

SERVANTS OF INDIA SOCIETY'S LIBRARY
POONA 4.

FOR INTERNAL CIRCULATION

To be returned on or before the last date stamped below

Dhannajyeeso Gadgil Library



GIPE-PUNE-011780

2 DEC 1968

3 DEC 1968

5 FEB 1971

5 FEB 1971

5 FEB 1971

5 FEB 1971

19 JAN 1971

The Berar Land Revenue Code 1928.

With Rules and Notifications thereunder
AND
with exhaustive notes and comments.

BY

Rao Bahadur K. V. BRAHMA, C. I. E., M. B. E.

First Grade Pleader, Amruti.

Member—Berar Legislative Committee, Council Secretary
to C. P. Legislative Council (1921-1923);
Member—Executive Council Nagpur University
and of the Faculty of Law, etc., etc.

(*All rights reserved by the author.*)

1932

X723.2713

G2

11780

Printed at the Aryabhushan Press, House No. 936/2 Bhamburda
Peth, Poona City by Mr. Anant Vinayak Patwardhan
and published by Rao Bahadur K. V.
Brahma at Amraoti.

PREFACE

This book needs little introduction. There is no book in existence on the subject and the opportunity that I got in studying it while the Berar Land Revenue Bill was on the anvil emboldened me to attempt the task of writing notes on this subject in which almost everybody is interested. None is more cognisant of the defects in this work than myself, but I have tried to collect all the available information for the student. Many portions of the law have yet to come under the searchlight of judicial examination and interpretation but no pains have been spared to collect the results of such examination. Cases of the Nagpur High Court and of other High Courts when relevant have been noticed. Let me hope that the attempt will be of help to the Revenue Authorities and to the litigant and the general public. I do not propose to describe the tenures in Berar here as I wish to deal with the subject exhaustively separately.

Amraoti }
9-3-32 }

K. V. BRAHMA.

Berar Land Revenue Code.

TABLE OF CONTENTS.

CHAPTER I.—Preliminary.

1. Title, extent and commencement.
2. Definitions.

CHAPTER II—Appointment and Powers of Revenue Officers.

3. Revenue Officers.
4. Subordination of Revenue Officers.
5. The Commissioner.
6. Power to create, alter or abolish districts, sub-divisions and taluqa.
7. Deputy Commissioners.
8. Assistant Commissioners.
9. Tahsildars and Naib-Tahsildars.
10. Other officers.
11. Sub-Divisional Officers.
12. Subordination of Revenue Officers in a sub-division and a taluqa.
13. Conferral of powers on officials and other persons.
14. Conferral of powers on officials by name or class.
15. Deputy Commissioner in case of temporary vacancy.

CHAPTER III.—Procedure of Revenue Officers.

16. Place for hearing cases.
17. Power to enter upon and survey land.
18. Power of superior revenue authorities to transfer cases.
19. Power to transfer cases to and from subordinates.

20. Power of Revenue Officers to take evidence and to require attendance of persons and production of documents.
21. Form and contents of summons.
Mode of serving summons.
22. Duty of persons summoned to comply.
23. Mode of serving notice.
24. Mode of issuing proclamation.
25. Notice or proclamation not void for error.
26. Hearing in absence of party.
27. Adjournment of hearing.
28. No appeal from order passed under section 26.
Application to set aside order passed under section 26.
29. Power to give and apportion costs.
30. Delivery of possession of, or ejection from, immovable property.
31. Persons by whom appearances and applications may be made before and to Revenue Officers.

CHAPTER IV.—Appeal, Revision and Review

32. Appeals and appellate authorities.
33. No appeal against certain orders.
34. Limitation of appeals.
35. Copy of order objected to accompany petition.
36. Powers of appellate authority.
37. Power to stay execution of orders appealed against.
38. Revision and revisional authorities.
39. Review of orders.
40. Application of Act IX of 1908.

CHAPTER V.—Land and Land-revenue.

41. Title of Government in all lands, public roads, etc., which are not the property of others.
Procedure where Government's title is disputed.
42. Assignment of lands for village grazing.
43. Grazing on Government waste lands.
44. Government title to minerals.
Rights subsidiary thereto.
Effect of assignment of Government's title to minerals.
Compensation for occupation or disturbance of surface of land

45. Government trees and forest.
46. Occupant's rights in trees.
47. Trees in alienated land.
48. Recovery of value of trees, etc, unauthorizedly appropriated.
49. Liability of land to payment of land-revenue.
"Land-revenue".
50. Variation of land-revenue according to purpose for which land is used.
51. Assessment by whom to be fixed.
52. Rates for use of water.

CHAPTER VI.—The grant, Use and Relinquishment of Unalienated Land.

53. Disposal of unoccupied land.
54. The occupant.
55. Lessees from Government.
56. Occupant's rights heritable and transferable.
57. Right of occupant to make improvements.
58. Diversion of land.
Procedure where land is diverted without notice.
59. Procedure where land is diverted after permission is refused or in contravention of a condition.
Ejectment of third party for diversion of land.
60. Relinquishment.
61. Disposal of escheated and relinquished sub-divisions.
62. Right of way to relinquished land.
63. Disposal of intestate holdings.
64. Penalties for unauthorizedly taking possession of land.
65. Ejectment of person unauthorizedly in possession of land.
66. Restriction of rights of transfer of certain backward classes in the Melghat.

CHAPTER VII.—Alluvion and Diluvion.

67. Alluvion and diluvion in unalienated land.
68. Alluvion and diluvion in alienated villages.
Rights of ante-alienation tenants.
69. Alluvion and diluvion in alienated plots.
70. Power of Deputy Commissioner to make assessments and decide disputes.

CHAPTER VIII.—Landlords and Tenants.

71. Status of persons paying rent to landlord.
72. Ante-alienation tenants.
73. Tenants of antiquity.
74. Annual tenancy.
75. Enhancement of rent.
76. Ejectment of tenants.
77. Exclusion of *izara* villages.

CHAPTER IX.—Revenue-Survey and Settlement.

78. Definitions of "revenue-survey", "settlement" and "term of settlement".
79. Notification of proposed revenue-survey.
80. Settlement Commissioner.
81. Settlement and Assistant Settlement Officers.
82. Powers of Settlement and Assistant Settlement Officers.
83. Settlement Officers to be Revenue Officers for certain purposes.
84. Settlement Officers may exclude any land from revenue survey.
85. Power to require assistance from landlords.
86. Formation of survey numbers and villages.
87. Separate demarcation of land diverted or specially assigned.
88. Division of survey numbers into sub-divisions.
89. Entry of survey numbers and sub-divisions in records.
90. Village site,
Right of agriculturists and others to house site free of land-revenue.
91. Grouping of villages for purposes of assessment.
92. All lands liable to assessment.
93. Principles of assessment.
94. Inquiry into the profits of agriculture and the value of land.
95. Confirmation of Settlement Officer's proposals for assessment rates.
96. Determination of assessments.
97. Announcement of settlement.
98. Introduction of settlement.
99. Remission of enhancement to occupant who relinquishes.

- 100. Term of settlement.
- 101. Power of Deputy Commissioner to complete unfinished proceedings.
- 102. Power of Deputy Commissioner to correct errors.
- 103. Power of Deputy Commissioner during the term of a settlement.
- 104. Power to grant powers of a Settlement Officer during the term of a settlement.
- 105. Power to make rules.

CHAPTER X.—Land Records.

- 106. Superintendents and Assistant Superintendents of Land Records.
- 107. Revenue inspectors and measurers.
Formation of Revenue Inspector's circles.
- 108. Record-of-rights.
- 109. Acquisition of rights to be reported.
- 110. Register of mutations and register of disputed cases.
Entries in register of mutations how to be certified.
Presumption of correctness of entries in record-of rights.
- 111. Jurisdiction of civil courts.
- 112. Certified copy of record-of-rights to be annexed to plaint or application.
- 113. Intimation of transfers by Registering Officers.
- 114. Correction of clerical errors.
- 115. Land records.
- 116. Obligation to furnish information as to title.
- 117. Penalty for neglect to furnish information.
- 118. Requisition of assistance in preparation of maps and record-of-rights.
- 119. Measurement fees.
Parcha fees.
- 120. Power to make rules for land records and the land records staff.
- 121. Exemption from provisions of the chapter.

CHAPTER XI.—Boundaries and Boundary Marks— Survey Marks.

- 122. Determination of certain boundaries.

- 123. Settlement of boundary disputes by arbitration.
- 124. Ejectment of persons wrongfully in possession.
- 125. Construction of boundary marks of villages, survey numbers and holdings.
Responsibility for maintenance of boundary and survey ; marks.
- 126. Enforcement of repair of boundary or survey marks.
- 127. Demarcation of boundaries of sub-divisions.
- 128. Penalty for destruction, injury or removal of boundary or survey marks.
- 129. Rights of way over boundaries.
- 130. Power to exempt from operation of this chapter.

CHAPTER XII.—Realization of Land-Revenue.

A.—*Payment of land-revenue*

- 131. Land-revenue a first charge on land.
- 132. Responsibility for payment of land revenue.
- 133. Land-revenue recoverable from any person in possession.
- 134. Dates on which land-revenue falls due and is payable.
- 135. Definition of "arrear" and "defaulter".
- 136. Patel or patwari bound to give receipt.
- 137. Penalty for default of payment of land-revenue.
- 138. Recovery through Deputy Commissioner of revenue paid on behalf of co-sharer in *izara* village.
- 139. Remission or suspension of revenue on failure of crops.

B.—*Recovery of arrears.*

- 140. Certified account to be evidence as to arrear and defaulter.
- 141. Processes for recovery of arrears.
- 142. Costs recoverable as part of arrear.
- 143. Enforcement of processes in other districts.
- 144. Payment under protest and suit for recovery.
- 145. Attachment and sale of movable property.
Attachment of immovable property.
- 146. Claim by third to property attached or proceeded against.
- 147. Arrest and detention of defaulter.
Imprisonment of defaulter in civil jail.
- 148. Attachment and management of alienated village.

149. Proclamation of sale of immovable property.
Sales to confer unencumbered title.
150. Sale how, when and by whom to be held.
151. No Revenue Officer to bid.
152. Sale to be stayed when arrear paid.
153. Deposit by purchaser.
154. Purchase-money when to be paid and effect of default.
155. Application to set aside sale on deposit of arrear, etc.
156. Application to set aside sale for irregularity, etc.
157. Bar of claim founded on irregularity.
158. Proclamation before re-sale.
159. Confirmation or setting aside of sale.
160. Refund of purchase-money when sale is set aside.
161. Purchaser to be put in possession and given certificate.
162. Application of proceeds of sale.
163. Purchaser not liable for land-revenue due prior to sale.
164. Moneys recoverable as an arrear of land-revenue.
165. Recovery of moneys from surety.

C—Government's lien on crops.

166. Precautionary measures for securing the land-revenue.
167. Deputy Commissioner may prevent reaping or removal of crop, appointing watchmen, if necessary.
168. Notification and enforcement of Deputy Commissioner's orders under section 167.
169. Reaping and harvesting of crop and release of the same in whole or in part.
170. Relinquishment of precautionary measures on security being furnished.

CHAPTER XIII.—Jaglia and Mahar Cess.

171. Cess on agriculturists.
Penalty for excess levy.
172. Cess on non-agricultural incomes.

CHAPTER XIV.—Pre-emption.

173. Definition of "occupant in a survey number".
174. Incidents of the right of pre-emption.

175. Mode of service of notices.
176. Pre-emption on proposed sale.
177. Pre-emption on foreclosure.
178. Pre-emption on lease or usufructuary mortgage.
179. Priority in pre-emption.
180. Loss of right of pre-emption.
181. Enforcement of right of pre-emption after making deposit.
182. Suit to pre-empt for a fair consideration.
183. Suit to pre-empt when no notice given.
184. Pre-emption on exchange.
185. Decree in suits for pre-emption.
186. Power to make rules.
187. Power of Local Government to extend application of chapter to alienated villages.

CHAPTER XV.—Miscellaneous.

188. Inspection and copies of maps and land records.
 189. Government's ownership of certain records.
 190. Forfeiture or assessment of alienated land on breach of conditions of tenure.
 191. Village cesses.
 192. Exclusive jurisdiction of revenue authorities.
Matters expressly excepted from jurisdiction of civil court.
Suits not to be proceeded with unless plaintiff has exhausted right of appeal.
 193. Rules made under this law.
 194. General rule-making power.
 195. Saving clause.
-

Berar Land Revenue Code.

List of abbreviations used.

A. I. R.—1927	All.	All India Reporter	Allahabad series of 1927
"	Bom.	"	Bombay "
"	Cal.	"	Calcutta "
"	Lah.	"	Lahore "
"	Luck.	"	Lucknow "
"	Mad.	"	Madras "
"	Nag.	"	Nagpur "
"	Oudh.	"	Oudh "
"	Pat.	"	Patna "
"	Rang.	"	Rangoon "
"	Sind.	"	Sindh "
"	P. C.	"	Privy Council Section.
Berar Leg. Com. Pro.		Berar Legislative Committee's Proceedings.	
Berar L. J.		Berar Law Journal.	
Bom. L. R.		Bombay Law Reporter.	
C. P. L. R.		Central Provinces Law Reports.	
Civil P. O. or C. P. O.		Civil Procedure Code.	
C. P. O. O. & R. & Compilation		C. P. Government Compilation of Notifications and Rules under the Berar Land Revenue Code.	
F. B.		Full Bench.	
I. C.		Indian Cases.	
I. L. R.—	All.	Indian Law Reporters	Allahabad Series.
"	Bom.	"	Bombay "
"	Cal.	"	Calcutta "
"	Mad.	"	Madras "
M. I. A.		Moore's Indian Appeals.	
N. L. R.		Nagpur Law Reports Series.	
N. L. J.		Nagpur Law Journal.	
O. C.		Oudh Cases.	
P.		Page.	
P. C.		Privy Council.	
P. R.		Punjab Records.	
W. R.		Sutherland's Weekly Reports.	

Berar Land Revenue Code.

TABLE OF CASES.

A	
Abaji vs. The Secretary of State	286
Abasbhai vs. The Secretary of State	41
Abdullakhan vs. Abhiman	106
Abdul vs. Kisan	208; 219; 226; 251; 263
Abdul Aziz vs. Mariyan Bibi	251
Abdul Ghapur vs. Kamal Uddin	244; 245
Abdul Razak vs. Jagoba	207
Abdus Salam vs. Wilayat Alikhan	263
Abdus Samad vs. Abdur Rauf	263
Abhainandan Prasad vs. Pashpat Nag	255
Abid Alikhan vs. Har Prasad	246; 260; 262
Abinash Chandra vs. Shekhar Ohand	212
Abu Mahammad vs. Mukut Pratap	260
Afzal Hussain vs. Haran Bibi	207; 255
Agarsingh vs. Raghu Raj Singh	246
Agyaram vs. Deorao	257
Ahmad Husain vs. Riaz Ahmad	119
Akram Khan vs. Aziz Khan	262
Ambadas vs. Laxman	260
Ambaram vs. The Secretary of State	287
Ambika Ranjan vs. Manikganj Loan Office	30
Amirkhan vs. Shankar	248
Anand Lall vs. Gulodhur	175
Anantacharya vs. The Secretary of State	288
(In re) Antaji Tambe	41
Arjamandkhan vs. Shanker Lal	237
Arjun vs. Narayan	112
Arjun vs. Sitaram	216
Arunachallam vs. Sivalingam	35
Arunachellam vs. Arunachellam	186
Arunchandra Sinha vs. Manmohan Sinha	17; 277
Asaf-ud Daula vs. Abdul Ghafar	244
Athappa Chethy vs. Ramkrishna	185
B	
Bahraichi vs. Tribeni Sing	234
Bajnath vs. Ramdhari	237
Bakaram vs. Hiralal	205; 222
Balabdas vs. Anandrao	208
Balaji vs. Gopal	116
Balaji vs. Balkrishna	264
Baldeo Misir vs. Ramlagan	220; 235; 221
Baliram vs. Maruti	69
Baliram vs. Sakharan,	272
Balkisasingh vs. Govindsingh,	152
Balkrishna vs. Raghunath	116
Balvant Babaji vs. Hirachand	190
Balvant Ramchandra vs. Secretary of State	278; 281
Ban Behari vs. Satish Kanta	187
Banga Chandra vs. Jagat Kishore	287

Bapu vs. Anand,	208; 223; 227 235; 257
Bapu vs. Bhonaji	225
Bapu vs. Maruti	231
Bapu vs. Vithoba	262
Baira Bibi vs. Sheikh Ala	237
Batui Begam vs. Mansurali	213; 214
Batu Singh vs. Tara Singh	265
Bechan Singh vs. Kishanlal	263
Begum vs. Mahammad Yakub	262
Beliram vs. Harichand	262
Bhagatram vs. Raghuvar Dial	237
Bhagwan vs. Ganesh	106
Bhagwati Saran vs. Parmeshar Das	251; 255
Bhall vs. Imamali	213
Bhau vs. Hari	283
Bhawani Prasad vs. Damru	238
Bhivean vs. Gulabchand	208
Bhiwaji vs. Tukaram	100; 108; 115
Bhojabhai vs. Hayem Samuel	115
Bishan Singh vs. Bishani	250
Buddhu Misir vs. Bhagirathi	35
Budho vs. Koshao	286
Buliki vs. Dagdia	150; 152

C

Chaitu vs. Nias Begum	236
Champat Gambhirji vs. Shree Balasahib Sansthan	102; 103; 105
Chandhan vs. Bishensingh	210
Chandi Narayan vs. Asutoch De	211
Charan Mahton vs. Kumar Kamakhya	115
Chikko vs. Sidhanath	102
Chowdhary Kesri Sahay vs. Giani Ray	184
Chunilal vs. Kisandas	257
Clarke vs. Brajendra Kishore	284
Collector of Thana vs. Bal Patil	45

D

Damodhar Mahadeo vs. Kashinath	281
-----------------------------------	-----

Dand Bahadur Singh vs. Deo Nandan Prasad	30
Dattatraya vs. Amrut	149
Dattatraya vs. Tukaram	278
Daulat vs. Ramappa	149
Dayal Krushal vs. Secretary of State	287
De Souza vs. The Secretary of State	285
Debi Saran vs. Gupta	261
Deolia vs. Raje Janardhan	104; 105; 106; 113; 117
Dewaji Kunbi vs. Syed Amirullahah	116; 117
Dharmaraja vs. Shrinivasa	260
Dharam Singh vs. Kirpalsingh	223; 264
Dhiraj Singh vs. Rajaram	257
Dhirendra Nath vs. Kamini	186
Dee Dem Sheekristo vs. East India Company	40
Durga vs. Man	232
Durga Prasad vs. Munshi	225
Durga Prasad vs. Jai Narain	32
Dwarka Ram vs. Ghulia Pande	264
Dwarka Singh vs. Sheo Shanker	238

