a)
‡ do. do. in 1904-05	(b)

(A)—In the first place suppose the whole assessment

suspended in 1905-06	(c)
----------------------------	-----

* *Vide* Section 84A.

Then in 1906-07 *A*'s suspended arrears are in excess of one year's revenue, and the excess consisting of items (*a*) and (*b*), will have ordinarily, to be remitted under No. 6 (i) (*a*) of the rules relating to the suspension and remission of land revenue published with Government Resolution No. 650, dated 22nd January 1907.

(B)—Next suppose $\frac{1}{2}$ assessment was suspended in 1905-06. (*d*) Then in 1906-07, according to the same rule, item (*a*) will have to be remitted, but (*b*) and (*d*) will be leviable.

But the fact that remissions are due in 1906-07 will have been known in 1905-06 as soon as it has been resolved to collect less than the year's assessment. The remissions might and ought to have been announced and brought to account in 1905-06 as soon as the revenue demand of that year has been settled.

(C)—Again, suppose *A* in Gujarat has had—

Whole assessment suspended in	1904-05	...	...	(<i>e</i>)
Do.	do.	1905-06	..	.. (<i>f</i>)

In accordance with rule 6 (*i*) (*a*) and preceding paragraph item (*c*) should be remitted in 1905-06.

(D)—*A* has had—

Whole assessment suspended in	1904-05	(<i>g</i>)
-------------------------------	---------	-----	-----	----	--------------

Full assessment, but no more, is collected in 1905-06 and 1906-07 and $1\frac{1}{2}$ times assessment in 1907-08. Then in 1907-08 $\frac{1}{2}$ (*g*) will be collected and other $\frac{1}{2}$ should be remitted—because in 1907-08 it will be three years old and *must* be due for remission in 1908-09 under rule 6 (*i*) (*b*).

(E)—*A* has had—

$\frac{1}{2}$ assessment suspended in	1903-04	...	...	..	(<i>h</i>)
$\frac{1}{2}$ do.	do.	in 1904-05	...	..	.. (<i>i</i>)

Collections have been—

Whole assessment in 1905-06.

$1\frac{1}{2}$ times do. in 1906-07.

Then in 1906-07, (*h*) should be collected.

(F)—But supposing that in the same case collections in 1906-07 were only the year's assessment and no more, then item (*h*) should be remitted because under rule 6 (*i*) (*b*) it is due for remission in 1907-08

(G)—*A* has had—

Whole assessment suspended in	1903-04	...	..	..	(<i>k</i>)
$\frac{1}{2}$ do	do	in 1904-05	..	..	.. (<i>l</i>)

Then under rule 6 (*i*) (*a*) in 1904-05 $\frac{1}{2}$ of (*k*) should be remitted and the case becomes identical with cases (*e*) and (*f*).

(H)—Next suppose *A* in the Deccan has had—

Whole assessment suspended in 1903-04 (*m*)
 † do. do. in 1904-05 (*n*)

Collections have been—

Full assessment, but no more, in 1905-06.
 1½ times the assessment in 1906-07.

Then in 1907-08, ½ of item (*m*) being more than three years old, will be due for remission under rule 6 (*i*) (*b*). The remission of (*m*) should therefore be announced in 1906-07—when the other half is collected.

2. The general rule resulting from the instances given above is that remissions due under rule 6 (*i*) should be adjusted as soon as it is evident that they must fall due. (G. R. No. 1246, dated 4th February 1907.)

Table.

Anna classification of crops.	Proportion of assessment the collection of which would be justified.
Over 12	2
8 to 12	1½
6 and over, under 8	1
Over 4, under 6	½
4 and under	0

Note.—A normal crop is represented by 12 annas.

The amount of suspended revenue† to be collected with any particular instalment should be fixed by the Collector and announced before the collection of the Instalment begins. The Collector should report as early as possible before any instalment falls due the amount which he proposes to recover out of the suspended revenue.

† It should be understood that assessment recovered in accordance with the table in rule 6 should be credited first to the payment of the current year's revenue and then to payment of the arrears of the most remote year which are not so old as to entitle the occupant to remission. (Para 6 of G. R. No. 650, dated 22nd January 1907.)

‡ (*ii*) When the land is cultivated by tenants the grant of remission to the landlord or superior holder in accordance with this rule will depend on whether the tenant receives a corresponding remission or not of his rent. Where this remission has been assured to the tenant either by legislation, or by executive arrangement* with the landlord, the latter will be granted the remission, otherwise not.

‡ Mevasdars, as well as all such land holders fall under No. 6 (ii) of the rules sanctioned in G. R. No. 650, dated 22nd January, 1907.

* (1) The form of notice to be given to Inamdars sanctioned in G. R. No. 2994, dated 24th March 1909 is, given below.

Notice to Inamdars in the district of _____

In any year in which crops in your village are so bad that if the village were a Government village Government would under their general rules grant suspension or remission of the whole or part of the assessment due to them, the Mamlatdar will inform you, at least 15 days before the date of the first instalment, what proportion of assessment Government would under these rules suspend or remit, and if you then send to the Collector through the Mamlatdar a written undertaking to suspend or remit that same proportion of the rent due from your tenant for that year, that same portion of your judi for that year will be suspended or remitted by the Collector. But if you give no such undertaking, you will not be entitled to suspension or remission of your judi. If you give no such undertaking by the date of the first instalment, it will be understood that you are not prepared to give any such undertaking. The full amount of judi will be recovered if you are known (to the Collector) to be putting pressure on your tenants for the recovery of your dues of any year in respect of which you have yourself received any concession from Government.

(2) Instrument executed by an Inamdar in the Bombay Presidency, whereby he undertakes to suspend or remit rent due from a tenant or tenants in consideration of a suspension or remission granted by the Government in respect of his own *judi* or quit rent are exempt from Stamp duty. (Item No. 11 of G. of I. No. 3616 Exc., dated 16th July 1909 F. D., circulated with G. R. No. 8022, dated 17th August 1909, and printed at p. 1384. of B. G. G., Part I.)

†7.—When the assessment includes a separate rate for water advantages, then if the water fails to such an extent that—

(a) no irrigated crop, or an irrigated crop not exceeding 4 annas,

(b) an irrigated crop exceeding 4 annas but not exceeding 6 annas, is grown,

(a) the whole,

(b) one-half,

of the portion of the assessment which represents the water-rate should, in the case of all occupants, be remitted without suspension. When such remissions are of inconsiderable amounts, the Collector should act on his own authority: but when they are extensive, he should first consult the Irrigation Officer of the district, and, in case of a wide difference of opinion, should refer the case to the Commissioner for orders.

†This was substituted for the original by G. R. No. 5324, dated 27th May 1908. The new rule contains the instructions given in Government Resolution No. 5087, dated 18th May 1907, and so much as it is necessary to retain of the instruction, given in paragraphs 3 and 4 of Government Resolution No. 2759, dated 15th March 1907.

8. When much land which would ordinarily be sown is left unsown because present or recent calamity renders sowing impossible, the case is identical with that of failure of crops and should be treated similarly.

9. To inamdars who themselves cultivate the Inam lands remissions may be granted in accordance with the foregoing orders. To inamdars who do not themselves cultivate the inam lands remission of the dues payable by them to Government may be granted in accordance with the foregoing orders when it is possible to secure by guarantee given by the inamdar, or otherwise,* to the cultivating occupants or tenants holding under the inamdar a corresponding remission of the revenue or rent due from them to the inamdar.

C.—Suspensions and Remissions of Local Fund Cess.—

†10. When prior to the date of the first instalment of land revenue, a partial suspension or remission of land revenue is announced, it is to be understood that the order will not carry with it proportionate suspension or remission of the local fund cess. When, however, an instalment of the land revenue of any village is entirely suspended or remitted, the local fund cess should, for the time being, be suspended and be realised with the next instalment actually collected.