F

Fais Mahammad vs. Mahammad Ismail	223; 264
Fakira vs. Dattatraya Kirshna	105; 106
Fakirya vs. Tulai	147; 150
Fakrudinsab vs. Secretary of State	281
Fateh Alishah vs. Mahammad Baksh	150
Fateh Chand vs. Kirpa Singh	236
Fatekhan vs. Daim and others	34
Fateh Muhammad vs. Hakim Khan	265
First Assistant Collector of Nasik vs. Shamji	42

G

Gajadhar Prasad vs. Manra khan	218
-----------------------------------	-----

Ganesh Mahadeo vs. Secretary of State	278
Gangabai vs. Pandoo	218
Gangadhar Hari vs. Morbhat	280
Gangaram vs. Dinkar Ganesh	283
Ganpat vs. Raje Laxmanrao	90; 91
Gangoo vs. Sakharam	257
Ganpat vs. Sambhsiva	96; 102; 104; 105
Ganpat vs. Joomabhai	235
Ganpatsa vs. Jumabhai,	204; 220; 225
Girdharising vs. Bhupal Singh,	260
Girja Shanker vs. Gopalji,	284
Godavarti Mangamma vs. Godavarti Sundarma,	210
Gadavarti Sundarmma vs. Godavarti Mangamma,	210
Goder vs. Nizamdin,	151
Gondaji vs. Kisan,	30
Govind vs. Bapuji,	286
Govind Dayal vs. Brij Mohan Lal,	207
H	
Haidar Hussain vs. Ghasiti Bibi,	263
Haji Begum vs. Shankar Rao,	96; 108
Haji Divan vs. Bhav Singh,	175
Hakim Bahadur Singh vs. Emperor,	55
Hamid Hossein vs. Mukhdam,	187
Hanmantrao vs. The Secretary of State,	40; 41
Hanumant vs. The Secretary of State,	285
Harbans Tiwari vs. Tota Sahu,	255
Haridas vs. Secretary of State,	88
Harihar Banerji vs. Ramshashi Roy	116
Hari Nath vs. Mothur Mohan,	213
Harlal Sing vs. Rudra Sing,	255
Hazari Ram vs. Shanker Dial,	213

Himanchal Singh vs. Ajothya Singh,	221
Himum vs. Fauja	260
Hiria vs. Mahomed Sirajuddin Khan,	54; 112
Hudarsingh vs. Nankos,	246

I

Imam Uddin vs. Sadarnath Rai,	255
Indaratkhan vs. Iahi Baksh,	236
Irbasappa vs. Basangawda,	35
Ismail Khan Mahomed vs. Jaigun Bibi,	113
Isri vs. Gopal Saran,	259

J

Jadoonath vs. Palhadi,	105
Jafri Begum vs. Gulab Knar,	232
Jagamaya Dasi vs. Tulsa,	214
Jagatsing vs. Baldeo Prasad	248
Jagernath Gir vs. Rajman Gir,	32
Jageshwar vs. Jankibai,	265
Jaggar Nath vs. Jaku,	261
Jaijai Ram vs. Darshan Lal,	255
Jairam vs. Sitaram,	213; 214
Jaikaram vs. Ganga Dhari	213
Jaisiram vs. Hariharrao,	96
Jamnadas vs. Paiku,	179
Janakibai vs. Soma,	220
Janardhanrao vs. The Secretary of state	281
Janardhan Narayan vs. Laxman Mahadeo,	105
Janu vs. Fakira,	114
Jesinbhai vs. Hataji,	166
Jijibhoy N Surty vs. T. S. Chettyar,	30
Jitan Dusadh vs. Jawahir Singh,	32
Junansingji vs. Dola,	103
Jogal Kishor vs. Chammo,	234
Jwala Das vs. Gopal Lal,	255

K

Kalabhai Bapnji vs. Secretary of State,	279
Kali Charan vs. Manodabala,	233
Kalidas vs. Bhaijan,	104

Kallingal vs. Secretary of State,	64; 67
Kalyan vs. Desram,	219
Kandaswamy vs. Subhai,	210
Kanhayalal vs. Mohammad Shafi Khan,	259
Kanhayalal vs. National Bank of India,	175
Kanshi Ram vs. Bhasa Ram,	237
Kapuria vs. Wali Mohammad,	259
Karam Hussain vs. Raghu Vir Dayal,	232
Kasaribad Venkatchallapati Rao vs. Maddipatla Kameswaramma,	34
Kashiba vs. Vithoba,	105
Kashi Nath vs. Mukhta Prasad,	233
Keshev vs. Manaha,	116
Keshao vs. Pandurang,	220
Khasan Singh vs. Panna Lal,	32
Khemana vs. Aladad,	220
Kiranchandra vs. Shrinath,	150
Kisan vs. Sitaram,	205; 233
Kisan Singh vs. Amarsingh,	258
Koyal vs. Bhondelal,	278
Kripanath vs. Ram Lakshmi,	184
Krishna Aiyar vs. The Secretary of State,	41
Krishna Bai vs. Hari Govind,	119
Krishnaji vs. Sitaram,	119
Krishnasami vs. Ramasami, (Rani) Kulandai vs. Indran Ramaswami,	30
Kumar Kamakhya vs. Ram Rukha,	115
Kurban Ali vs. Ashraf Ali,	175
L	
L. Parotam Saran vs. B. Brahma Nand,	34
Lahmi vs. Bulli,	234
Lakshpati vs. Ram Bodh Singh,	237
Lalsingh vs. Pandit Waman Rao,	278
Lachmi Narain vs. Fatch Bahadur,	180

Lataji vs. Krishnaji,	217; 225
Laxman Narayan vs. Govind	280
Laxmanrao vs. Sadasheo	279
Laxmanrao vs. Shrinivas	285
Laxmi Narayan vs. Mukundram	185
Loola vs. Pyare	112

M

M. A. Koyal vs. Bhondelal	278
Madhorao vs. Laxmibai	151
Madarsah vs. Palaniappa	185
Madhub-Chandra vs. Tomee Bewah	250
Mahamadhbhai vs. Secretary of State	59
Mahammad Ishaq vs. Mt. Fatim-Unnissa,	218
Mahitapkhan vs. Mt: Ashabi,	219
Mahammad Syad Khan vs. Kamis Fatim,	232
Mahammad vs. Mahammad Ali,	236
Mahammad Baksh vs. Hussein Baksh	237
Mahammad Latif vs. Govind MSingh	250
Mahammad Wajid Alikhan vs. Puran Singh,	225; 254
Mahadeo Singh vs. Talib Ali,	256
Maha Prasad Singh vs. Ramani Mohan Singh	278
Maidabi vs. Tejbai	219; 220
Makkan Singh vs. Jaban Kumar	243
Malkarjun vs. Narhari,	17; 277
Maniklal vs. Bai Amma	106
Marotirao vs. Govind	175
Mardan Khan vs. Mahmoodi Khan,	241; 246
Masihuddin vs. Mataram	220
Meghji vs. Dayalji Lal	114
Meher Khan vs. Gulam Rasul,	263
Mebdi vs. Mt: Nadran	263
Mohanlal vs. Bai Jivkore	72
Mohamad Sujat vs. Mt: Chandbi	150; 151; 152
Mohamoodbi vs. Chinnumiya	218
Mohindra Man Singh vs. Maharaaj Singh	226

Motirao vs. Bhikanrao	222;224; 228
Motilal Ghose vs. Secretary of State	284
M. Muhammad Jan vs. Shiam Lal	260
Mt. Banti vs. Mandu	208
Mt. Bulki vs. Dagdia	147
Mt. Gangu vs. Chandu	216
Mt. Ishar Devi vs. Sheo Ram	222
Mt. Mithabai vs. Bhikari Lala	173
Mt. Qudrat-un-nissa Bibi vs. Abdul Rashid	263
Mt. Raijai vs. Irbhan	204;215;225
Muhammad Din vs. Mt. Sardar Bibi	152
Muhammad Nasir vs. Roshan	222
Munshi Lal vs. Ram Narain	184

N

Nagappa vs. Venkat Rao	119
Naine Pillai vs. Ramnathan	105
Nanabhai vs. The Collector of Kaira	10
(In re) Narayan Khanderao I hadke	73
Narayan Ramchandra vs. Pandurang	102
Narayan vs. Syed Bahadur	116;118
Narayan vs. Vithoba	218
Narendra vs. Achhabai	88
Narhar vs. G. M. Buti	185
Narhar vs. Gullu	208;257
Naro Pandurang vs. Mahadeo	285
Nathu vs. Thakubai	235;237
Nathu Mal vs. Gangaram	175
Natha Singh vs. Sunder Singh	245
Nehala Ram vs. Punnum Ram	219
Nirmansingh vs. Thakur Lala Rudra Pratap	151

O

Olpherts vs. Arjundas	257
Onkar vs. Dhansing	188

P

Paga vs. Sadashiva	30
Pamanuja Ohariar vs. Krishnaswami	72
Pandu vs. Raje Udhojirao	98 103;105
Parashram vs. Bapu	98;103;104
Paresh Nath vs. Hari Charan	187
Parsottam Dass vs. Abdul Rahman	218
Pateshwari Pratap vs. Sitaram	237
Pertapsing vs. Ratansingh	208
Prayag Kumari Devi vs. Sheo Prasad Singh	80
Pratap Narainsingh vs. Shiam, Lal	221
Pratap Singh vs. Daulat	233
Punjab Sugar Mills vs. Lachman Prasad	229;237
Puttasing vs. Baldeoosing	262
Puthia Valappil vs. Veloth Assenor	165
Pyarelal vs. Ramratan	230

R

Ragho vs. Madhgia	30
Raghunath Prasad vs. Kanis Basul	176
Raghubir Sing vs. Jodha Sing	262
Rahmat Khan vs. Nawab Khan	259;260
Rahimkhan vs. Dadamiya	286
Rajkumar Thakur Girdharising vs. Meghlal	99
Ramanathan Ohetty vs. Arunachallam Ohetty	34
Ramchand vs. Shri Ratammath Maharaj	97;105
Ramchand vs. Anant	103;106
Ramchandra Dabholkar vs. Anant	286
Ramchandra vs. Abdul Bahi- man	106
Rhamchandra vs. Raghoji	116
Ramchandra vs. Laxman	116
Ramkrishna vs. I. P. Fer- nandes	119

Ramji Patil vs. Karkaji,	185
Ramchandra vs. Israbho	202
Ramji vs. Mt. Muktal,	206; 208; 222; 257
Ramchand vs. Durgaprasad,	208; 256
Ram Peera vs. Rup Lal,	214
Ramsookh vs. Nanu,	214
Ramchandra vs. Rupchand	215; 220; 225; 235
Ramgopal vs. Piarilal,	220; 235
Ram Udeh vs. Shee Harakh,	247
Ram Sarup vs. Karam Ulla Khan,	247
Ram Sahai vs. Gaya,	268
Ram Lal vs. Kisanchandra,	278
Ranjit Singh vs. Bhagwati Singh,	235; 236
Ranchod vs. The Secretary of State,	287
Raoji vs. Ragho,	216; 219
Raoji vs. Genu,	285

S

Sadaashivrao vs. Umaji	185
Sahodra Bibi vs. Bageshwari Singh,	249
Sakharam vs. Sheoram,	224
Sakram Das vs. Nazar Muhammad,	261
Sakharam vs. Collector of Ratnagiri,	287
Samaldas Beohar vs. Secretary of State,	178; 282
Samar Bahader Singh vs. Jit Lal,	253
Saranjan vs. Ram Bohal,	260
Sarfaraaj Singh vs. Balleshwar Prasad,	218
Satischandra Sen vs. Krishna Kumar,	150
Secretary of State vs. Jeitha- bbai Kalidas,	41
Secretary of State vs. Bagmal	43; 44; 77; 83; 278
Secretary of State vs. Nistarani Annie Mitter,	67
Secretary of State vs. Laldas,	58

Secretary of State vs. Karuna 93	
Set Narayan vs. Badrinath	255
Seth Mohanlal vs. Chondhary Ohunilal,	112; 113
Sewaram vs. Aziz Khan	220
Shapurji Jivanji vs. The Colle- ctor of Bombay,	56
Shamrao vs. Sitaram Maharaj,	96; 99
Sham Rao vs. Sheik Imam,	244; 249
Shaikh Karamatali vs. Hanumandas,	116
Sharif Hussain vs. Nur Shah	207
Shah Bodhraj vs. Sunder Singh,	237
Sharaf vs. Pir Baksh,	238
Sheoprasad Sing vs. Kastura,	35
Sheomangal vs. Nanhalal,	105
Sheo Rutton Singh vs. Net Lal Sahu,	186
Sher Muhammad vs. Ahmad,	212
Sheobaram Singh vs. Mt. Kulsum-un Nissa,	220
Sheoppa vs. Rukhma	230
Sheo Shanker Lal vs. Fateh Muhammad,	233
Sheo Narayan vs. Khaderu,	258
Sheogopal vs. Najib Khan,	260; 263
Shiwaji vs. Ratiram,	207; 244; 247
Shib Dial vs. Inderchand,	237
Shrinivash Prasadasing vs. Kesho Prasadasing,	33
Shridharbhat vs. Rama,	103
Shriniwas vs. Ranga Swami,	112
Shrinath Ray vs. P. Udai Nath,	149
Shrawanji vs. Gujabrao,	216; 217
Sidhanath vs. Chiko Bhagvant,	103; 106
Sitabai vs. Sambhu Sonu,	112; 113
Sonaji vs. Radhika,	222
Soneshavar (Das) vs. Kanakram,	30
Sudhakar Raut vs. Sadaashio Jhatup Singh,	30
Surajmal vs. Arjun,	164
Suryabhan vs. Renai,	216

Syed Oon Mahammad vs. Bint Zohra,	236		
T			
Talibali vs. Kaniz Fatima Begum,	219		
Tapaji vs. Sayaji,	221		
Tasudduk Rasulkhan vs. Ahmed Hussain,	185		
Tatia vs. Gangaram,	286		
Thakur Bijaya Bahadursing vs. Ranikitibai,	39		
Thakurain Ritraj vs. Thaku- rain Sarfaraj,	88		
Thachar Kavil vs. Noor Mahomed,	112		
Thakur Isrising vs. Baldeo Singh,	318		
Tirthamayadasi vs. Atikulla,	32		
Tirugnopal vs Ponnammai,	218		
Tiwari vs. Ramadhar,	260		
Totaram Kasar vs. Kutu- buddin,	116		
Tricomdas vs. Gopinath,	99		
Trimbak Gopal vs. The Secretary of State,	44		
Trimbak Baoji vs. Nana,	185		
Tukaram Jagappa vs. Urkada,	217; 220		
Tukaram vs. Yeshvant,	272		
Turabkhan vs. Bhagai,	217		
		U	
		Udesingh vs. Ganeram,	54
		Umrao Singh vs. Mt. Mohan Kuar,	255
		Uttamchandra vs. Khetra Nath,	186
		V	
		Varanasi vs. Ramabrahman,	119
		Vinayakrao vs. The Secretary of State,	42
		Vishnu vs. Secretary of State,	202
		Vithal Ramchandra vs. Raghavendra,	284
		Vithoo vs. Amrut,	286
		W	
		Waijid Alikhan vs. Puran Singh,	256
		Wali Mohammad vs. Mohammad,	150
		Wamandhar vs. Kamta Prasad,	175
		Waman vs. Vishnu,	208
		Waryam Singh vs. Mahtab Singh,	261
		Y	
		Yahir Uddin vs. Ali Hussain,	245
		Yeshwant vs. Shivappa,	91; 103

Appendix A
Rules
under the Berar Land Revenue Code
1928.

Classification of Land.

Section 42.

1. Unoccupied unalienated land included within the boundaries of a village shall be divided into the following classes :—

Notification No. 3104-XII dated the 1st October 1929.

E.—Survey numbers assigned for free grazing, not included in the forest area.

F.—Survey numbers assigned for village purposes other than free grazing, such as gothan khalwadi, burial ground, playing fields, assessed grazing fields, land set apart for purposes of nature, etc.

G.—Unculturable fields not included in any of the foregoing.

H.—Assessed fields available for cultivation.

I.—Areas such as village sites, tanks, rivers, etc., not included in any survey number.

2. No unoccupied land within half a mile of a railway station shall be given out for cultivation.

3. Land shall not be assigned or diverted under section 43 without previous consultation with the village body (if any) or the local residents.

Grazing on Government Waste Lands.

Section 43.

1. Any resident or cultivator of a village in which E class land is situated, or with the permission of the Deputy Commissioner, any resident of any other village is entitled to graze cattle in such land.

Notification No. 3104-XII, dated the 1st October 1929, as amended by Notification No. 978-510-XII D/ 26 March 1931.

2. Any cattle belonging to persons not residing or cultivating land in the village may be impounded if they are found grazing, without the

permission of the Deputy Commissioner, in E class land in such village.

3. Any person who has taken out a licence to graze his cattle in any Government forest is entitled, without additional payment, to graze such cattle in any E class land in the district.

Disposal of Trees and Forest Produce.

Section 45.

1. Any resident or cultivator of a village in which E class land is situated, or, with the previous, sanction of the Tahsildar, any resident of any other village may, from such land,—

Notification No. 3104-XI, dated the 1st October 1929, as amended by Notification No. 975-5106XII dated 26, March 1931.

(a) collect and remove for his personal use such forest produce, leaves and fruits as are not auctioned under rule 2 :

Provided that the Tahsildar may prohibit removal or impose conditions on the removal of leaves of Sindi palms if he is satisfied that the palm trees are being damaged ;

(b) remove for his personal use in head loads any dead wood ;

(c) fell and remove only for repairs to carts and agricultural implements and petty repairs to houses and cattle sheds and for fencing fields any tree other than Mango, Pipal, Gular, Pakhar, Banyan, Tamarind, Sindi, Mowha, Tendu, Jamun and Anjan :

Provided that no tree within 40 feet of the bank of a Nala in which water ordinarily remains until the end of January shall in any case be felled, cut or removed :

Provided further that nothing in this rule shall prevent the Tahsildar from preserving such trees as may in his opinion be necessary to provide shade for cattle.

2. Notwithstanding anything contained in rule 1, the Tahsildar if he is satisfied that any E or I class land has become so overgrown with trees as to affect prejudicially its value for the purpose for which it has been reserved, may auction the trees to the highest bidder reserving only the trees

mentioned in rule 1, sub-clause (c) and so many other trees as may be necessary to provide shade for cattle or for other purposes.