†(1) This was substituted for the original by G. R. No. 5269 dated 26th May 1908.

(2) The meaning of the present rule 10 is, (i) that when part of the land revenue is suspended in any year, all the local fund cess is to be collected in that year; (ii) that when the whole of the land revenue is suspended, the local fund cess is to be collected in the next year in which any instalment of land revenue is collected.

With their Resolution No. 9680, dated 10th October 1906, Government, circulated, for information and *guidance*, copies of the Resolution of the Government of India, No. 13—356-10, dated 21st August 1906, containing their final instructions as to the procedure which should be followed in suspending and remitting the local fund cess. No. 10 of the Suspension and Remission Rules sanctioned in Government Resolution No. 650, dated 22nd January 1907, as further revised by Government Resolution No. 5269, dated 26th May 1908, follows these instructions of the Government of India. The views expressed in the letter to the Government of India, No. 1877, dated 1st March 1906, were not intended to be acted upon by the local officers (G. R. No. 11462, dated 11th November 1908).

* i. e., *Vide* n. 84A.

11. Immediate intimation of all suspensions and remissions granted under the foregoing orders should be given by the Commissioners to the Accountant General, who should report to Government how far they are likely to effect the budget estimates of the year.

12. The lists of suspensions and remissions should be published in the following manner. As soon as the statement for any village is sanctioned, the Mamlatdar should cause a copy to be sent to the village officers, who should be required to read and explain the orders to all the villagers, and to post the copy in a conspicuous place in the village chavdi, if any, or otherwise in some building resorted to by the villagers. The village officers should be required at the same time to enter in the ledger and the ryots' receipt books the remissions and suspensions which have been sanctioned. All revenue officers from Circle Inspector to Sub-Divisional Officer and Collector should satisfy themselves by personal observation that the statement has been affixed as directed and has been replaced if torn or defaced, and by direct inquiry that the remissions and suspensions have been read and explained to the villagers. In making the examination of ryots' receipt books particular attention should be paid to examination of the books of those to whom remissions and suspensions have been granted. The Circle Inspectors and other taluka officers should be ordered to examine not less than 25 per cent. of the books of the villages within three months after the remissions and suspensions are declared, and when doing so to call specially for the books of those to whom remissions and suspensions have been granted. To facilitate this an asterisk should be placed against the names of those to whom suspensions and remissions have been granted in the index to Village Form No. 5. The District officers should be desired to pay special attention to ensure that this examination has been properly carried out.

II.—LOCAL CALAMITIES.

1. Relief on the occasion of local calamities should be determined by the investigation of individual cases.
2. Before granting relief the resources of the owner should be taken into account.
3. When the damage amounts to total or nearly total loss of crops, immediate remission is preferable to suspension.

APPENDIX XIV S. 95. G. 3.

Form of Declaration under Section 103 of the Land Revenue Code.*

Whereas Government have sanctioned the assessments fixed by the officer in charge of the _____ in the case of such lands as are now actually used for the purposes of agriculture alone, and in the case of unoccupied cultivable lands, within the village of _____

in the _____ taluka of the _____ district; and whereas the assess-
villages hereinbelow mentioned

ments in the case of the said lands so used as aforesaid have been announced as required by Section 103 of the Bombay Land Revenue Code, 1879, in the said village
villages and the Survey Settlement has thereby

been introduced into the said village
villages; Now in exercise of the power

conferred by Section 102 of the said Code the Governor in Council is pleased to declare all the assessments above referred to, *with the modifications hereinafter specified in respect thereof* (omit the words in italics), if there are no such modifications, fixed for a term of _____ years commencing with the revenue year of _____ and ending with the revenue year of _____

(If there is more than one village, here enter the villages referred to above specifying the particular taluka, district, etc., to which they belong.)

By order, etc.,
Secretary to Government.

* This form was approved by G. B. No. 4582 dated 16th June 1904.

APPENDIX XV (Section 103.)

Notification determining the period of Settlement.