3. Subject to the above rules the right to remove the produce of trees vesting in Government shall be sold for a period not exceeding three years by public auction under the orders of the Tahsildar. The amount to be bid shall be the amount payable annually and it shall be paid in cash each year before the crop is gathered by dates to be fixed by the Tahsildar.

4. Subject to rules 1 and 2, trees, brush-wood and other natural products shall be disposed of from time to time by public auction under the orders of the Tahsildar.

Premium and Assessment on Diversion of Agricultural Land.

Section 50 (8) and (1).

1. For the purpose of these rules and rules under sections 58 and 64 towns and villages in Berar shall be divided into the following classes :—

Notification No.
3179-XII, dated 6th
October 1922.

Class I.—Municipalities and towns with a population of 10,000 or more.

Class II.—Villages with a population of 5,000 or more, but less than 10,000.

Class III.—Villages with a population of 2,000 or more but less than 5,000.

Class IV.—Villages with a population of less than 2,000

Provided that with the sanction of the Commissioner, the Deputy Commissioner may include any particular village in a higher or lower class than that prescribed in this rule.

Explanation.—When the village sites of two or more villages adjoin, the population shall be taken as the population of the combined villages.

2. When unalienated land held for purposes of agriculture is diverted with permission to any non-agricultural purpose, the revised assessment shall be fixed as follows :—

				Ra.	a.	p.	
Class I	...	...	...	30	0	0	per acre.
Class II	...	...	...	15	0	0	" "
Class III	...	...	...	7	8	0	" "
Class IV	...	...	...	3	0	0	" "

and a premium shall be imposed as follows:—

					Ra.
Class	I	...	...	...	500 per acre.
Class	II	...	...	...	300 " "
Class	III	...	...	...	150 " "
Class	IV	...	...	...	Nil. " "

3. The Deputy Commissioner may for reasons to be recorded in writing in any special case, (a) require the payment of premium and assessment not exceeding the rate prescribed for towns of class I in any village or town of any of the other classes or (b) with the sanction of the Commissioner reduce the premium and assessment in cases where these would exceed the maximum admissible under section 93 (4) of the Code or (c) with the sanction of the Local Government may require the payment of premium and assessment in excess of the maximum prescribed for a class I town.

4. All changes in assessment on account of diversion shall be brought on the akarband, record of rights and village Jamabandi, and necessary correction will also be made in the survey numbers.

5. In every tahsil a register shall be maintained in such form as may be prescribed by the Commissioner for all appropriation of lands sanctioned under the foregoing rule.

Assessment on Unassessed Lands.

Section 51.

1. Unalienated land which has not been assessed and which has been occupied, or is proposed to be given out, for purposes of agriculture shall be assessed at the rate for similar soil in the same or neighbouring villages, and the assessment so fixed shall be liable to revision at the next revenue survey of the taluq.

Notification No.
3366-XII, dated the
25th October 1929.

2. Unalienated land which has not been assessed and which has been occupied, or is proposed to be given out, for non-agricultural purposes shall, if liable to assessment, be assessed at the rate of one anna per rupee on half its freehold market value. The freehold market value means the price the land would fetch if it were sold free of rent or revenue in perpetuity.

Grant of Right to Occupy Unalienated Land.

A.—For agricultural purposes.

Sections 51, 53, 61 and 164.

1. Any person desiring to become an occupant of H class land shall apply through the patel to the Tahsildar.

Notification Nos.
3719—2386—XII,
dated the 27th
November 1929

2. The Tahsildar, after satisfying himself that there is no objection to the land being given out for cultivation, shall cause a notice in Form I to be affixed in the *chaudis* of the village in which the land is situated and in the *chaudis* of the adjoining villages, and shall cause the contents of the notice to be proclaimed by beat of drum in the aforesaid villages.

3. The Tahsildar shall procure a list of the trees standing on the land and calculate their value in accordance with a scale prescribed for the district by the Deputy Commissioner.

4. In the villages transferred from the Melghat taluq under notification No. 440, dated 29th August 1912, the Tahsildar shall, if there is no competition for the land, pass an order granting the right to occupy, subject to the payment by the applicant within 15 days of the price, if any, fixed for the trees, provided that the Deputy Commissioner may permit payment for the trees to be made in instalments.

5. If there is competition for the land in such a village, the Tahsildar may allot it to a resident or occupant of any of the aboriginal tribes or backward castes detailed in notification No. 1466—XII, dated the 20th April 1929, under section 66 of the Code on payment of the price of the trees. If there is more than one applicant from amongst these tribes or castes, the land shall be sold by auction; but the Sub-

Divisional Officer shall not be bound to accept the highest bid if made by a person who is not a member of any of the aforesaid tribes or castes.

Such occupant shall be granted a certificate in Form II if he belongs to an aboriginal tribe or backward caste, otherwise in Form IV.

6. In cases other than those specified in rules 4 and 5, the land shall be sold by auction.

7. Not less than 15 days prior to the date fixed for the auction, a notice in Form III shall be affixed at the tahsil and at the *chaudi* of the village in which the land is situated and proclamation of the sale shall be made by beat of drum in the village in which the sale is to be held.

8. The upset price shall be the value of all the trees growing on the land.

9. The sale shall be held by the Tahsildar or Naib-Tahsildar. Before the sale begins the person conducting it shall read out the particulars contained in the notice in Form III.

10. The highest bidder shall deposit immediately after the sale is closed 25 per cent of his bid as earnest money. The Tahsildar shall then submit the proceedings to the Sub-Divisional Officer for confirmation.

11. The balance of the purchase-money shall be paid within 15 days of the purchaser being informed of the confirmation of the sale. In default of payment of the balance within the prescribed period the deposit shall be forfeited to Government, and the land shall be re-auctioned and if the proceeds of the fresh auction amount to less than the premium bid by the defaulting purchaser the difference shall be recoverable from him as an arrear of revenue.

12. No sale shall be valid until it has been confirmed by the Sub-Divisional Officer and the full amount paid.

13. On payment of the full amount of the premium the Tahsildar shall give the purchaser a certificate in Form IV and cause him to be placed in possession and he shall there-

upon be liable to pay land revenue with effect from the following revenue year.

B.—For building sites in the village site of villages other than towns to which the Nazul Rules apply.

14. (1) Subject to the control of the Tahsildar, the revenue patel is authorized to allot building sites up to a limit of one guntha, or extensions which do not cause the total site to exceed that limit, except in villages of the following kinds:—

- (a) Villages with a population of more than 2,000
- (b) Bazar villages.
- (c) Villages adjoining railway stations.

(2) The Tahsildar is authorized to allot sites up to five gunthas in villages with a population not exceeding 5,000 other than villages adjoining railway stations.

(3) The Sub-Divisional Officer is authorized to allot sites in other cases; provided that in villages adjoining railway stations and villages with a population of more than 5,000 the allotment shall be in accordance with a lay-out sanctioned by the Deputy Commissioner; and provided further that a strip of land 100 yards broad shall be reserved round each railway station.

15. The patel shall maintain a register in Form IV (a) of vacant sites available for building, with a rough map of such sites. This register shall be checked by the Tahsildar and signed by him after marking as reserved sites of the following kinds:—

- (a) any site formerly occupied by Government buildings, e. g., garhia, tahsil buildings.
- (b) any site which is likely to be required by Government,
- (c) any site which it is desirable should be kept open for the public,
- (d) any site within 45 feet of a well or stream or the boundary of a tank.

A copy of the register shall be filed in the tahsil.

16. No site shall be given out for building purposes which is not entered or which is marked as reserved in the vacant sites register, except with the sanction of the Sub-Divisional Officer.

17. Every grant of a site shall be noted in the remarks column of the register and a report of the grant sent to the Tahsildar and a certificate in Form V shall be given to the applicant.

18. A register in Form VI shall be maintained in the tahsili and by the patwari for all sites granted in a village.

19. Where the patel is not empowered to dispose of the application or there is more than one applicant for a site or there is any dispute, he shall submit the applications with his report to the Tahsildar. The Tahsildar shall thereupon issue a proclamation in Form VII, which shall be affixed at the *chaudi*, and on expiry of the period mentioned in the proclamation shall proceed as laid down hereafter.

20. Where the site is claimed by a third party, the Tahsildar shall reject the application unless he is satisfied after enquiry that the site is really vacant.

21. If the applicant is entitled to a house site free of land revenue under section 90 of the Code, he may be allotted a site extending to one guntha or with the sanction of the Deputy Commissioner, a larger area. If there is more than one such applicant so entitled the Tahsildar shall allot to the applicant who applied first, unless he considers there are good reasons for allotting to one of the other applicants.

22. Where there is more than one applicant, who is not entitled to a site free of land revenue, or the site is more than one guntha the site shall be put up to auction by the Tahsildar, unless he thinks there are good reasons for allotting it to one of the applicants, as for example, where the land adjoins a plot already in such applicant's possession.

23. No ground rent shall be reserved, but that does not affect the liability of land in the village site to assessment at a future date under section 49 of the Code.

24. When a site is to be auctioned a notice in Form VIII shall be posted at the *chaudi* and at some place close to

the site at least 15 days before the sale is held and proclamation of the sale shall be made by beat of drum in the village on the day of sale.

25. The sale shall be held in the village by the Tahsildar or Naib-Tahsildar.

26. The highest bidder shall deposit immediately after the sale is closed 25 per cent of his bid as earnest money, the balance being paid within 15 days. In default of payment of the balance within the prescribed period the deposit shall be forfeited to Government and on re-auction of the site the deficit, if any, shall be recovered from the defaulting purchaser as laid down in rule 11. On full payment of the premium the purchaser shall be given a certificate in Form V and shall be placed in possession.

C.—Foy building sites in municipal towns.

Nazul Rules.

27. These rules shall be called the Nazul Rules and shall apply to every municipal town and to any other town* to

* The nazul rules have been extended to the following non-municipal towns and villages:—

<i>Name of town or village</i>	<i>Name of district.</i>
Badnara	} Amraoti.
Chandur Rialway	
Dhamangaon	
Morai	
Warud	
Chandur Bazar	
Daryapur	} Akola
Anjangaon Surij	
Telhara Buzrug	
Adgaon Buzrug	
Balapur	
Patur	
Wadegaon	} Buldana.
Risod	
Mangrul Pir	
Chikhli	
Daulgaon Raja	
Lonar	
Paturda	} Yestmal.
Pimpalgaon Kale	
Matargaon Buzrug	
Nandura	
Babulgaon	
Darwha	
Pused	}
Umerkhed	
Pandharkwada	
Ghatanj	
Ralegaon	

which they may be extended by the orders of the Governor in Council.

28. Nazul land is unalienated land which is used either for building purposes or for purposes of public convenience such as roads, markets or recreation grounds or which is likely to be used for such purposes in the future. It does not include occupied survey numbers or plot numbers of areas which have been diverted under section 58 of the Code from agricultural to non-agricultural use (such lands being known as converted lands).

29. At regular settlements all Government plots or sites which are likely to be valuable for any special reason, such as their situation near a line of railway or the like, or which in any scheme of development have been set aside as specially valuable, will be recorded by the Settlement Officer in consultation with the Deputy Commissioner as reserved: and the disposal of all such plots shall be subject to the sanction of the Governor in Council upon such special terms as may be decided for each plot. The Deputy Commissioner shall maintain a list of these plots and with the approval of the Governor in Council, may alter it as the changing circumstances of the town may demand.

30. Plots available for building purposes and not reserved shall be divided into the following three classes:—

- (1) Plots measuring 2,500 square feet or over.
- (2) Plots measuring less than 2,500 square feet, but more than 600 square feet or less.
- (3) Plots measuring 600 square feet or less.

Any plot, however small, which forms an addition to an existing plot will take the classification of the main plot, unless the Deputy Commissioner decides that with the addition the main plot should be raised in class.

A layout of plots available for building purposes shall be prepared by the Deputy Commissioner in consultation with the Municipal Committee and no plot shall be given out except in accordance with this layout. Such layout may be modified

from time to time by the Deputy Commissioner in consultation with the Municipal Committee.

31. Applications for nazul sites shall be made to the Deputy Commissioner or to an Assistant Commissioner, 1st grade, hereinafter called the Nazul Officer, appointed by him in this behalf and shall be accompanied by a plan of the land in duplicate and a rough estimate of the cost of the building to be erected. The condition mentioned in the first proviso to section 53 of the Code may be dispensed with so far as submission of plans of plots is concerned except in the case of civil station lands.

32. The Nazul Officer may, for reasons to be recorded in writing reject the application or direct the applicant to make such modification in the boundaries of the plot as he thinks fit.

33. When the Nazul Officer considers that the plot may be granted he shall consult the Municipal Committee, sending it a copy of the plan proposed to be granted.

If there is any difference of opinion between the Municipal Committee and the Nazul Officer the latter shall refer the case to the Deputy Commissioner whose orders shall be final. In other cases, and in cases where no reply is received from the Municipal Committee within two months, the Nazul Officer shall proceed to dispose of the plot in accordance with these rules.

34. All nazul plots shall be disposed of by public auction except when in any particular case the Deputy Commissioner thinks there is good reason for granting a plot without auction. In such case the price fixed for the plot shall not be less than half the free-hold market value of the plot and, if the plot is of class (1) or (2), Commissioner's sanction shall be obtained by a reference in Form IX or X.

35. Nazul plots shall be auctioned subject to an upset price calculated in accordance with the scale given below. The Local Government may sanction lower rates in particular localities or for particular plots.

Provided that if the Deputy Commissioner thinks that there is any circumstance which will interfere with free bidding for any plot, he may fix the upset price at half the freehold market value of the plot;

Provided further that the Deputy Commissioner may with the sanction of the Commissioner reduce the upset price for class (3) plots in the poor quarters of a town.

Class and name of town.	Class.				
	Class (1)			Class (2)	Class (3).
	For first 2,500 sq. ft.	For area in excess of 2,500 up to 5,000 sq. ft.	For area above 5,000 sq. ft.		
	Per 100 sq. ft.	Per 100 sq. ft.	Per 100 sq. ft.	Per 100 sq. ft.	Per 100 sq. ft.
1	2	3	4	5	6
CLASS I.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. s. p.
Amraoti City, Amraoti Camp, Akola, Khamgaon, Shergaon, Malkapur and Yeotmal.	8 0 0	4 0 0	2 0 0	8 0 0	4 0 0
CLASS II.					
Akot, Karanja, Basim, Murtizapur & Buldana.	4 0 0	2 0 0	1 0 0	4 0 0	2 0 0
Class III.					
All other towns	2 0 0	1 0 0	0 8 0	2 0 0	1 0 0

36. The land revenue to be paid on a plot shall be calculated at one anna per rupee on the premium bid in the auction, or the price fixed by the Deputy Commissioner under rule 34 as the case may be, and will be liable to revision at settlement:

Provided that, where the land revenue so-calculated together with the land revenue assessed on any plot to which it forms an addition is less than Rs. 2, the plot may be purchased outright by payment of 20 times the revenue in addition to the premium. Such a plot shall be held revenue free in perpetuity unless it forms an addition to a plot held on other terms in which case it shall be held on the same terms as the main plot.

37. Not less than 15 days prior to the auction a notice in Form XI shall be sent to the applicant and to the Municipal Committee and affixed at the Deputy Commissioner's office and shall be published in the town in such manner as the Deputy Commissioner may prescribe. At the same time the Nasul Officer shall cause the plot to be demarcated.

38. The auction shall, unless the Deputy Commissioner for special reasons otherwise directs, be conducted by the Nasul Officer personally except in the case of third class plots when the Tahsildar may be deputed to hold the auction. The Officer conducting the auction shall announce the upset price and the cost of advertising the sale and demarcating the land and explain to intending bidders the terms on which the plot is being sold and the period after which the revenue will be liable to revision.

39. The highest bidder shall deposit at the time of the sale 25 per cent. of his bid as earnest money. The balance together with all expenses incurred in demarcating the land and advertising the sale shall be paid by the purchaser within 30 days of the confirmation of the sale being notified to him. In default of payment of the same within the prescribed period, the deposit shall be forfeited to Government and on reauction of the plot, the deficit, if any, shall be recovered from the defaulting purchaser as laid down in rule 11.

40. No sale of Nasul land shall be complete until it has been confirmed by the Deputy Commissioner, or in the case of class (1) plot, by the Commissioner on a reference in Form IX.

41. On payment of the auction premium and expenses the purchaser shall become occupant of the plot and shall be

given a certificate in Form XII or Form XIII as the case may be and shall be bound to commence building within six months and to complete it within eighteen months of the date of the certificate, provided that the Deputy Commissioner may extend these periods for reasons to be recorded.

42. If the sale is confirmed during the first six months of the revenue year the land revenue shall be payable with effect from that year and in other cases from the revenue year following.

43. Land revenue payable on Nazul land and converted land in the neighbourhood shall fall due on the 1st August and shall be collected by the Tahsildar, through the agency of the village officers.

44. Deputy Commissioners are authorized to remit irrecoverable arrears of Nazul revenue when the amount of the arrears from any single defaulter does not exceed Ra. 500.

FORM I.

[Referred to in rule 2 under section 53. etc.]

Notice of application for land for agricultural purposes.

In the Court of the _____

Class No. _____ Case No. _____

Whereas _____ has applied for occu-

pant's rights in the fields, together with the trees standing thereon specified below, any other person who may desire to acquire occupant's rights in the said land should apply to the Tahsildar through the patel within 15 days of the date of publication of this notice :—

Village.	Survey Number.	Area.	Assessment.

Dated _____ 19 _____

(Sd.)

Tahsildar

FORM II.

[Referred to in rule 5 under section 53, etc.]

Certificate of grant of occupant's right in villages transferred from the Melghat.

In the Court of the _____

Class No. _____ Case No. _____

It is hereby certified that _____ has been granted occupant's rights in survey number _____ measuring _____ acres _____ gunthas, assessment Rs. _____ as _____, situated in the village of _____ taluq _____ subject to the provisions of section 66 of the Berar Land Revenue Code, viz, the land—

- (1) shall be transferable by lease for agricultural purposes only: provided that it may not be continually alienated for a period exceeding one year, in all;
- (2) shall not be transferable in any other manner without the previous sanction of the Sub-Divisional Officer, given in accordance with rules made under the Code;
- (3) shall not be liable to any decree or order for sale or foreclosure, and shall not be liable to be attached or sold in execution of any decree or order except in accordance with the provisions of this Law, and shall not vest in a Court or in a receiver under the Provincial Insolvency Act, 1920, or under section 51 of the Code of Civil Procedure, 1908.

(Sd.)

Tahsildar.

FORM III.

[Referred to in rule 7 section 53, etc.]

Notice of sale of land for agricultural purposes.

In the Court of the _____

Class No. _____ Case No. _____

Notice is hereby given that occupant's rights in the fields,

together with the trees standing thereon specified below, will be sold by auction at _____ midday on the _____

Village and survey number.	Area.	Assessment.	Trees.	Upset price.	Remarks.
1	2	3	4	5	6

(Sd.)

Tahsildar.

FORM IV.

[Referred to in rules 5 and 13 under section 53, etc.]

*Certificate of grant of occupant's rights in land
for agricultural purposes.*

In the Court of the _____
Class No. _____ Case No: _____

It is hereby certified that _____ has been granted occupant's rights for agricultural purposes in the land specified below situated in the village of _____ taluq _____ on payment of a premium of Ra. _____ The land shall be held by the occupant and his heirs and

assigns subject to the provisions of the Berar Land Revenue Code:—

Survey number and sub-division number.	Area.	Assessment.

(Sd.)

Tahsildar.

FORM IV (a).

[Referred to in rule 15 under section 53, etc.]

Register of sites available for building purposes in the village of _____.

Serial No.	Dimension of the site.	Number and description of the site with boundaries.	Remarks.
1	2	3	4

FORM V.

[Referred to in rules 17 and 26 under section 53, etc.]

Certificate of grant of occupant's rights in a building site in the village site.

In the Court of the _____

Class No. _____ . Case No. _____ .

It is hereby certified that _____ has been granted occupant's rights in the plots specified, below and

situated within the village site of the village of _____
 taluq _____ on payment of a premium of Rs. _____

The site shall be held by the occupant and his heirs and assigns subject to the provisions of the Berar Land Revenue Code, 1928 :—

Boundaries of the plots.	Area.	Dimensions.

(Sd.)

Revenue Patel.

(Sd.)

Tahsildar.

(Sd.)

Sub-Divisional Officer.

FORM VI.

[Referred to in the rule 18 under section 53, etc.]

Register of sites allotted for building purposes in the
 village site of _____ taluq _____.

Serial No. of Register No.	Area allotted with full dimensions.	Description of site with boundaries.	Name of persons to whom the site is allotted.	No. and date of the orders allotting the site.	Condition, if any and purpose for which the site is allotted.	Date on which possession was given.	Remarks.
1	2	3	4	5	6	7	8

FORM VII.

[Referred in to rule 19 under section 53, etc.]

Notice of application for land for building purposes.

In the Court of the _____
 Class No. _____ Case No. _____

Notice is hereby given that _____ has applied for occupant's rights in the building site specified below, situated in the village site of _____.

Any person who wishes to claim the site should apply in writing to the Tahsildar within 30 days of the publication of this notice :—

Boundaries of the land.	Area.	Dimensions.

(Sd)

Tahsildar.

FORM VIII.

[Referred to in rule 24 under section 53, etc.]

Notice of sale of land in the village site for building purposes.

In the Court of the _____

Class No. _____ Case No. _____

Notice is hereby given that occupant's rights in the building site specified below, situated in the village site of _____ taluq _____ will be sold by auction at _____ at midday, on the _____. Any person who wishes to claim the site should remain present with his evidence at time and place fixed above :—

Boundaries of the land.	Area.	Dimensions.
1	2	3

(Sd,)

Tahsildar.

FORM IX.

[Referred to in rules 34 and 40 under section, 53, etc.]

Application for sanction to grant of occupant's rights in Nazul land. (New plots.)

1. Name of town.

2. Details and area of plot.

3. Name of applicant.

4. Name of highest bidder.

5. Upset price.

6. Auction premium.

7. Assessment.

8. Recommendation by the Deputy Commissioner :—

has applied for _____ sq. ft. of land marked _____ on the accompanying map from nazul plot No. _____ for building purposes. The Municipal Committee was consulted on _____ and has no objection to the grant of occupant's rights. not replied within two months.

The land was put to auction and knocked down for Rs. _____ in favour of _____ ' who was the highest bidder. The premium offered is reasonable. Grant of occupant's rights in favour of _____ on the above terms is recommended.

Deputy Commissioner.

9. Orders of the Commissioner :—

FORM X.

{ Referred to in rule 34 under section 53. etc. }

*Application for sanction to grant of occupant's rights
in Nazul land. (Encroachments.)*

1. Name of town.

2. Details and area of plot.

3. Name of encroacher.

4. Upset price.

5. Price fixed.

6. Assessment.

7. Recommendations by the Deputy Commissioner :—

has encroached on _____ sq. ft. of land
marked _____ on the attached map from nazul
plot No. _____ and taken it into occupation. The en-
croached area adjoins the house of the encroacher and is useful
to him alone. He is willing to become occupant on premium of
Rs. _____ and assessment of Rs. _____. The
premium offered is reasonable. The Municipal Committee was
consulted on _____ and has ^{no objection.}
not replied within two months.
Grant of occupant's rights as above is recommended.

Deputy Commissioner

8. Orders by the Commissioner :—

FORM XI.

[Referred to in rule 37 under section 53, etc.]

Notice of sale of Nazul land.

In the Court of the _____

Class No. _____ Case No. _____

Notice is hereby given that occupant's rights in the nazul land specified below and situated within the limits of _____, will be sold by auction at _____ at _____ o'clock on the _____

Sheet and plot No.	Area.	Description and boundaries of the land.	Upset price.
1	2	3	4

(Sd.)
Nazul Officer.

Dated _____ 19 .

FORM XII.

[Referred in the rule 41 under section 53, etc.]

Certificate of grant of occupant's rights in Nazul land.

In the Court of the _____

Class No. _____ Case No. _____.

It is hereby certified that _____ has been granted occupant's rights in the nazul land specified below and situated within the limits of _____ on payment of a premium of Rs. _____ and annual land revenue of Rs. _____ with effect from _____.

The grant is subject to the provisions of the Berar Land Revenue Code, 1928, and the rules made thereunder, and to the condition that the occupant shall commence to build within _____ months from this date and shall within _____ months from the said date complete the building costing not less than Rs. _____.

Sheet and plot No.	Area.	Description and boundaries of the land.	Date on which land revenue will be liable to revision.	Particular of easements permitted.	Nos. of Traverse marks, for the maintenance of which the occupant is responsible.*
1	2	3	4	5	6

(Sd.)

Nazul Officer.

Note—The certificate shall be prepared in duplicate. One copy should be given to the occupant and the other filed in the record of the case.

* Cols. 5 & 6 are proposed to be added Vide C. P. Gaz. dated 21-11-31. (Part I p. 1279).

FORM XIII.

[Referred to in rule 41 under section 53, etc.]

*Certificate of grant of occupant's rights in Nazul land by
outright sale*In the Court of the _____
Class No. _____ Case No. _____

It is hereby certified that _____ has been granted occupant's rights with effect from _____ in the Nazul land specified below and situated within the limits of _____ on payment of a premium of Rs. _____ and a lump sum of Rs. _____ representing 20 times the assessment, in commutation of the land revenue. The plot will be held revenue free _____ subject to the provisions of the Berar Land Revenue Code, 1928, and the rules made thereunder, and to the condition that the occupant shall commence to build within _____ months from this date and shall within _____ months from the said date complete the building costing not less than Rs. _____.

Sheet and plot No.	Area.	Description and boundaries of the land.
1	2	3

(Sd.)

Nazul Officer.

**Conditions on which land granted under
Section 55 may be held.**

Section 55.

1. Culturable land in the bed of rivers shall be leased by auction for the term of one year or for such period not exceeding five years as the Deputy Commissioner may prescribe. Auctions shall be held by the Tahsildar and the premium bid shall be the land revenue payable annually during the term of the lease.

Notification No.
3104-XII, dated the
1st October 1939.

2. When the land is granted on favourable terms under section 55 (1) (b) of the Code, the grant shall be subject to the following conditions in addition to any others that may be prescribed by the Governor in Council in individual cases:—

- (1) That the grant shall be liable to be resumed by Government, if used for other than the specific purpose or purposes for which it is granted;
- (2) That, should the grant be at any time resumed by Government, the compensation payable therefor shall not exceed the amount (if any) paid to Government for the grant, together with the cost or their present value, whichever is less, of any buildings erected or other works executed on the land by the grantees;
- (3) That in the case of grant for an educational institution, such grant shall be liable to resumption, if the institution is not conducted to the satisfaction of Government; and
- (4) That should the grant be resumed by Government in consequence of a breach of conditions on the part of the grantee, Government shall have the option of (a) taking over any buildings erected on the land on payment of their cost or present value, whichever is less, or (b) requiring the grantee to remove the buildings and to restore the land to its original condition within a reasonable period to be fixed by Government. Should the grantee fail to comply

with the requisition, the building shall lapse to Government :

Provided that in the case of land granted for purposes such as play ground where the erection of any expensive building would be inconsistent with the object of the grant the condition shall be that the grant will be liable to resumption if buildings are erected without the sanction of competent authority.

3. Land given out on the fair assessment for grazing for the village cattle shall be held on the following conditions:—

- (i) The land may not be brought under cultivation.
- (ii) The holder shall have the right to charge such grazing fees as he thinks fit.
- (iii) Any resident or cultivator of the village shall have the right to graze cattle on payment of fees.
- (iv) Residents and cultivators of the village shall have the same rights in trees and forest produce as in those growing in E class land.

If the holder commits any breach of these conditions or fails to pay the land revenue on the due date, his lease may be cancelled.

4. The lease of an assessed grazing field may be cancelled on application made to the Tahsildar if a majority of persons grazing cattle in the field desire it. The Tahsildar's orders shall take effect from the 1st June following.

5. When the lease is cancelled or the holder dies or relinquishes his rights, his successor shall be appointed by the Tahsildar after consulting the wishes of persons grazing cattle in the field.

6. Should no one be willing to take the lease or should a majority of the people in the village declare that the land is not required for grazing the Tahsildar shall direct the land to be recorded as H class.

7. The Deputy Commissioner is authorized to grant temporary leases under section 55 (1) (d) of the Code.

Grant or Refusal of Permission for Diversion of Land.

Section 58.

1. Permission to divert occupied agricultural land to building purposes shall be granted subject to the following conditions:—

Notification No. 113-2118-XII, dated the 9th January 1930.

- (i) The occupant shall be bound to level and clear the land sufficiently to render it suitable for building purposes and prevent insanitary conditions.
- (ii) No building shall be erected in a village with a population of more than 5,000 or a village adjoining a railway station, except in accordance with a lay-out sanctioned by the Deputy Commissioner who will consult the Municipal Committee if the land lies within municipal limits, or the Sanitation Committee or Village Panchayat if there is one.

2. The occupant may relinquish to Government any area reserved in the lay-out for roads or public purposes and shall thereupon be liable to pay premium and revenue calculated on the remaining area only.

3. If any portion of the land included in a survey number is classed in the survey papers as unculturable because it is occupied by a public road or public tank for irrigation or for drinking or domestic purposes or used for any other public purpose, permission to bring such portion of the land under cultivation or to divert it otherwise shall not be granted unless the road or tank thereon has ceased to exist or to meet the convenience of the public, or unless the land is no longer required for a public purpose. Permission to divert the remaining portion of the survey number may be granted subject to the condition that such diversion shall not adversely affect the utility of the excluded portion of the survey number.

Explanation.—“Public tank” in the above rule shall not include a tank which is used for irrigation only and waters land in the sole occupation of the occupant in whose survey number the tank lies, or when the right to cultivate the dry bed has been expressly conceded to the occupant.

4. The occupant of the land held for the purpose of agriculture may remove earth, stone, kankar, sand, murrum or any other material for his own domestic or agricultural purposes and he may also, with the Tahsildar's permission, allow potters to remove earth, etc., for the purposes of their trade: provided that no excavation close to the village site shall be permitted.

5. All orders sanctioning diversion of land shall be communicated to the village officers and noted in the record of rights and the date of diversion shall also be entered in the jamabandi statement.

Ejectment of Trespassers.

Section 59 (4).

1. An occupant whose land is being used by another person for any purpose other than that for which it was last conferred may apply to the Sub-Divisional Officer for ejectment of such person.

Notification No. 2310—1250—XII, dated the 18th July 1929.

2. The Sub-Divisional Officer, after such enquiry as may be necessary, may cause an order to be served on such person requiring him to vacate the land and remove any building or structure which has been erected thereon.

3. If such person fails to comply with the order, he shall be liable to a penalty not exceeding Rs. 100 and any building or structure erected by him may be removed by Government agency.

Relinquishment.

Section 60.

1. The notice of relinquishment to be given by the occupant to the Tahsildar under section 60 of the Code shall be in Form XIV and shall be endorsed by two respectable witnesses.

Notification No. 2310—1250—XII, dated the 18th July 1929.

2. It shall be the duty of the patwari to write such notice free of cost on request by the occupant.

3. The notice shall be presented to the patal who shall forward it without delay to the Tahsildar.

4. The Tahsildar after such enquiry as may be necessary shall, subject to the provisions of section 61 of the Code, cause the land to be recorded as H class or vacant building site, as the case may be, unless the Deputy Commissioner considers that it should be set aside for any public purpose.

FORM XIV.

[Referred to in rule 1 under section 60.]

Notice of relinquishment of land.

To

The Tahsildar _____

I _____, inhabitant of the village of _____, taluq _____ hereby give notice that it is my intention to relinquish on the 31st March 19____ my rights survey No. _____, sub-division No. _____, area _____, assessment _____ situated in the building site described below in _____ taluq _____ of which I am the occupant.

Dated this _____ day of _____ 19____,

Witnesses :

(Sd.) _____

Penalties.

Section 64 (1) (b)

L. The following penalties are prescribed for the unauthorized appropriation for non-agricultural purposes of unoccupied unalienated land set aside for any special purpose :—

Notification No. 3179-XII, dated the 9th October 1939.

- (a) When the land is within the limits of a municipality or a village site, a penalty not exceeding double the market value of the land.
- (b) In other cases a penalty according to the class of

village as defined in rule I under section 50 (4)
at a rate not exceeding—

	Rs.	
In villages of class I	... 2,500	}
In villages of class II	... 1,500	
In villages of class III	... 500	
In villages of class IV	... 100	

Per acre of the land un-authorizedly appropriated, and at the same rate proportionately for fractions of an acre.

Transfer of Holdings.

Section 66 (2) (ii).

I. In villages transferred from the Melghat taluq under Notification No. 440 dated the 29th August 1912, the Sub-Divisional Officer may permit a member of an aboriginal tribe or backward caste mentioned in Notification No. 1466-XII, dated the 20th April 1929 :—

Notification No. 2310—1950—XII, dated the 18th July 1929.

- (a) to lease his holding without restriction as to the period of lease or of continuous alienation, if the lessee is a *bona fide* agriculturist and the land leased is either surplus land in a large holding or land which owing to some temporary disability or cause, the lessee himself cannot conveniently cultivate ;
- (b) to sell, mortgage, or make a gift of his holding, if the transferee, is a *bona fide* agriculturist or a member of the transferor's family or the holding is one of which a right to transfer has been specifically recorded at Settlement ; and
- (c) in other cases, with the previous sanction of the Deputy Commissioner, to alienate his holding in any manner.

Alluvion and Diluvion.

Section 70 (1).

I. It shall be the duty of the Land Records staff to submit to the Tahsildar a report, together with a plan, of any change in the area of a holding in excess of one acre caused by alluvion or diluvion.

Notification No. 3104-XII, dated the 1st October 1929.

2. The fair assessment of alluvial land shall be determined by the Sub-Divisional Officer at the rate placed on similar soil in the same or neighbouring villages.

3. The assessment of land lost by diluvion shall be determined by the Sub-Divisional Officer according to the soil classification of the land as shown in the survey records.

4. When any change in area occurs owing to alluvion or diluvion, enquiry shall be made to ascertain whether there has been any corresponding accretion of alluvial land or loss by diluvion in the same or some other village.

5. When the Sub-Divisional Officer thinks that alluvial land may usefully be set aside for a public purpose, he shall submit a report for the orders of the Deputy Commissioner.

6. Newly formed islands, abandoned river beds and alluvial lands to which the provisions of Chapter VII of the Code do not apply shall be treated as H class land or otherwise dealt with as the Deputy Commissioner may deem fit.

Publication of Proposals for a Revenue Survey of Town Lands.

Section 79 (1).

1. Proposals for a revenue survey of non-agricultural town lands shall be published in the *Central Provinces Gazette*, with the intimation that any person objecting to the proposals may forward his objection in writing to the secretary to Government, Survey and Settlement Department, within such period not being less than one month as the Governor in Council may prescribe and that any objection so made will receive the consideration of the Governor in Council.

2. Copies of the proposals shall be sent to the local body within whose jurisdiction the land lies and a sufficient number of copies in Marathi shall be prepared and distributed to the public of the town concerned.

3. Any objection received within the prescribed period shall be considered by the Governor in Council, before a notification directing the revenue survey is published.

Notification No.
3129-1637-VII, da-
ted 6th November
1929.

Survey Numbers and Villages.

Section 86.

1. Except as provided in the following rules, existing survey numbers shall be retained as they stand.

Notification No.
3429 1687—XII,
dated the 6th No-
vember 1919.

2. When the actual boundary of a survey number does not agree with that shown in the records, the records shall be corrected in accordance with the boundary as agreed on by the parties concerned, or as determined under section 122 or 123 of the Code, and rules thereunder.

3. No new survey numbers shall be formed except in the following cases :—

- (1) land taken up for special purposes ; such as public buildings, threshing floors, etc. ;
- (2) waste land given out for cultivation ;
- (3) survey numbers exceeding 30 acres ; which may be divided into two or more survey numbers to reduce the area below 30 acres.

All other cases shall be dealt with by the formation of sub-divisions in, or addition of sub-divisions to, existing survey numbers.

4. Unless the Settlement Commissioner otherwise directs no change shall be made in the numbering of the survey numbers in a village except as provided in rule 10. When any new survey number is formed, it shall be given the number next after that of the last survey number in the village.

5. No survey number consisting of land to be used for agricultural purposes only shall henceforth be formed with an area of less than five acres except in the case of land acquired for public purposes or set aside for special purposes when the minimum shall be one acre.

6. (1) Two or more occupied survey numbers may be amalgamated, provided the following conditions are satisfied:—

- (i) the total area does not exceed 30 acres, or where one of the numbers to be amalgamated is less than five acres in area, 40 acres ;

- (ii) the occupants of each survey number are the same and agree to amalgamation;
- (iii) there are no sub-divisions;
- (iv) the common boundary is such that amalgamation will materially facilitate cultivation;
- (v) the tenure of each survey number is the same:

Provided that the limits imposed by condition (i) may be exceeded to such extent as the Settlement Commissioner may by general or special order sanction.