The following notification is published for the information of the land holders and village-officers in the taluka of the district :—

1. The Governor in Council having been pleased to sanction the assessments fixed by the Superintendent of Revenue Survey and Assessment under the provisions of the Bombay Land Revenue Code, 1879, the said assessments will henceforth be leviable, subject however to such declaration as the Governor in Council under Section 102 of the said Code may be hereafter pleased to make for the purpose of declaring any of such assessments, with any modifications which he may deem necessary, fixed for a term of _____ years.

2. But in the case of land which may hereafter be brought under irrigation by the use of water, the right to which vests in Government, or which is supplied from works constructed and maintained by, or at the instance of, Government, or of land which may be supplied with an increased amount of water from works constructed, repaired, or improved at the cost of the State, Government reserves to itself the right of imposing an extra cess or rate, or of increasing any existing rate, for the use of water supplied or increased by such means, whether under the provisions of the Bombay Irrigation Act, 1879, or otherwise.*

3. In addition to the fixed assessment, a cess not exceeding such rate as may be allowed by law will be levied under the Bombay Local Funds Act, 1869, or other law for the time being in force, for the purpose of providing funds for expenditure on objects of local public utility and improvement.

4. The Government right to trees standing in lands which are now occupied, is hereby conceded to the occupants thereof, subject to the general exceptions entered in the margin,† and the special exceptions recorded in the settlement records.

5. It is also hereby notified that at future revisions of rates there will be no general re-measurement, and that no sub-division of survey-numbers beyond that which has been now effected will be made at the expense of

* Should any other special cess, for the maintenance of irrigation works, such as the pat-fala in Khandesh, be levied, it should be here specified.

† The names of reserved trees are to be specified in the margin.

Government. If any occupant hereafter wishes to have his occupancy sub-divided, he must apply to the Collector, forwarding with his application such fee as may be necessary, according to the rules in force from time to time, to cover the expenses of re-measurement and alteration of the map and records.

NOTE.—This form is used for declaring the terms to the ryots concerned.

APPENDIX XVI (Section 107, G 4.)

It is hereby made known to the occupants and landholders of village of Taluka of Zilla that the classification of the lands is about to be carried out by the Survey Officers, and they are warned that while the classing process is going on, those who are concerned therein should bring to the notice of the Assistant Superintendent of Survey, who is in charge of the party of classers, any improvements or other circumstances bearing on the value of their land which they consider should be taken into account in fixing the values of their fields. If dissatisfied with the manner in which their representation is dealt with by that officer they may appeal to the Superintendent of Survey. Moreover they are hereby advised to make known in writing to the Survey Officers through their revenue patel or "panchayat," while the classing operations are in progress, any facts which they consider entitle their village to special consideration in fixing the standard of the new rates.

Superintendent of Revenue Survey.

APPENDIX XVII (Section 107, G 4.)

It is hereby made known to the people of the undermentioned villages of Taluka _____ of Zilla _____ that the revision of the survey assessment of the lands of the said villages is about to be effected and that it is proposed to divide the said villages into the following groups, the existing and proposed maximum rates of each village being as shown against its name in the list.

APPENDIX XX.

(s. 108, N1.)

(a)—Form of Akarband used in the Deccan Survey.

Akarband of Mouje _____ Taluka _____ District _____ showing
Area and Assessment according to Revenue Survey.

No.	Pot. No.	Area A. G.	Deduct unculturable Area. A. G.	Details of Remaining Culturable Area.														
				Dry Crop.			Rice.			Garden.			Total Assessment.			Soil Assess- ment.	Water cess.	
				A. G.	Rate.	Assess- ment.	A. G.	Rate.	Assess- ment.	A. G.	Rate.	Assess- ment.	A. G.	Kacha Assess- ment.	Paka Assess- ment.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	

NOTE.—It has been decided in G. R. No. 7755, dated 14th August 1909 (printed under section 108) that an additional Column showing the name of the Khatedar be added to this form so that it may be denominated in the Settlement Register in Second Revision Settlements.