(2) The combined survey number shall be given the numbers of all the survey numbers which have been amalgamated to form it.

7. Unoccupied survey numbers included in A or C class forest may also be amalgamated in consultation with the Divisional Forest Officer-

8. Survey numbers may be cancelled only when merged in Government forest or in the village site. Survey numbers transferred to the town survey records will not be cancelled. They will be deleted from the records of the agricultural survey numbers, but will continue to be shown in the village map with the addition of the letters "T. S."

9. Two or more villages may be amalgamated provided the following conditions are satisfied,

- (i) they are adjacent;
- (ii) they have the same watandar patels and patwaris, and these agree to amalgamation;
- (iii) the village sites adjoin or there is only one village site and the other villages are uninhabited;
- (iv) communal rights such as those over E class land are enjoyed in common by cultivators of all the villages. Such amalgamation shall take effect from the 1st August.

10. On amalgamation the survey numbers of the largest inhabited village shall be retained and those of the other villages renumbered starting from the last number of the largest

inhabited village the cancelled numbers being shown in brackets below the new numbers.

Sub-Divisions of Survey Numbers.

Section 88 (2).

1. Every portion of a survey number which is held under a separate title shall be formed into a sub-division :

Notification No. 3429—1687—XII, dated the 6th November 1929 as amended by Notification No. 769—T-179—XII, dated the 27th February 1930.

Provided the no sub-division shall be formed—

- (a) with an area of less than one guntha or land revenue of less than one pice if land is used for the purpose of agriculture;
- (b) with an area of less than 100 square feet or land revenue of less than one anna if the land is used for any other purpose.

2. Alluvial land lawfully occupied by a person other than the occupant of the adjoining land shall be formed into a sub-division and included in the adjoining survey number.

3. Two or more adjoining sub-divisions in a survey number may be amalgamated when they are held by the same occupants under the same tenure.

4. Unculturable land shall be distributed amongst the several sub-divisions as agreed on by the occupants. If such land is held in joint possession it shall unless it is a road or nalla, be formed into a separate unassessed sub-division.

5. The assessment of a survey number shall be distributed over its sub-divisions as agreed on by the occupants, or where there is any dispute, in accordance with the area and soil classification of the several sub-divisions. On revision, the new assessment shall be distributed over the sub-divisions in the same manner as the old assessment. Fractions of a pice shall be ignored and the total assessment of the sub-divisions made to agree with that of the survey number by adding one pice to the assessment of as many sub-divisions as necessary, starting from the first.

Revenue Survey of Agricultural Land.

Sections 89, 97 (1) and 105.

1. The land records staff of a taluq under revenue survey shall be placed under the control of the Settlement Officer and, with the sanction of the Settlement Commissioner, the Settlement Officer may appoint such additional subordinate staff as may be necessary for carrying out the revenue survey.

Notification No. 2429-1687-XII, dated the 6th November 1929.

2. When a revenue survey commences the Settlement Officer shall cause enquiries to be made in each group in order to ascertain to what extent the fair assessment should be revised and whether any change is required in the grouping of villages.

On completion of such enquiry he shall submit a report for the orders of the Governor in Council and the revised assessment on each survey number shall be determined in accordance with those orders and shall be based on the classification of the soil.

3. Unless the Governor in Council otherwise directs, the soil classification made at the preceding revenue survey shall be adopted without change.

Provided that—

- (1) garden land and rice land shall be given the same classification as dry crop land of similar quality;
- (2) an addition may be made to the classification of a field owing to its being favourably situated with respect to the receipt of manure and a deduction may be made from the classification of a field owing to its remoteness from the village or its proximity to forest, or if from any other cause such as flooding the productivity of the soil is likely to suffer.

4. For determining the assessment of land previously unassessed the land shall be classed with respect to its productive qualities. The number of classes and their relative value reckoned in annas shall be fixed under the orders of the Settle-

ment Commissioner with reference to the circumstances of the tract and to the nature of the cultivation.

5. Unless the Governor in Council otherwise directs no survey number shall be resurveyed, unless the boundary has changed by more than eight annas through the action of a nalla or river or from any other cause, or unless survey is necessary owing to the formation of sub-division.

6. All measurements of resurveyed survey numbers shall be entered in a field book, and no corrections shall be made in the old survey tipan books, but a reference shall be made in the old tipan book to the appropriate page in the field book.

Maps of such survey numbers shall be drawn to scale in a new mozni book, and a reference to it made in the old mozni book.

7. The unculturable area (pot-kharab) in each survey number recorded in the survey records shall be checked but need not be remeasured unless there appears to be some material change. After corrections the revised pot-kharab area shall be deducted from the area of the survey number before the assessment is calculated. The revised pot-kharab area in each survey number shall be entered in a statement in Form A and shall be sketched by eye on the map.

8. A road which is no longer used shall if it is included in occupied survey numbers be cancelled and the unculturable area reduced accordingly. If the road does not form part of a survey number, it shall be offered to the occupants of the adjoining survey numbers on payment of premium, or otherwise disposed of as the Settlement Officer may deem fit.

9. A road which has come into existence since the previous revenue survey shall, if the Settlement Officer so directs, be measured and brought on the map; and if the road is included in occupied survey numbers, the necessary addition shall be made to the unculturable area in such survey numbers.

10. The revised assessment of each survey number shall be calculated and entered in the classer's register in Form B.

11. Where a portion of a survey number has been diverted to non-agricultural purposes the area and assessment of such portion shall be shown separately in the register.

12. The area and assessment of survey numbers and subdivisions shall be entered in the classer's register and in the record of rights.

13. Topographical features, such as trees, wells, tanks, rivers, nallas, roads, footpaths, railway lines temples and houses, shall be checked by eye and the necessary corrections made in the map. Points at which a topographical feature crosses the boundary of a survey number or sub-division shall be fixed by measurement.

14. When a survey number has been resurveyed the holders shall be required to erect boundary marks at the corners of the survey number so demarcated. The boundary marks of survey numbers not resurveyed need not be examined by the survey party.

15. Except along the boundary between Berar and the Bombay Presidency and Hyderabad State the boundary lines of adjoining villages shall be compared and any serious mistakes or discrepancies rectified after such survey as may be necessary. At the same time it shall be seen that topographical features crossing the village boundary are shown in the same position in the maps on either side of the village boundary.

16. The Settlement Officer shall examine the land set aside for special purposes in each village, and make such changes as appear desirable in the interests of the people of the village.

17. Converted land adjoining land to which the nazul rules have been or are being applied shall, if the local Government so directs, be excluded from the revenue survey of the taluq, and dealt with at the time of the revenue survey of the adjoining nazul land.

18. The village map shall be corrected in accordance with any changes made under these rules and shall show the revised survey number, boundaries, boundary marks and topographical features.

19. (i) Assessments, whether original or revised, fixed in accordance with section 96, shall be notified by the Settlement Officer or Assistant Settlement Officer or Sub-Divisional Officer in the manner hereafter prescribed.

Notifn. No. 302XVI
d. 30-3-31

(2) A notice in form C shall be posted in the *chaudi* of the village concerned and the date, time and place appointed in the notice for the public declaration of the assessments shall be proclaimed by beat of drum in the village concerned at least a fortnight prior to the date appointed for such declaration.

(3) At the time and place aforesaid, the assessment of each survey number shall be read over to the persons present and the term of settlement and the date of commencement of that term shall be explained.

(4) If any errors of the kind mentioned in section 102 are brought to the notice of the officer declaring the assessments, he shall correct them then and there.

(5) The officer declaring the assessments shall make an endorsement over his signature on the askarband as follows:-

Announced by me this _____ day of _____ 19
at _____.

20. Corrections made in the area and assesement of a survey number at any time during the period of a settlement after announcement shall be entered in a statement in Form D.

21. The Settlement Commissioner may issue instructions for the guidance of the Settlement Officer in conducting a revenue survey.

Notice of assessments fixed on non-agricultural lands.

Section 97 (1)

1. Assessments, whether original or revised, on non-agricultural lands fixed in accordance with section 96 shall be notified by the Settlement Officer or Assistant Settlement Officer in the manner here-in-after prescribed.

Survey and Settl.
Dept. Notif. No.
169—XVI, dated
18-2-31.

2. (1) A notice in Form A shall be posted at the local Settlement Office: and the date, time and place appointed in the notice for the public declaration of the assessments shall be proclaimed by beat of drum in the town concerned at least ten days prior to the date appointed for such declaration.

(2) At the time and place aforesaid the assessments concerning the persons who may be present and who may so desire shall be read over to them and the term of settlement and the date of commencement of that term shall be explained;

3. If any errors of the kind mentioned in section 102 are brought to the notice of the officer declaring the assessments he shall correct them then and there.

4. The officer declaring the assessments shall make an endorsement over his signature on the record-of-rights as follows:—

“Announced by me this _____ day of _____ 19 ____ at _____
_____.”

FORM A

Notice of declaration of assessment on non-agricultural lands under settlement in the town of _____.

In accordance with the rules made under section 97 (1) of the Berar Land Revenue Code, 1928, notice is hereby given that the assessments on non-agricultural lands in the town of _____ fixed in accordance with section 96 of the said Code in the course of the settlement operations undertaken in pursuance of the *Central Provinces Gazette* notification no. _____, dated the _____ will be publicly declared at _____ on the _____ day of _____ at _____
a. m.
p. m.

2. All occupants or their agents should be present at the time and place aforesaid to hear the assessments declared.

3. The record showing the assessments will be open to inspection to any occupant or his agent between the hours of _____ and _____ on all working days from the date of this notice to the date of declaration abovementioned, at the office of _____.

4. The term of settlement has been fixed to be _____ years. It will commence from the _____. Under section 97 (2), the assessments to be announced will be the land revenue payable annually on the lands during the term of the settlement unless it is modified in accordance with the provisions of the Code. The assessments shall be so payable whether the persons liable to pay them are present or not at the time of their declaration.

Date _____

Signature of officer

FORM A.

[Referred to in rule 7 under sections 89, 97 and 105.]

Pot-kharab statement.

Survey No.	Total area.	Pot-kharab area.	Remaining area.	Details of pot-kharab.						Remarks.
				Unculturable area.	Nalla.	Road.	Well.	Temple.	Other.	
1	2	3	4	5	6	7	8	9	10	11

FORM B.

[Referred to in rule 10 under sections 89, 97 and 105.]

Classification register.

Village _____, pargana _____, taluq _____, Revision Survey 19 -19 .

Survey No.	Kind.	Total area.	Minus Pot-kharab.	Remaining area.	Classification in annas.	Added for special advantage.	Deducted for special disadvantage	Total annas.	Distance in miles from the village.	Rate.	Deducted assessment.	Old assessment.	Assessment fixed.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM C.

[Referred to in rule 19 under section 97.]

Notice of declaration of assessments on agricultural lands under settlement in the village of _____.

In accordance with the rules made under section 97 (1) of the Berar Land Revenue Code, 1928, notice is hereby given that the assessments on agricultural lands in the village of _____ taluq _____ fixed in accordance with section 96 of the said Code in the course of the settlement operations undertaken in pursuance of the *Central Provinces Gazette* Notification No. _____, dated the _____, day of _____ 19 will be publicly declared at _____ on the _____ day of _____ at _____
a. m.
p. m.

2. All occupants or their agents should be present at the time and place aforesaid to hear the assessments declared.

3. The records showing the assessments will be open to inspection to any occupant or his agent between the hours of _____ and _____ on all working days from the date of this notice of the date of declaration above-mentioned at the office of _____.

4. The term of settlement has been fixed to be _____ years. It will commence from the _____ 19. Under section 97 (2) the assessments to be announced will be the land revenue payable annually on the lands during the terms of the settlement unless it is modified in accordance with the provisions of the Code. The assessment shall be so payable whether the persons liable to pay them are present or not at the time of their declaration.

Signature of officer

Date _____.

To

The patel and patwari,
 Village _____.

You are hereby ordered to attach this notice in the *chauthi* and to proclaim by beat of drum the contents in the village and to remain present with the occupants at the camp.

Signature of officer.

FORM D.

[Referred to in rule 20 under sections 89, 97 and 105.]

Kamjasti patrak, village _____, pargana _____
taluk _____.

Survey No.	As at present.				Survey No.	After corrections.							Remarks.
	Total area.	Potkharab.	Culturable area.	Assessment.		Total area.	Potkharab.	Culturable area.	Rate.	Kachha akar.	Kayam akar.	Case No. and class No.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Record of Rights.

Chapter X.

1. The record of rights shall be prepared in the following forms :—

Notification No. 3379-1780-XII, dated the 28th October 1929, and Survey and Settlement Department Notification No. 813-XVI, dated the 28-8-30.

(a) For unalienated village in Form A.

(b) For alienated villages in Forms B and C

(c) For surveyed town lands in Form D.

2. In addition to the particulars mentioned in section 108 of the Code, the record shall contain particulars of the rights of tenants holding under leases passed for a period of not less than five years for the redemption of debt.

3. When the record of rights is about to be prepared in any village, the patwari or the Settlement Officer as the case may be shall cause notice thereof to be proclaimed by beat of drum throughout the village and shall post a copy of the notice at the *chaudi*.

4. Prior to the preparation of the fair copy of the record of rights, there shall be prepared a rough copy in which the patwari or the Settlement Officer as the case may be shall make, on such information as he can collect or from such reports as he may receive, all entries likely to be required for the fair copy.

5. If there is a dispute about any entry proposed to be made in the rough copy, the patwari shall leave such entry blank and shall record the particulars of the dispute in the register of disputed cases which shall be maintained in Form E.

6. Every entry in the rough copy shall be examined by the revenue inspector or such other officer as may be deputed for the purpose, and read out to all persons present. If any person interested admits the entry to be correct, the admission shall be noted in the remarks column. If there is any dispute, an entry shall be made in the register of disputed cases :

Provided that in the case of town lands notice shall be issued to all persons likely to be interested in the property to appear and represent their interests.

7. Any change occurring during the preparation of the record of rights shall be brought on the rough copy and shall be checked by a revenue officer not below the rank of a Naib-Tahsildar or such officer as may be authorized in this behalf by the Governor in Council.

8. Disputed cases shall be decided by a revenue officer not below the rank of a Naib-Tahsildar or such officers as may be authorized in this behalf by the Governor in Council.

9. A fair copy of the record of rights shall be prepared by the patwari and checked by the revenue inspector or such officers as may be authorized in this behalf by the Governor in Council.

10. When the record of any village is complete, the sub-Divisional Officer, or in the case of town lands the Settlement Officer, shall issue a proclamation calling on all persons interested to appear on a specified date at a place in or near the village concerned and notifying that any such person may inspect the fair copy on application to the patwari or in the

case of town lands on application at the town settlement office and may prefer objections to any entry therein.

11. On the date and at the place appointed the Sub-Divisional Officer, or the Settlement Officer, as the case may be, shall cause such portions of the record as the persons in attendance may desire to be read over in their presence and, after such further correction as may then be necessary, shall sign the record and add at the end a certificate that it has been duly approved and promulgated.

12. In addition to the measurement fees prescribed in rule 29, a fee of one rupee for each serial entry in the record of rights, shall be paid by the person whose name is entered in column 9 of Form A or Form D or column 8 or Form C and in return such person shall be given a certified copy of the entry.

Provided that—

- (i) "where the person whose name is entered in column 9 of Form D, holds such a number of properties that the preparation of separate certified copies of the entries relating to those properties would in the opinion of the Deputy Commissioner or Settlement Officer, entail unnecessary expense to that person, a joint certified copy of the entries or of such of the entries as can be put together conveniently, may be issued on payment of a fee not exceeding Rs. 10; this proviso shall not apply unless the properties to be included in the joint copy are contiguous and form a compact block; and
- (ii) a person, whose name is entered in column 11 of Form D, may be given a certified copy of the entry in the record of rights on payment of a fee of Re.1"

13. The mutation register shall be maintained in the following forms by the patwari or in the case of surveyed towns by the town surveyor.

For unalienated villages in Form F.

For alienated villages in Forms G and H.

For surveyed towns in Form I.

14. Entries in the mutation register shall be certified in the neighbourhood of the village to which they refer by a revenue officer not below the rank of a Naib-Tahsildar:

Provided that, where the mutation relates only to the imposition or discharge of a mortgage, the coming of age of a minor or to entries relating to wells and trees and there is no dispute, it may be certified by the revenue inspector.

15. The certifying officer shall give due notice in Form J to the patwari concerned and the patwari shall thereupon issue notices to the parties in Form K:

Provided that in the case of town lands such notices shall be issued by the certifying officer himself.

16. No mutation entry shall be certified before the expiry of one month from the date on which a copy of the entry was posted in the *chaudh* or *tahsili*.

17. No mutation entry shall be certified except in the presence of the parties concerned, provided that, where a party has been served with a notice in Form K, the entry may be certified *ex-parte*.

18. The certifying officer shall read out the entry in the presence of the parties interested and where the correctness of the entry is admitted shall record such admission in the mutation register and add an endorsement under his signature that the entry has been duly certified:

Provided that mutations in regard to inam fields other than mutations in respect of ante-inam tenants, shall not be certified till sanctioned by the Deputy Commissioner.

19. All original documents produced before the certifying officer shall be endorsed by him and returned to the parties as soon as orders have been passed.

20. Disputes shall be decided summarily on the basis of possession, that is to say, the person who actually holds possession under a claim of title shall be recorded as the occupant or permanent tenant, etc. as the case may be. If there is doubt as to actual possession, the person with the strongest title should be recorded. The order should contain the names of the parties and witnesses and a brief summary of

the evidence produced by entry in the mutation register, the certifying officer shall make.

21. When the dispute order requires any change in the entry in the mutation register, the certifying officer shall make the necessary corrections.

22. When the entries in the mutation register of a village have been certified, they shall at once be transferred by the patwari or town surveyor to the record of rights by writing them below the old entry, or where the changes are small, by correcting the old entry. Such new entries or corrections shall be made in red ink and shall be initialled by the certifying officer.

23. All mutations remaining uncertified during the last tour of the certifying officer before the rains shall be entered in a register of pending cases in Form L, and steps shall be taken to dispose of these cases by calling the parties to convenient centres of the tahsili during the monsoon.

24. The record of rights shall be re-written after every five years or after such longer period as the Deputy Commissioner may decide after security of the record.

25. Intimations of transactions affecting land which registering officers are required to send under section 113 shall be in Form M. A separate form shall be prepared for each village in the first week of each month for the transactions of the past month and shall be despatched to the Tahsildar for transmission to the patwari or town surveyor concerned.