APPENDIX XXI.

(s. 108, Nr.)

Sud Mouje

Taluka

District

1	Survey No.
2	Name of Field.
3	Government or alienated.
4	Description of Land.
5	Pot No.
6	Phalni No.
7	Total Area.
8	Deduct Unculturable Area.
9	Remaining Culturable Area.
10	Assessment, Rs.
11	Judi.
12	Assesment on Inam land minus Judi.
13	Name of Occupant.

APPENDIX XXII (s. 141, G 2)

(Referred to in footnote on page 239)

The following forms of orders to be issued under Section 141 have been sanctioned by Government in their Resolution No. 674, dated 27th January 1891. :—

(a) Form of order preventing the reaping of the crop—

It is hereby directed under Section 141 (a) that no crop growing on the lands following (that is to say)

Survey No. in the village of , shall be reaped until notice in writing given to has been returned to endorsed with acknowledgment of its receipt.

Notice of the above order is hereby given to (all the holders of land paying revenue to Government in the village of [or to you A. B. Holder of the lands aforesaid in the village of] , as the case may be).

Given under my hand and the seal of the office dated the day of 19 .

Mamlatdar.

(b) Form of order preventing the removal of the crop—

It is hereby directed that no crop reaped on the following lands (that is to say)

Survey No. in the village of shall without the written permission of be removed from the said lands or from any other place wherein it may have been deposited.

Notice of the above is hereby given to (all the holders of land paying revenue to Government in the village of or to you A. B. holder of the lands aforesaid) in the village of as the case may be

Given under my hand and the seal of the office dated the day of 19 .

Mamlatdar.

APPENDIX XXIII (S. 145, G 1).

The following is the form of security-bond sanctioned by G. R. No. 674, dated 27th January 1891:—

Whereas A. B. residing at _____ in the Taluka of _____ the District _____ is responsible to Government for the payment of revenue or in the instalments following *viz.*:—

on the _____ day of _____
on the _____ day of _____

I residing at _____ village in the _____ Taluka of the District hereby declare myself surety for the said A. B. and do hereby bind myself and all my heirs and executors that the said A. B. shall duly and punctually pay to the _____ the said sums on the dates on which they are respectively hereinbefore stated to be payable by him, and in case of the said A. B. making any default in any of the instalments in respect of any of the said sums or any part thereof, I do hereby bind myself and all my heirs and executors to pay to the _____ the whole of the said sums or such part thereof as the said A. B. may have failed duly and punctually to pay as aforesaid.

Signature of surety

In the presence of

APPENDIX XXIV SECTION 150 G. 5.

(Sanctioned in G. R. No. 4477, Dated 1st July 1902.)
 Register of Compulsory Processes Mouze Taluka Zilla A.D. 190 -190

No.		Name.																																
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				
																															NOTICE.	PENALTY FOR DEFAULT, SECTION 148, LAND REVENUE CODE.	DISTRAINT AND SALE OF MOVABLE PROPERTY, SECTION 154, LAND REVENUE CODE.	
																																		Item and amount of arrears.
																																		Date of Notice.
																																		Date of service of Notice.
																																		Levied.
																																		Remitted.
																																		Authority for remission.
																																		Date of payment of arrears.
																																		Remarks, if any.
																																		Amount of arrears.
																																		Amount of arrears for which penalty is imposed.
																																		Amount of penalty imposed.
																																		Number and date of the order authorising the levy.
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																																		Number and date of the order authorising the remission.
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																																		REMARKS.
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Description of property.																																		
Estimated value.																																		
Number and date of Mamlatdar's order authorising the attachment.																																		
Date of Attachment.																																		
Date of publication of Notification of sale, Section 166, Land Revenue Code.																																		
Arrears on account of which sale was resorted to.																																		
Date of sale.																																		
Amount of sale-proceeds.																																		
Deduct amount of expenses of sale.																																		
Balance credited to the defaulter's account.																																		
Number and date of order confirming the sale and the officer passing it.																																		
Remarks, if any.																																		

ATTACHMENT AND SALE OF IMMOVABLE PROPERTY OTHER THAN LAND ON WHICH THE ARREAR IS DUE, SECTION 165, LAND REVENUE CODE.		FORFEITURE AND SALE OF OCCUPANCY UNDER SECTION 163, LAND REVENUE CODE.	
32	Amount of arrears.		
33	Description of property.		
34	Number and date of order sanctioning the attachment.		
35	Date of attachment.		
36	Date of publication of Notification of sale, Section 166, Land Revenue Code.		
37	Date of sale.		
38	Amount of Sale-proceeds.		
39	Deduct amount of expenses of sale.		
40	Balance credited to the defaulter's account.		
41	Number and date of order confirming the sale.		
42	REMARKS.		
43	Amount of arrears.		
44	Survey number.	Occupancy of Govern-ment Land.	Forfeiture.
45	Tenure, full or restricted		
46	Area.		
47	Assessment.	Alienat-ed hold-ings.	Date or dates of
48	Survey Number.		
49	Area.		
50	Assessment.		
51	Issuing proclamation, Section 165, Land Revenue Code.		
52	Affixing Notices of intended declaration (forfeiture,) Section 166, Land Revenue Code.		
53	Number and date of order declaring the forfeiture.		
54	Survey Number.	Occupancy of land sold to the public.	
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56	Area.		
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58	Sale-proceeds.		

		FOREFEITURE AND SALE OF OCCUPANCY UNDER SECTION 153, LAND REVENUE CODE.				ARREST AND IMPRISONMENT OF DEFAULTERS, SECTION 157, LAND REVENUE CODE.			
	59	Date of Notification of sale, Section 166, Land Revenue Code.							
	60	Date of sale.							
	61	Amount of expenses of sale.							
	62	Balance credited to the defaulter's account, Column 56—Column 59.							
	63	Number and date of order confirming the sale.							
	64	Survey Number.				Alienated holding & occupancy of land restored to the defaulter.			
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	75	Number and date of Collector's order authorising the arrest.							
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	78	Place or places where detained.							
	79	Date of discharge.							
	80	Cost of arrest.							
	81	Remarks.							

APPENDIX XXV (S. 153 N. 3).

Form of proclamation and written notice under Section 153 of the Land Revenue Code.

(Sanctioned by G. R. No. 4236, dated 21st June 1902.)

Whereas _____ residing at _____ has

Year.	Survey. No.	Land Revenue.	Local Fund Cess.	paid a sum of Rs. due by him for Land Revenue and Local Fund Cess on the Survey Nos. as specified in the margin in the village of
Total...				

in the taluka of _____ in the _____ district.

Notice is hereby given that on and after the _____ day of _____ 190____, unless the arrears are sooner paid, the Collector proposes to declare the holding to be forfeited.

Dated _____

Collector.

Form of slip to be—issued along with the above notice.

With reference to the attached Notice Under Section 153 of the Land Revenue Code _____, residing at _____ is informed that the Collector proposes, after declaring his holding forfeited, to regrant it to him subject to the condition that the occupant shall not transfer it in any way to another person without the sanction in writing of the Collector.

Dated _____

Collector.

APPENDIX XXVI.

(Referred to in S. 149 N. 1.)

From

The Collector of

To

The Collector of

Dated the of 19

The sum of Rs. is payable on account of by , son of , resident of , who is believed (to be at) (to have property consisting of at) in your district.

2. Subject to the provisions of the Revenue Recovery Act, 1890, the said sum is recoverable by you as if it were an arrear of land-revenue which had accrued in your own district, and you are hereby desired so to recover it and to remit it to my office at

A. B.

Collector of

APPENDIX XXVII Section 216, 217 (G 24.)