26. The acknowledgment to be given for a notice of acquisition of right under section 109, or of an objection under section 110 (3), or for information or documents requisitioned under section 116 of the Code shall be in Form N.

27. The measurement of sub-divisions of survey numbers and of town plots shall be carried out by measurers appointed in this behalf. Such measurers shall enter the area of each sub-division or plot in the record of rights and mutation register.

28. The payment of flag-holders and chainmen required for measurement operations shall be made daily, under the

supervision of the patel, direct by the persons whose sub-divisions have been measured during the day. The rate shall be fixed by the measurer in each village with the aid of a panoh according to the labour rate customary in the village.

29. In addition to the cost of flag-holders and chainmen, a measurement fee according to the following scale shall be paid by the holder of each sub-division measured :—

	Ra. a. p.
(1) For sub-divisions on which the rent or land-revenue assessed is less than Ra. 5	... 1 0 0
(2) For sub-divisions on which the rent or land-revenue assessed is Ra. 5 or more.	... 2 0 0
(3) For sub-divisions of plots in towns	... 2 0 0

FORM A.

[Referred to in rule 1 under sections 108, etc.]

Record of Rights continued from the year _____ *—for unalienated villages,*
Village _____ *Talug* _____.

Serial number.	Survey number.	Area.	Assessment.	Judi.	Subdivision number.	Area.	Assessment.	Occupant of khalsa land or holder of inam land.	Nature and origin of title.	Other rights or encumbrances with name of the right holder or encumbrancer.	Serial number in the mutation register with date of certification.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

Note.—In the remarks column the date of the first promulgation or of rewriting should be given.

FORM B

[Referred to in rule 1 under sections 108, etc.]

Record of Rights continued from the year
 Village _____

for superior holders in alienated villages.
 Taluq _____

Serial number.	Name of each superior holder or co-sharer.	Details of share			Nature and origin of title.	Other rights or encumbrances with name of the right holder or encumbrancer.	Serial number in the mutation register with date of certification	Remarks.
		Fractional amount of share.	Area.	Revenue.				
1	2	3	4	5	6	7	8	9

NOTE.—In the remarks column the date of the first promulgation or of rewriting should be given.

FORM C.

[Referred to in rule 1 under sections 108, etc.]

Record of Rights continued from the year. —for *plct holders and protected tenants.*

Village _____ Taluq _____

Serial number.	Survey number.	Area.	Assessment.	Subdivision number.	Area.	Assessment.	Name of plot holder, ante-alienation tenant or permanent tenant	Rights in which the land is held.	Origin of title.	Rent paid to superior holder.	Other rights or encumbrances with name of right holder or encumbrancer.	Serial number in the mutation register with date of certification.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Rules—Secs. 108 etc.

- NOTE.—**1. This form will be filled up for each survey number held by a plot holder or protected tenant in serial order.
 2. The names of plot holders to whom full proprietary rights in any area have been transferred but the right to receive rent has been reserved by the superior holder should be entered in column 8.
 3. In the remarks column the date of the first promulgation or of rewriting should be given.

FORM D.

[Referred to in rule 1 under sections 108, etc.]

Record of Rights continued from the year. *—In surveyed town lands.*

Serial number.	Sheet number.	Plot number.	Reference to old number.	Area in sq. ft.	Tenure.	Assessment.	Year from which assessment of assessed plots is liable to revision.	Name, parentage, profession and caste of occupant.	Title.	Encumbrances and easements against Government or private persons.	Serial number in the mutation register with date of certification.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

NOTE.—In the remarks column the date of the first promulgation of rewriting should be given.

FORM E.

[Referred to in rule 5 under section 108, etc.]

Register of Disputed Cases:

Village _____ Taluq _____

Serial number of dispute.	Serial number in the mutation register.	Survey number (or sheet and plot number).	Sub-division number.	Area entered in the record of rights.	Date of receipt of objection.	Names of the disputing parties.	Nature and particulars of dispute.	Order of Officer.
1	2	3	4	5	6	7	8	9

FORM F.

[Referred to in rule 13 under sections 108, etc.]

Mutation Register.—for unalienated villages.

Village _____ Taluq _____

Serial number of mutation.	Date of entry in the mutation Register.	Back reference.	Forward reference.	New entry.							Remarks and signature of Officer.
				Survey number and sub-division number.	Area.	Assessment.	Occupant of khalsa land or holder or inam land.	Nature and origin of title.	Other rights or encumbrances with name of the right holder or encumbrancer.		
				Columns 2 and 6 in the record of rights.	Column 3 or 7 in the record of rights.	Column 4 or 8 in the record of rights.	Column 9 in the record of rights.	Column 10 in the record of rights.	Column 11 in the record of rights.		
1	2	3	4	5	6	7	8	9	10	11	

Rules—Secs. 108 etc.

FORM G.

[Referred to in rule 13 under sections 108, etc.]

Register of Mutations.—of superior holders in alienated villages.

Village _____ Taluq _____

Serial number of mutation.	Date of entry in mutation register.	Serial number in the record of rights (column 1 to which the mutation relates).	New entry,						Remarks and signature of Officer.
			Name of sharer in the record of rights.	Details of share.			Nature and date of transfer and in case of sale consideration paid.	Other rights or encumbrances with name of the right holder or encumbrancer.	
				Fractional amount of share.	Area.	Revenue.			
1	2	3	4	5	6	7	8	9	10

FORM H.

[Referred to in rule 13 under section 108, etc.]

Register of Mutations.—for plot holders and protected tenants.

Village _____ Taluq _____

Serial number of mutation.	Date of entry in the mutation register.	New entry.							Remarks and signature of Officer.
		Survey number and sub-division number.	Area	Assessment.	Plot holder, ante-alienation tenant or permanent tenant.	Nature and origin of title.	Rents or assessment paid to superior holder.	Other rights or encumbrances with name of the right holder or encumbrancer.	
		Columns 2 and 5 in the record of rights.	Columns 3 and 6 in the record of rights.	Columns 4 and 7 in the record of rights.	Column 8 in the record of rights.	Columns 9 and 10 in the record of rights.	Column 11 in the record of rights.	Column 12 in the record of rights.	
1	2	3	4	5	6	7	8	9	10

Rules—Secs. 108 etc.

FORM J.

[Referred to in rule 15 under sections 108, etc.]

NOTICE.

From,

The Tahsildar _____
_____ taluq.

To,

The village officers of village _____
_____ taluq.

Notice is hereby given that the entries in the mutation register of your village will be verified by the certifying officer on _____ at _____.

You are, therefore, hereby required to issue timely notices to all the parties concerned directing them to appear at the certifying officer's camp on the above-mentioned date. You are also directed to appear before the officer on that date with all your daftr. You must arrange for the re-service of such notices as may be returned unserved. Your failure to act as above will be severely dealt with.

Dated _____ 19

Tahsildar,
_____ taluq

FORM K.

[Referred to in rule 15 under sections 108, etc.]

Summons to appear.

Whereas a report regarding the acquisition of rights as specified in the margin over land situated in village _____ taluq _____, has been received, you are hereby required to appear before the certifying officer at 11 a. m. on _____

Patel,

Patwari,

or

Tahsildar.

Dated _____ 19.

FORM L.

[Referred to in rule 23 under sections 108, etc.]

Register of pending mutation cases.

Talug _____ Year _____ Village _____

Serial number.	Serial number in mutation register.	Names and addresses of parties.	Dates fixed for hearings.	Date of disposal.
1	2	3	4	5

FORM N.

[Referred to in rule 26]

*Receipt under sections 109, 110 and 116, Berar Land Revenue Code.*Received from _____
reportthe objection statement specified in the margin regarding the
documentsacquisition of right over land situated in village _____
talug _____.

_____ Patel.

_____ Patwari.

Dated _____ 19 .

FORM M.

[Referred to in rule 25 under sections 108, etc.]

*Sub-Registrar's monthly return of registered transactions affecting land in _____ taluq _____
district for the month of _____ 19 _____.*

Serial number in registration book.	Name of village in which the land is situated.	Nature of the document.	Survey number (or plot number) and sub-division number affected by the transaction.	Area.	Rental if any.	Tenure.	Name, caste and residence of the executor of the document.	Name, caste and residence of the person in whose favour the document is executed.	Whether the registered transaction is by order of court or otherwise.	Consideration.	Date of execution of the document.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

Instructions.—

1. A separate return will be prepared for each village every month and will be despatched to the Tahsildar in the first week of the following month. The return will include all documents affecting land which were registered during the month.
2. The return will be forwarded in original by the Tahsildar to the Patwari or town surveyor concerned who will number the return for each village serially.
3. The Patwari or town surveyor concerned will keep a file of these returns called the "File of monthly registrations" in which each return will be given a page number.
4. This file will be open to inspection by the public and on application copies will be given in the same way as copies of other village papers.
5. This file must be examined at the time of jamabandi and it must be verified that the entries in it are correct.

See page 60

Boundaries.*Section 122.*

1. When there is a dispute regarding the boundary of any village or of any survey number or surveyed sub-division in an unalienated village, the correct position of the boundary shall be determined by measurement according to the data contained in the survey records:

Notification No. 2134-XII, dated the 4th July 1929 as amended by Notification No. 1921-T-165-XII dated the 19th June 1930.

Provided that where the boundary so determined is called in question, its correct position shall be decided on such evidence as may be available or by reference to arbitration under section 123 of the Code.

2. The boundaries of sub-division which have not been surveyed shall be fixed according to the line agreed to by the holders concerned. If there is any dispute the correct position of the boundary shall be decided on such evidence as may be available or by reference to arbitration under section 123 of the Code. Such boundary strip or ridge shall be half in one field and half in the other field on either side of the boundary line as shown in the survey records.

3. Any application by a private person for the measurement of land whether for the purpose of determining the

Continued from page 59

NOTE.—1. The return will contain all transactions affecting land such as sale deeds, deeds of gift, deeds of exchange, ordinary or possessory mortgages, partition deeds of relinquishment any other documents regarding land except (1) under leases for a period of less than five years passed for redemption of debt, (2) ordinary leases for fixed periods passed on cash consideration, and (3) wills.

2. In the case of leases the period of the lease should be stated in column 3.

3. If house or other property is included in the transaction, or if any special condition, etc. are attached to the transaction this should be noted in column 13.

4. In the case of town lands if agricultural land or other property is included in the transaction, or if any special condition, etc., are attached to it this should be noted in column 13.

5. In the case of town lands a separate return in respect of houses and building sites will be prepared and forwarded to the Tahsildar.

boundary or for any other purpose shall be accompanied by a copy of the tipan giving the measurements required.

Boundary Marks.

Section 125.

1. For the purpose of these rules of the holding of an ante-alienation tenant, tenant of antiquity or permanent tenant shall be deemed to be a survey number or survey numbers as the case may be.

Notification No. 2134-XII, dated the 4th July 1929 as amended by Notification No. 1921-T-165-XII, dated the 19th June 1930.
2. The boundaries of all villages and survey numbers shall consist of an unploughed strip or dhura $4\frac{1}{2}$ feet broad, or in the alternative a ridge, fence or wall as provided by rule 12.
3. Near each corner of a survey number shall be erected two mounds (warulis) pointing along the field boundaries. The dimensions of such warulis shall be—
 - Length 10 feet.
 - Breadth at base 5 feet.
 - Breadth at top $\frac{3}{4}$ foot.
 - Height 3 feet.
4. When the length of a boundary exceeds 25 chains one intermediate stone or waruli shall be erected on such boundary unless the boundary is clearly defined by a hedge, fence or wall.
5. At each bend of more than 4 annas in the boundary of a survey number shall be erected a stone not less than 6 inches square and $2\frac{1}{2}$ feet in length of which at least two feet shall be sunk in the ground.
6. When the corner of a survey number falls near a nalla where mounds would be liable to be washed away, stones as prescribed in rule 5 may be used instead of warulis to demarcate the boundary. In that case one stone shall be fixed at the corner and another stone or a waruli on each boundary line at a distance of 8 annas ($16\frac{1}{2}$ feet) from the corner.
7. In villages where the holders of not less than three quarters of the occupied land in the village desire it, a system

of single boundary marks may be introduced in place of those prescribed in rules 3 to 6. Such single boundary marks may be of the following descriptions:—

- (1) Stones not less than 3 feet long and 7 inches embodied in rubble and mortar with not more than 1 foot above the ground level.
- (2) Masonry pillars of cement, mortar or burnt brick in cement mortar one foot square and three feet high of which two feet must be embedded in the ground with the foundations stepped down.
- (3) Of such other description as may be approved from time to time by the Governor in Council.

One such boundary mark shall be fixed at each corner of a survey number and at each bend of more than 4 annas in its boundary and in the middle of each boundary exceeding 25 chains in length.

8. In order to cover the cost of any staff employed for determining the position of single boundary marks, fees not exceeding the following scale may, if the Deputy Commissioner so directs, be recovered from the occupant of each survey number, in addition to the cost of materials and labour:—

Survey numbers on which the land revenue assessed is less than Ra. 10.	... 2
Survey numbers on which the land revenue assessed is Ra. 10 or more.	... 4

9. Between the 1st November and the 15th December each year the patel and patwari shall jointly inspect every boundary mark in each survey number in the village and shall prepare a list of defective or missing marks and shall give written notice in Form A to the holders concerned :

Provided that the Deputy Commissioner may direct that, in any specified village where the inspection of all the boundary marks between the dates prescribed would be attended with difficulty, the inspection of, not less than one-third of their number shall be made annually, care being taken to ensure the examination of all of them at least once in three years; and provided further that all boundary marks must be

inspected in the year preceding the inception of a revenue survey.

10. After the 1st March the village officers shall make a second inspection of all fields entered in the list to ascertain whether the defective boundary marks have been repaired or not. The second inspection shall be completed by the 31st March and the patwari shall thereupon send to the Tahsildar a statement, signed by himself and the patel, of boundary marks still defective and an estimate of the cost of their repair.

A separate report shall be sent by village officers regarding each case of encroachment or ploughing up of a boundary strip together with an estimate of the cost of repairs.

11. The Tahsildar shall then, after such enquiry as he may consider necessary, order the patel to have the boundary marks repaired by hired labour, recovering the costs together with such penalty, not exceeding Re. 1 per boundary mark, as the Tahsildar may think fit. If necessary the cost of repairs may be recovered in advance, the balance, if any, unspent being refunded to the defaulter on completion of the work.

12. Where a boundary strip has been encroached upon or ploughed up the Tahsildar shall issue a notice to the person responsible requiring him by a certain date to erect on that portion of the boundary strip which has been encroached on or ploughed up a ridge of earth $4\frac{1}{2}$ feet broad at the base and $1\frac{1}{2}$ feet high or a strong fence or wall; and, should he fail to do so, the Tahsildar shall order a ridge to be constructed by hired labour and the cost together with such penalty as he may deem fit to be recovered from the defaulter.

13. The boundary marks of free grazing land and other lands set aside for public purposes shall be repaired when necessary by the village mahars.

14. The boundary marks of H class land shall be repaired when necessary under the order of the Tahsildar at the cost of Government.

15. A holder of land in an unalienated village shall be responsible for the construction and maintenance of half the boundary marks on the boundaries of his land where they adjoin other occupied land and otherwise of the whole of the

boundary marks. Provided that single boundary marks, constructed under rule 7 which fall on the boundary of a village adjoining a village where such boundary marks have not been introduced, shall be maintained entirely by the landholders concerned of the village in which such boundary marks have been introduced.

16. In an alienated village, ante-alienation tenants, tenants of antiquity and permanent tenants shall be responsible for the construction and maintenance of half the boundary marks of their survey numbers and the superior holder for half the boundary marks of his land where it adjoins the survey numbers of such tenants or the village boundary. Provided that where the village boundary does not adjoin occupied land the tenant or the superior holder, as the case may be, shall be responsible for the construction and repair of the whole of the boundary marks on such boundary.

17. Holders of sub-divisions who have had boundary marks erected under the provisions of section 127 of the Berar Land Revenue Code will be responsible for the maintenance of the whole of such boundary marks.

18. In allotting to each holder of land the share of the boundary marks for the construction and maintenance of which he is responsible the Deputy Commissioner shall ordinarily maintain any distribution recorded in the survey papers.

19. The Deputy Commissioner may subject to the foregoing rules, either declare two or more holders of land to be jointly responsible for the maintenance of any boundary mark, or allot to each holder separate marks. And if it is not practicable to make an exactly equal distribution of separate marks he may make such distribution as appears equitable or may recognize an existing customary distribution. His decision shall be recorded in the survey papers.

FORM A.

[Referred to in rule 9 under section 125.]

Notice requiring holders of land to repair their boundary marks
From

The patel of village _____ taluq _____

To,

Whereas the boundary marks of your field detailed below are defective, you are hereby directed to put them into proper repair before the 1st day of March next:—

Survey number.	Details of defective or missing boundary marks,

(Sd.)

Dated

Patel

Boundaries of Sub-Divisions.

Section 127 (2)

L. The boundary marks of sub-divisions may be of any of the kinds specified in rules 3 to 7 under section 125 of the Code.

Notification No. 2134-XII, dated the 4th July 1929.

2. The cost of materials and labour shall be paid by the holders of the sub-divisions and in addition a fee according to the following scale for each sub-division demarcated:—

	Ra.
On sub-divisions on which the land revenue assessed is less than Rs. 5.	... 1
On sub-divisions on which the land revenue assessed in Ra. 5 or more	... 2

Payment of Land Revenue.*Section 134 (2).*

1. Land revenue on account of occupied land other than nazul or village site land shall be payable in instalments on the 15th February and 15th April, calculated in accordance with the next following rule.

Notification No. 3104-XII, dated the 1st October 1929.

2. If $\frac{2}{3}$ ths or more of the area of a survey number or sub-division excluding pot-kharab is sown with kharif crop, the land revenue shall be payable on the 15th February. If $\frac{2}{3}$ ths or more is sown with rabi, the land revenue shall be payable on the 15th April. If the proportion of the area under rabi or kharif, as the case may be, is more than $\frac{1}{4}$ th but less than $\frac{2}{3}$ ths of the total, the land revenue shall be payable half on the 15th February and half on the 15th April.

Explanation—Fallow land and land diverted to non agricultural use shall for the purpose of this rule be considered as under kharif crop.

3. Land revenue shall be paid in the village to the revenue patel of the village :

Provided that in special cases, with the sanction of the Deputy Commissioner, land revenue may be paid into any sub-treasury or district treasury in Berar. Such payment shall not be accepted unless the payer furnishes with it full particulars of the amount due and of the land on which it is due.

Grant of Receipts.*Section 136 (1).*

1. Receipts for land revenue paid on account of occupied land other than nazul or village site land, shall be granted in a receipt book in Form A, to be maintained by each occupant or holder. Such receipt books shall be stocked at the tahsili and sold to the public at the rate of 4 annas each.

2. Receipts for land revenue paid on account of nazul or village site land or other money recovered by the patel as an

arrears of land revenue shall be granted in Form B. The receipt shall be written in duplicate by means of carbon paper, the original of which will be given to the payee and the duplicate retained by the patal.

Levy of Penalty.

Section 137.

L. The penalty leviable under section 137 of the Code shall not exceed one-fourth of the amount of land revenue in arrears and should be enforced only in cases of wilful default.

Notification No. 3104-XII, dated the 1st October 1929.

FORM A.

[Referred to in rule 1 under section 136 (1).]

Receipt book (first page),

District

Taluq

Village

Name, father's name and caste of occupant

No. of holding

Serial No. in Record of Rights.	Survey. No.	Subdivision number.	Area.	Assessment.				Remarks.	
				Land revenue.	Deduct assignment.	Net amount for payment.	Cesses.		Total.
			A. g.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	

(Subsequent pages.)

Page

Page of ledger

Year

No. of holding.

Credit.		Debit.		
Amount.	Details.	Amount.	Details.	
			Land revenue.	Cesses.
	Kird page date Received from. By the hand of Rs. a. Patel Patwari		Past arrears. Demand for current year as per jama- bandi.	
	Total receipt (words) Balance due (words) Patel Patwari		Total ...	
			1st instalment ...	
			2nd instalment ...	
			Total ...	
			Patel ...	
			Patwari ...	

FORM B.

[Referred to in rule 2 under section 136 (1.)]

Receipt.

Received from _____
resident of _____ taluq _____ the sum of
Rs. _____ on account of _____

Dated _____ (Sd.) Patel.

Village _____ (Sd.) Patwari.

Suspension and Remission of Land Revenue.

Section 139 (1).

1. Suspensions and remissions of land revenue may be granted in unalienated villages in the

Notification No.
3104-XII, dated the
1st October 1923.

case of—

- (1) widespread calamities due to general crop failure; †
- (2) local calamities occasioned by hail, floods, locusts and the like.

In alienated villages no suspension or remission will be allowed unless the Deputy Commissioner is able to secure a corresponding suspension or remission of the tenants' rents.

Widespread calamities.

2. On hearing that there has been a general failure of the crops in any part of his district the Deputy Commissioner shall cause early enquiries to be made into the condition of the affected tract and the degree of crop failure in each village or group of homogeneous villages. The enquiries should include a reference to the village panchayats, local board and leading agriculturists of the neighbourhood.

3. The degree of relief shall be the same throughout each village or homogeneous tract and no attempt shall be made to differentiate between the circumstances of individuals.

4. Relief shall be calculated according to A scale or B scale according to the previous revenue history of the tract. The A scale will be used in villages whose condition is normal and the B scale in those which have suffered from recent crop failure or deterioration. The sanction of the Commissioner shall be obtained to the application of the B scale except in villages in which there has been any general suspension of revenue in the previous year:—

A Scale.

State of crop. (13½ annas = Normal 100 American notation)	Degree of relief.
6 annas or over	Nil
4 annas or less than 6 annas	‡
Less than 4 annas	All

B Scale.

State of crop. (13½ annas = 100 American notation)	Degree of relief
8 annas or over	Nil
Less than 8 annas and not less than 6 annas	½
Less than 6 annas	All

In calculating the outturn for each village any shortage in the cropped area as compared with the normal shall be taken into consideration.

5. The Deputy Commissioner shall submit his proposals for suspensions to the Commissioner, and on receipt of sanction shall cause them to be announced to all concerned before the instalment of revenue to which they relate falls due:

Provided that if for any cause it appears probable that the Commissioner's orders cannot be received in time to allow of announcement before this date, the Deputy Commissioner may, after obtaining the requisite authority beforehand from the Commissioner, pass orders himself sanctioning the suspensions required.

6. No revenue which has been suspended shall ordinarily be collected till one fair harvest subsequent to the failure has been reaped in the affected tract.

7. The amount of suspended revenue to be collected along with the ordinary demand shall be determined by the Deputy Commissioner according to the character of the harvest and shall be announced before the date on which the instalment concerned is payable.

8. Suspended revenue may, with the sanction of the Governor in Council, be remitted in part or in whole—

(1) when the revenue which it is sought to remit has been suspended for three years;

(2) in certain specified tracts when the amount suspended

exceeds the annual revenue demand; in which case the amount in excess of the annual demand will ordinarily be remitted;

- (3) in cases where it is clear from the condition of the tract that it would be inadvisable to collect the suspended revenue or part of it.

Local Calamities.

9. The foregoing rules shall also govern the procedure in the case of local calamities subject to the modifications prescribed in the following rules.

10. Relief shall be granted to individuals varying according to the damage done to the total holding of each.

11. Relief shall be granted on B scale if any general suspension of revenue was granted in respect of the previous year's crops in the village, otherwise on A scale.

12. Relief may be granted by the Deputy Commissioner either by suspension or remission in the first instance. The Deputy Commissioner is authorized to remit land revenue up to Rs. 2,500 in connection with any single calamity, but shall report to the Commissioner all remissions granted.

Jaglia and Mahar Cess on Survey Numbers and

Sub-Divisions.

Section 171 (2).

1. The cess on a survey number shall be calculated at 12 pies per rupee on the number of whole rupees in the fair assessment, annas and pies being disregarded.

Notification No.
3104-XII, dated the
1st October 1929.

When a survey number contains sub-divisions, the cess for the whole survey number shall be divided amongst the sub-divisions in proportion to the fair assessment of each fraction of a pie being ignored. The total of the cesses for the several sub-divisions shall then be made to agree with the cess for the whole survey number by adding one pie to the cess of as many sub-divisions as may be necessary, starting from the first.

Jaglia and Mahar Cess on Non-Agricultural Income.*Section 172 (3).*

2. A cess on income derived from non-agricultural sources shall be levied at the following rates :—

Notification No.
3104-XII, dated the
1st October 1929.

Per annum.
Ra.

- | | |
|--|--------|
| (i) From all persons in receipt of an annual income from such sources, exceeding Rs. 500 but not exceeding Rs. 2,000 | ... 2 |
| (ii) From all persons in receipt of an annual income from such sources exceeding Rs. 500 but not exceeding Rs. 5,000 | ... 5 |
| (iii) From all persons in respect of an annual income from such sources exceeding Rs. 5,000 | ... 10 |

3. A register in Form A shall be prepared annually by the patwari for each village showing the names of all persons liable to assessment under section 172.

4. Between October 1st and November 30th the Tahsildar, with the assistance of the village officers, shall fix the assessment of each person entered in the register.

5. On completion of the assessment the register shall be forwarded to the tahsili and a copy shall be posted in the *chaudi* together with a notice that an appeal may be filed to the Sub-Divisional Officer within 45 days from the date on which the copy was posted in the *chaudi*.

6. Any alterations made in appeal shall be brought on the original register in the tahsili and on the copy in the *chaudi* before the 15th February.

7. The cess shall be payable on the 15th February and shall be collected by the patel.

FORM A.

[Referred to in rule 3 under section 172 (3).]

Assessment register of jaglia and maharkicess on non-agricultural incomes.

Village _____ Pargana _____ Taluq _____

Serial No.	Name and father's name of assessee.	Occupation.	Estimated income from sources other than agriculture.	Amount of income finally determined under rule 4.	Assessment of jaglia and maharki cess.	Alterations, if any, made in appeal.	Remarks.
1	2	3	4	5	6	7	8

NOTE.—1. Columns 1 to 4 shall be filled in by the patwari. Columns 5 and 6 shall be filled in by the Tahsildar.

2. The amount of cess and date of collection shall be entered in column 8 by the patwari.

I—Grant of Copies of Revenue Records and Maps.

Section 188.

1. Applications for copies may be presented in person or by an agent or sent by post to the Head Copyist of the office at the place where the record from which the copies are desired will eventually be deposited for safe

Notification No. 2310-1250-XII, dated the 18th July 1919.

custody. Applications for copies of records which are kept for a term of years at a tahsili and thereafter are deposited in the Deputy Commissioner's record room shall be made to the ministerial officer of the tahsil (hereinafter called the Head Copyist for the purposes of these rules) until the records are transferred to the Deputy Commissioner's record room.

Applications for copies of records in charge of the village officers may be made to the Tahsildar who shall cause them to be prepared by the patwari.

Explanation.—Under this rule applications for copies of settlement records are to be made to the Head Copyist of the Deputy Commissioner's office even when settlement is in progress.

2. Every application save those exempt from Court-fees shall bear a Court-fee label of one anna: provided that an application sent by post may be sent without a label, in which case the Head Copyist shall see that a label of one anna is affixed to the application and punched, the cost thereof being debited to the applicant's account.

3. Every application shall be accompanied by an advance sufficient to cover the estimated cost of the copy applied for, and also if the copy applied for is of the kind mentioned in rule 12, by the requisite non-judicial stamp. In the case of an application sent by post, the advance shall be remitted by money order. An application received by post before the arrival of the connected advance shall not be registered or acted upon until receipt of the advance. Should an advance be received before the connected application, the money shall forthwith be sent by the Head Copyist to the Treasury or Sub-treasury, as the case may be, after making the requisite entry in Pass Book B. The Treasury Officer shall enter the item under the head "Miscellaneous". On receipt of the connected application, the Head Copyist shall obtain the money from the Treasury or Sub-treasury and shall, when recording the withdrawal in Pass Book B, enter the name of the remitter in column 8. If no application is received within thirty days, the Head Copyist shall demand return of the money so that action may be taken under rule 20.

4. If an applicant who has presented his application in person desires the copy to be sent by post, he shall state in his application or in a subsequent communication the address to which the copy should be sent and the copy shall be sent accordingly. Similarly, if an applicant who has sent his

application by post desires to take delivery himself he shall state the fact and the copy shall be retained for such delivery.

5. On each application the Head Copyist shall endorse the date of its receipt and shall initial such endorsement. If the applicant is present in person, the Head Copyist shall immediately give a receipt in the prescribed form for the advance received with the application.

6. (1) Copies of documents, such as registers and statements which, cannot by their nature be prepared on copy sheets, shall be given on the appropriate forms.

(2) Copies of maps shall be made on tracing cloth to be supplied by the Head Copyist. The fee for a copy of a map shall be one rupee for every certified copy of a survey number or sub-division of a survey number including details of all measurements. Such fees shall be affixed to the copy in the form of Court-fee labels.

(3) The fee for a certified copy of a serial number in the record of rights, including entries cancelled by subsequent mutations, or of a serial number in the register of mutations, shall be 8 annas.

Except in the Melghat taluq the fee for copies prepared by a patwari of entries in records in his custody shall be recovered in cash and shall be placed in the Treasury as revenue deposit payable to the patwari concerned through the Tahasildar. Such deposits shall be made only twice a month viz., on the 10th and 25th.

(4) Except as provided for in sub-rules (2) and (3) the copying charges shall be calculated at the rates prescribed in rule 8, the printed matter being treated as matter copied.

II.—Preparation and delivery of copies

7. Copies exempt from copying charges and those required by officers of Government or of the Court of Wards or of Co-operative Credit Societies for official use shall be made on plain paper, free of cost.

8. Except as provided for in rules 6 and 13 all copies shall be prepared on sheets of plain water-marked foolscap

paper, which shall be obtained from the Treasury or sub-treasury. The fee for preparing copies shall be 4 annas for every 180 English words or 270 vernacular words or fraction thereof, four figures counting as one word. Both sides of the paper are to be used, whether the copying be in manuscript or in type. One sheet should ordinarily contain 720 English words in type or 180 English words in manuscript or 600 vernacular words in type or 270 vernacular words in manuscript. The exact number of words in a particular line is immaterial so long as the total on a sheet approximates sufficiently closely to the standard required. Documents written in Modi shall be copied in Balbodh character. At the top of each page a margin of an inch and a half is to be left for the affixing of the necessary Court-fee labels. There will also be a margin of one inch on the left of the front and on the right of the back of a sheet. A margin of a quarter of an inch should be left on the right of the front and on the left of the back of the sheet. Similarly, there will be a margin of half an inch at the foot of each page. It should not be necessary to rule these margins, but if they are to be ruled, this should be done in pencil only. For type-written copies, the usual double line spacing should be used. For manuscript copies, the most convenient spacing is fifteen lines on each page and six English or nine vernacular words to a line.

9. The value of the Court-fee label to be attached to the sheet depends on the total number of words written or typed, the labels being affixed on the right hand side to the top margin of the front page. On the back of each sheet on the top margin the stamp "Head Copyist, Deputy Commissioner's office," or in the case of copies granted at a tahsili the seal of the Tahsildar shall be affixed.

10. Immediately below the top margin in the first sheet used for each copy shall be typed or written the words "Copy of" with a brief description of the document to be copied, e. g. order, deposition of witness, application, etc. The description of the case shall include the number and year of the case, the name of the Revenue Officer to whose file the case belongs, the names of the parties, and the date of the order or other

proceeding. When the copy is a copy of a document in an appellate record or a miscellaneous case connected with an original case, the description of the appellate or miscellaneous case, as the case may be, as well as that of the original case, shall be given.

II. On the back of the last sheet in each copy shall be typed or otherwise legibly endorsed the following table:—

Application for copy received on	Applicant told to appear on	Applicant appeared on	If copying not begun for want of correct information, date on, which full information was supplied.	Copying stopped or copy not sent for want of funds on	Subsequent advances paid on	Copy ready on	Copy delivered or despatched on	Court-fee realised.
1	2	3	4	5	6	7	8	9

Copyist.

Comparer.

Head Copyist

Such words in the table as do not apply to the case in hand should be scored out. The dates to be entered in the table shall be entered in figures, not in words, and all corrections shall be properly attested. When certifying a copy the Head Copyist or the Tahsildar, or Naib-Tahsildar, as the case may be, shall himself satisfy that these entries have been correctly made.

The full particulars in the table shall only be furnished in respect of copies of judgments and orders which form the basis of an appeal; in other cases such as copies of dispositions and of village records, etc., entries in columns 1, 7 and 8 only will be made.

12. If the copy is of a kind requiring a stamp under article 24, Schedule I to Act II of 1899, it shall be commenced on an impressed non-judicial stamp paper of the value required and shall, if not finished on the front thereof, be completed on an ordinary plain sheet or sheets. If the copy is finished on the non-judicial stamp itself, the endorsements required by rule 11 shall be made on the back of the stamp. A Court-fee label of the required value shall be affixed to the non-judicial stamp and also to each plain sheet at the rates prescribed by rule 8.

13. Under no circumstances shall a copy be carried beyond the number of sheets already paid for. Whenever copying cannot be taken in hand or completed owing to want of funds or incorrect information having been given, the Head Copyist shall report the matter to the Superintendent or the Tahsildar, as the case may be, and shall also inform the applicant when he attends, or send an intimation by a service postcard to the applicant who has asked for the copy to be supplied by post.

14. When copies are ready, they shall, before delivery or despatch, be signed by way of attestation by the Head Copyist or in case of copies granted at a tahsili by the Tahsildar or the Naib-Tahsildar. The attesting officer shall before signing see that each sheet bears the Court-fee label or labels required by rule 8 foregoing and that all such labels are punched by a punch marking the letter C.

15. Copies shall be delivered to applicants personally or to their agents or counsel or shall be sent by post, if so desired, to their addresses by registered packet.

16. If the amount of the advance in the case of an application in which the copy is to be sent by post is more than sufficient to cover all charges (including Court-fees, postage, registration and money order fees) the surplus shall be remitted, along with the copy by money order, or, if it does not exceed seven annas in postage stamps. If the copy is to be delivered to the applicant in person and he fails to appear, the balance of advance after deduction of all charges shall be

remitted by money order to the applicant within a month of the date on which he was told to appear.

17. Applications will be received and copies delivered daily between such hours as the Deputy Commissioner may decide. Enquiries shall be attended to throughout the usual office hours.

III.—Maintenance of registers and accounts.

18. The Head Copyist shall keep the following registers in the forms appended hereto :—

Name of register.	No. of form with the No. Schedule on which it is borne.
(1) Register of applications for copies	... II-90
(2) Account Book	... II-91
(3) Detailed Account Book	... II-92
(4) Duplicate Receipt Book	... II (a)-135
(5) Pass Books A and B, showing transactions with the treasury	... II-155
(6) List of Unexpended Advances	... II-156
(7) Dak Book	... II-69
(8) Ledger account of copying fees payable to patwaris.	

19. All applications, whether received by post or presented in person or by an agent, shall be entered in one and the same annual series of numbers in the Register of Applications for copies, the letter P in red ink being written to the left of the number assigned to each postal application.

20. When a copy remains undelivered or when no work has been done on an application for 30 days owing to want of funds or lack of correct information or when no application has been received for 30 days in connection with an amount received by money-order, the unexpended advance shall be entered in columns 1, 2 and 3 of the List of Unexpended Advances: the application itself and any sheets used in connection therewith shall be deposited in the record-room. The disposal of the unexpended advance either by repayment or by lapse to Government will be shown in red ink in columns 4, 5 and 6 against the original entry, in addition to the usual black ink entry in chronological order in columns 1, 2 and 3 which latter entry will effect the balance in column 7.

21. (1) Each amount received from applicants personally or by money-order accompanied by an application shall be entered by the Head Copyist in the Register of Applications for copies and the Detailed Account Book. Daily totals of columns 3 to 8 of the Detailed Account Book shall be carried to the appropriate columns of the Account Book.

(2) A ledger account register in Form 8 shall be maintained showing the amount payable to each patwari. On the 31st March the total of each ledger account shall be withdrawn and paid to the patwari concerned when he comes to tahsil to receive his emoluments.

22. If a money order for the balance due to an applicant is returned unpaid, the amount thus received shall be entered in (1) column 10 of the Head Copyist's Register of Applications, and (2) column 4 of the Detailed Account Book, and it shall be entered in the list of Unexpended Advances in the manner specified in rule 20 above. Copies sent by post and received back shall be deposited in the record-room.