(Referred to in)

Agreement made by A B., inamdar of the village of _____ *in the*
Taluka of the _____ *District.*

Whereas I am making an application to Government that under Section 216 of the Bombay Land Revenue Code, 1879, the provisions of Chapter VII to X of that Code may be extended to my aforesaid village of _____ ; and whereas, in the event of my said application being granted, Government undertakes, on condition of my agreeing to the stipulations hereinafter contained, to bear the costs of the survey and settlement of my said village, as well on the first occasion of the same being effected after the date of this agreement as also hereafter whenever any revision survey or settlement is introduced by order of Government according to law into my said village ; I do hereby for myself, my heirs, executors and administrators agree as follows, *vis.* :—

1. That I will pay the salaries and perquisites of the village officers of the said village according to the scale which may from time to time be in force for the payment of village officers of Government villages in the district ;

2. That I will remunerate the said village officers for the collection of local fund cess from the rayats of the said village according to the scale which may from time to time be in force for the payment of village officers of Government villages in the said district for the collection of the said cess from the rayats of those villages ;

3. That the salaries, perquisites and remuneration of the village officers according to the foregoing clauses 1 and 2 shall be a first charge on my revenue and may from time to time be deducted by the village officers from the said revenue before making payment thereof to me, in accordance with such directions as the Collector of _____ shall from time to time think fit to issue in this behalf ;

4.* That I will from time to time at my own expense, cause to be prepared and to be furnished with punctuality such periodical or other agricultural and vital statistics concerning the said village as may be

* *N. B.*—Condition 4 should be omitted from all future agreements in respect of villages in which the village officers are paid by Government. It will however be advisable to notify to village officers in these cases that they are expected to keep the returns and will be responsible for their maintenance to the Collector and his duly empowered subordinates. The village records should be regularly inspected to see that the various forms and statements are properly kept. In those villages in which owing to village Accountants being stipendiary they are paid by the Inamdar, the condition should be retained in operation, where agreements have already been completed and should be inserted in future agreements. (G. R. No. 7229, dated 23rd July 1907.)

required by the Collector, and that in the event of my failure at any time to discharge this obligation to the satisfaction of the Collector, the Collector may make such arrangements as he deems fit for obtaining such statistics as aforesaid, and the costs which he incurs in so doing shall be a first charge on my revenue recoverable as provided in clause 3 of this agreement.

Executed at

this of

19 .

Signed by A. B.

(Signed)

in the presence of

A. B.

APPENDIX XXVIII S. 31 (G. 10).

(Referred to in G. R. R. D. No. 49, dated 6-1-09, printed under Section 31.)

This Indenture made the _____ day of _____ in the year of Our Lord 19____, between _____ hereinafter called the Covenantor, of the one part, and the Secretary of State for India in Council of the other part.

WHEREAS the Covenantor has been appointed to serve His Majesty

*Here enter the as _____ * in the Presidency of Bombay.
words "a member of the.....Service, if he belongs to a recognised service; otherwise enter the designation of the officer, e. g. "a Mamlatdar."

NOW THIS INDENTURE WITNESSETH, and the said Covenantor doth hereby covenant and agree with and to the said Secretary of State in Council that while he shall be employed in the service of His Majesty as aforesaid or in any other capacity :—

- (1) he will be faithful and bear true allegiance to his Majesty, his heirs and successors according to law;
- (2) he will faithfully, honestly and diligently do all such things as shall be lawfully committed to his charge by or on the part of the said Secretary of State in Council or of the Government in India or any person who shall have lawful authority to command him, or in execution of his duty ;
- (3) he will duly obey all the rules and orders of the Government in India regulating the conduct of public servants as contained in the Government Servants' Conduct Rules, 1904, or such other rules and orders on the subject as may from time to time be in force ; and
- (4) he will not take part in any agitation or meeting of a political or quasi-political character against the Government in India of against any measures or action of such Government.

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In witness whereof, the said Covenantor has hereunto set his hand and being a Secretary to the Government of Bombay has, by order of the Governor of Bombay in Council, set his hand and the seal of his office, hereto, for and on behalf of the Secretary of State for India in Council.

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