23. The Head Copyist shall ordinarily indent for plain sheets from the Treasury or Sub-treasury once a month. To minimize work in the District Treasury, the indent should be for a whole number of reams of 480 sheets. The Head Copyist should ordinarily never have more sheets in stock than will suffice for two months and should never have less sheets than will suffice for one month. The indent should be in duplicate on unofficial memorandum forms. One copy will ultimately remain in the Treasury office and one with the Head Copyist. The indent should be countersigned by the Superintendent or a gazetted officer and in a tahsil by the Tahsildar or his Naib. The Head Copyist shall indent from the Treasury or Sub-treasury for Court-fee labels whenever required. The indents shall invariably be for whole sheets, whatever be the denomination of the label. The labels required will be one anna, four annas, eight annas, twelve annas and one rupee. There are always thirty-six labels to a sheet. The Head Copyist shall not obtain labels from a stamp-vendor without the express permission of the Tahsildar or gazetted officer in charge of the Copying Department. Court-fee labels shall be

reckoned as cash for all account purposes and shall be sent daily along with the each to the Treasury in a sealed leather bag. All transactions relating to disposal of Court-fee labels will appear in the Detailed Account Book. The Head Copyist shall every day give to each copyist as many blank sheets as will approximately suffice for the day's work and shall see that each evening each copyist returns to him the number given, whether used, unused or spoilt. Notes of these transactions shall be kept in a rough notebook. The Head Copyist is responsible for the correct balance of blank sheets.

24. In the Duplicate Receipt Book shall be entered all sums paid by applicants personally as an advance required for the copy and also all balances returned to applicants personally. As soon as the first advance is received and entered, the outer-foil shall be torn off and made over to the payer, and when the copy, with balance, if any, is delivered it will be taken back and affixed to the inner foil. Receipts from applicants who sent their applications by post, but have obtained delivery of copies with refund of balance in person, should be taken in a separate receipt-book to be maintained for the purpose, entries being confined to such columns as are appropriate. If more money has been advanced than was required, the payer shall receive back the excess at the time the copy is delivered.

25. On receiving an application presented by hand the Head Copyist shall, if the applicant does not desire the copy to be sent by post, forthwith fix and intimate to the applicant a date within seven working days of the date of presentation on which he should attend to ascertain whether the copy is ready or whether any further advance is required. Should the copy not be complete on the date so fixed, the applicant shall be directed to attend on another date within seven working days of the first date fixed, and so on. The successive dates on which the applicant is told to attend and on which he attends shall be entered in both foils of the Duplicate Receipt Book and in the Register of Applications.

26. If the copying work is in arrears or for any other sufficient reason, the head of the office may, by general or

special order, direct that the period between presentation and first attendance or the period between the dates fixed for two consecutive attendances shall consist of a fixed number of days in excess of seven, and shall at the same time determine the period for which the order is to remain in force.

27. The Deputy Commissioner shall record an order fixing the maximum balance of cash to be kept by the Head Copyist in his own hands, and the amount so fixed shall not in any case exceed Rs. 200 at headquarters and Rs. 30 at each outlying place, without his special sanction. Each Head Copyist shall furnish security in a sum to be fixed by the Deputy Commissioner which shall not be less than 25 per cent in excess of the maximum cash balance. Each Head Copyist shall be provided with a box having a good lock for the custody of blank sheets, his cash balance shall be sent in a sealed leather bag with his Dāk-Book to the Treasury daily not later than 4-45 p. m.

28. Whenever the amount of money and Court-fee labels in the hands of the Head Copyist at the close of the day's business is greater than the amount fixed under the preceding rule the excess shall be entered in Pass Book A, and paid in cash by the Head Copyist into the Treasury or Sub-treasury, as the case may be, to be treated as a revenue deposit. Unexpended advances mentioned in rules 20 and 22 shall be paid into the Treasury or Sub-treasury immediately applications are deposited in the record-room and money orders are returned unpaid. Action in respect of an advance received by money order without an application is to be taken under rule 3.

29. On receiving the money from the Head Copyist, the Treasury or Sub-treasury Officer, as the case may be, shall enter the total amount as a single item in the Register of Revenue Deposit Receipts, describing it as "Copying" fees received from the Head Copyist, without giving a number to the item or recording any other particulars. The Treasury Officer may receive Court-fee labels as the equivalent of cash to be kept as part of his cash balance.

30. When the Head Copyist requires repayment of any amount paid into the Treasury under rule 28, he shall enter it in the Pass Book which will be presented to the Treasury. The date and amount of each deposit out of which repayment is desired shall be given in columns 4 and 5 of the Pass Book. In every case of withdrawal other than that of an unexpended advance (rule 20 or 22) the oldest deposit available shall be drawn upon; for this purpose, against each withdrawal which finally exhausts a deposit and also against the entry relating to the original deposit, a remark to the said effect shall be made in the last column of the Pass Book showing transactions with the Treasury. The book shall be presented in the Treasury or Sub-treasury, as the case may be, accompanied by a simple receipt therefor. The receipt shall be countersigned by—

- (a) The Deputy Commissioner or one of his Gazetted Assistants. ... At the headquarters of a district.
- (b) The Sub-Divisional Officer ... At the headquarters of a sub-division.
- (c) The Tahsildar or Naib-Tahsildar ... At the headquarters of a tahsil.

On the other hand, if part of the balance with the Treasury is in Court-fee labels, those labels should be returned at the first opportunity to the Head Copyist. If the balance in deposit at the credit of the Head Copyist is sufficient, the Treasury or Sub-treasury, as the case may be, shall make the payment and shall enter the items in the Register of Repayments of Revenue Deposits without number as "Repayment of copying fees to Head Copyist." An unexpended advance once paid into the Treasury or Sub-treasury shall not be refunded to the applicant until it has been withdrawn from the Treasury or Sub-treasury.

IV. Supervision.

31. The Superintendent or the Tahsildar shall test the work of the copyist from time to time by selecting sheets at random and counting the words entered on each. He shall daily examine the Account Book and the Detailed Account Book with reference to the other registers. He shall also in the first week of each month, examine the Head Copyist's

account for the preceding month with reference to the Pass Book A in order to ascertain whether each sum in the Pass Book has been accounted for in the Account Book.

32. The head of the office or a subordinate gazetted officer deputed by him shall examine the several registers of the Head Copyist in the first week of each month with the object of seeing whether the work of copying is being regularly done, the excess payments properly refunded and the excess over the maximum balance deposited in the Treasury or Subtreasury, as the case may be, in accordance with rule 28. He shall also satisfy himself by an examination of the Account Book that the balance of sheets will suffice for a period of not less than one month and not more than two months. He shall also verify the correctness of the accounting for plain sheets as explained in rule 23. The head of the office shall also examine a certain number of applications pending over one month in which copying has been stopped for want of funds or proper information regarding the document to be copied to see if any were rightly deposited in the record-room.

33. The closing cash balance, inclusive of unused Court-fee labels in the hands of the Head Copyist which is shown in column 13 of the Account Book, shall be verified at least once a quarter by the head of the office or a subordinate gazetted officer deputed by him. The process to be adopted is as follows:—

A list of all advances received in respect of applications other than (i) those deposited in the record-room under rule 20, and (ii) those in which copy has been delivered or the amount advanced has been refunded shall be prepared from the Register of Applications. To the total of the list shall be added the progressive total or balance in the list of unexpended advances. From the sum thus arrived at shall be deducted—

- (i) the value of Court-fee labels used in respect of applications in the foregoing list of advances received;

- (ii) the balance in the Treasury or Sub-treasury, as the case may be, and
- (iii) the cost of Court-fee labels affixed by the Head Copyist to postal applications under rule 2.

The difference thus found should tally with the closing balance shown in the Account Book and with that in the Head Copyist's hands.

V.—Accounts for Accountant General.

34. In compiling the Extract Registers of Receipts and Repayments of Deposits for submission to the Accountant General, the items entered in the Deposit Registers of the Treasury without number (*vide* rules 29 and 30) shall not be reproduced in detail: the monthly totals only shall be entered at the foot as amounts of copying fees received from and repaid to Head Copyist. The total amount repaid from the deposits made in each financial year shall, however, be given separately. Thus, supposing the total amount of copying fees repaid during a month to be Rs. 175, the note would stand as follows:—

		Rs.
On account of deposits made in 1910-11 ...	...	23
Do. do. 1911-12 ...	...	34
Do. do. 1912-13 ...	...	118

Total ...	...	175

35. Early in March a list of items lapsing to Government shall be prepared and this list, after being compared by the Deputy Commissioner or one of the Assistants with the List of Unexpended Advances and the Register of Applications, shall be submitted to the Accountant General immediately after the 31st March; in accordance with article 206 of the Civil Account Code. The list shall show distinctly how much is now to be credited to Government as lapsed out of the amounts received during each separate financial year. Thus

supposing Rs. 45 are to be credited to Government as lapsed the note would stand as follows:—

			Rs.
On account of 1909-10	...	...	6
Do. 1910-11	...	...	5
Do. 1911-12	...	...	34
			<hr/>
Total			... 45
			<hr/>

Refunds of amounts included in this list shall only be payable with the sanction of the Accountant General under article 207 except that repayments of such deposits up to a limit of Rs. 5 may be made by the Treasury Officer.

Similarly, the account particulars, submitted to the Accountant General by the Treasury under article 204 of the Civil Account Code, shall show the particular year on account of which there are balances of copying fees outstanding in the Head Copyist's Register.

VI. Elimination.

36. Each register and paper specified below shall be preserved for the period noted against it:—

Name of register or paper.	Period for which to be preserved.
(i) Head Copyist's Register of Applications for copies.	} 6 years
(ii) Account Book	
(iii) Detailed Account Book	
(iv) Duplicate Receipt Book	
(v) Pass Books A and B	
(vi) List of Unexpended Advances	
(vii) Ledger account of copying fees payable to patwaris.	
(viii) Counterfoils of postal money orders	} 3 years.
(ix) Dak Book	
(x) Applications for copies in which copies have been delivered or in which advances have been refunded without preparing copies or which are received by post unaccompanied by advance and for which no advance is subsequently received	} 6 months from date of delivery or refund.
(xi) All other applications	} 3 years.
(xii) Copies undelivered	

Head Copyist's Register of Applications for copies for

IN THE COURT OF

	1	Serial No.	
	2	Date on which application was received.	
	3	Name and address of applicant.	
	4	Description of document of which copy is applied for.	
	5	If copying not begun for want of correct information date on which full information was supplied.	
	6	Date or dates on which applicant was told to attend.	
	7	Date or dates on which applicant attended.	
Rs.	8	Amount of first advance.	
	9	Date on which copying stopped or copy not sent for want of funds.	
Rs.	10	Amount of further advance or of unpaid money orders refunding balance due to applicant.	
	11	Date on which amount in column 10 was received,	
Rs.	12	Amount paid for Court-fee labels affixed to copies.	
Rs.	13	Amount deposited as copying fees payable to patwaris.	
Rs.	14	Court-fees on applications for copies and money order commission.	Incidental charges.
Rs.	15	Postage and registration charges.	
	16	Date on which copy was ready.	
	17	Date of delivery or despatch of copy and of refund of balance to applicant.	
Rs.	18	Amount refunded to applicant.	
	19	Date of credit to Government as lapsed.	Unrepaid advances.
Rs.	20	Amount.	
	21	Remarks.	

IN THE COURT OF
Account Book to be kept by the Head Copist.

	1	Date,
Rs.	2	Opening cash balance.
Rs.	3	Amount withdrawn from Treasury.
Rs.	4	Advances received from parties.
Rs.	5	Advances and other amount received by post.
Rs.	6	Total cash receipts.
Rs.	7	Total of columns 2 and 6.
Rs.	8	Amount refunded to applicants.
Rs.	9	Incidental charges, e. g., postage and registration charges, money order commission and Court-fees on applications for copies.
Rs.	10	Amount paid for Court-fee labels affixed to copies.
Rs.	11	Amount deposited in treasury.
Rs.	12	Amount deposited as copying fees payable to patwaris.
Rs.	13	Total cash expenditure.
Rs.	14	Closing cash balance.
	15	Opening balance.
	16	Number of plain sheets received.
	17	Total number of plain sheets.
	18	Number of plain sheets used.
	19	Closing balance.
	20	Initials of Superintendent.
	21	Remarks.

Receipts.

Expenditure.

Account of plain sheets.

II—92 **IN THE COURT OF**
Detained Account Book to be kept by the Head Copyist.

Date.	Serial No. of application in Register of Applications.	Receipts.	Expenditure.	Remarks
1	2	3	4	5
		Advances received from parties.	Advances and other amounts received by post.	
	R.S.A.P., R.S.A.P.			
		Amount refunded to applicants.	Incidental charges, <i>s. g.</i> , postage and registration charges, money order commission and Court-fees on applications for copies.	
	R.S. a. P.			
		Amount paid for Court-fee labels affixed to copies.	Amount deposited as copying fees payable to patwaris.	
	R.S.A.P., R.S. a. P.			

II-(a)—135 DUPLICATE RECEIPT BOOK

Inner fol.

No. _____ of 193

Name of applicant.

Description of document required.

1	Date of payment of each advance.
2	Amount of each advance.
3	If copying not begun for want of correct information, date on which full information was supplied.
4	Dates on which the applicant is told to appear from time to time.
5	Signature of applicant.
6	Dates on which the applicant has appeared from time to time.
7	Date on which copying stopped for want of fund.
8	Unexpended balance returned to applicant.
9	Signature of applicant by way of acknowledgment of receipt of copy and money refunded with date.



DUPLICATE RECEIPT BOOK.

Outer fol.

This must be produced at the time of taking the delivery of copy.

No. _____ of 193

Name of applicant.

Description of document required.

1	Date of payment of each advance.
2	Amount of each advance.
3	If copying not begun for want of correct information, date on which full information was supplied.
4	Dates on which the applicant is told to appear from time to time.
5	Initials of Head Copyist.
6	Dates on which the applicant has appeared from time to time.
7	Date on which copying stopped for want of funds.
8	Unexpended balance returned to applicant.

II—69

Dāk Book of the Court of _____

Date and hour of dispatch.	Number of cases if any.	Brief description of paper or article sent.	Person to whom sent.	Signature of person receiving	Remarks, e. g., sent by post or name or bearer.
1	2	3	4	5	6

Ledger Account of copying fees payable to patwaris.

Name of patwari in full _____

Name of Village _____

Serial No. of application in the register of applications for copies.	Amount of copying fees credited to revenue deposits as payable to patwari.	Challan No. and date.	Date of payment.	Amount paid to patwari.	Signature of patwari in token of acknowledgment.	Signature of Officer before whom payment is made.	Remarks.
1	2	3	4	5	6	7	8
				Rs. s.			

Inspection of Revenue Records, Maps and Land Records.

Section 188.

- 1. All records and maps maintained under the Code shall be open to inspection.**

Notifications No.
3178-XII, dated the
9th October 1929.

- 2. For the inspection of the record of a case which is pending, or which has been decided, but the record of which has not been deposited in the record room, the permission of the officer before whom the case is pending or by whom the case has been decided shall be necessary ; for the inspection of the records of cases which have been deposited in the record room, the permission of the officer in charge of the record room shall be necessary.**

- 3. A person, other than a Government officer, who has duly obtained permission to inspect the record of a case, may avail himself of it at any time during the first four hours of the days on which revenue offices are open and only in such part of the office as shall be appointed by the Deputy Commissioner or head of the office. If the applicant fails to make inspection within one week from the date on which inspection was ordered, the order shall lapse and no further inspection shall be allowed without a fresh application.**

- 4. (1) No person other than a Government officer shall remove the record from the place appointed for inspection purposes. The use of pen and ink during inspection is strictly prohibited. Pencil and paper may be used, but no marks shall be made on any record or paper inspected. Any person infringing this rule may be deprived, by the order of the Deputy Commissioner or the presiding revenue officer, of the right of inspection for such period as he may direct. Such an order when passed by a revenue officer subordinate to the Deputy Commissioner shall be subject to the latter's approval.**

- (2) It shall be the duty of the record-keeper or other official appointed in that behalf to see that the above provisions are strictly enforced.**

5. (1) Applications for inspection of records from persons other than Government officers, or duly appointed agents of Government, shall be on paper stamped according to the scale prescribed for miscellaneous applications to a civil court.

(2) Inspection fees shall be levied from the persons aforesaid at the rate of annas 8 per hour or fraction of an hour for every record, register or book inspected. The fee shall be prepaid in court-fee stamps and will in no case be refunded. The stamp shall be affixed in column 7 of the register prescribed in Form A and cancelled in the manner prescribed in section 30 of the Court Fees Act, 1870 (VII of 1870), and the officer who grants permission to inspect shall sign his name across the stamp.

6. No inspection fee shall be charged for the inspection of any record, book or register by Government officers or other persons duly authorized in this behalf for Government purposes or by an official of the Court of Wards for the purposes of that court or by officers of any duly registered co-operative society requiring, *bona fide* for the business of the society, details of land in the possession of members of rural societies; or for the inspection of the record of a pending case by a party thereto or by any advocate, vakil, pleader or agent who has filed an application in the case :

Provided that should any party to a case apply to a revenue officer personally or otherwise that any record, book or register or set of books or registers be sent for and inspected during the pendency of the case, the applicant shall, on the application being granted, pay a fee of Ra. 1 in court-fee stamps for each such record, book or register or set of books or registers, and the officer shall send such application, together with the stamp or stamps, to the record-keeper for compliance. The record-keeper shall affix the stamp or stamps in column 7 as directed in rule 5 and note on the application that he has done so :

Provided also that the officer who sends for the record, book or register may remit the fee payable under this rule if he sees reason to do so.

7. The village officers shall allow any one interested to inspect free of charge any records in their custody and to take notes of the same.

8. The record of rights, mutation register and register of disputes of towns of which there has been a town survey and settlement shall be open to inspection free of charge at such times and places as the Deputy Commissioner may in each case appoint.

FORM A.

[Referred to in rule 5 under section 188.]

Inspection Book.

Date.	Signature and occupation of applicant for inspection.	Record book or register of which inspection is sought.	Capacity in which inspection is sought.	Initials of officer ordering inspection.	Time occupied in inspection.	Stamps affixed.	Remarks.
1	2	3	4	5	6	7	8

Regrant of Forfeited Service Inam.

Section 190 (2).

A forfeited service inam may be regranted to any person or panch who is willing to perform the service and whom the Deputy Commissioner considers suitable for the purpose.

Notification No. 2310-2350-XII, dated the 18th July 1929.

Issue of Processes

Section 194 (2) (a).

1. The following forms are prescribed for processes under the Code :—

Notification No. 3104-XII, dated the 1st October 1929, as amended by Notification No. 3812-2034-XII D/- 6312-30.	Summons for appearance ... Form A Warrant of arrest for appear- ance ... Form B Notice of demand ... Form C Warrant of arrest of revenue defaulter ... Form D Warrant to confine revenue defaulter in the civil jail ... Form E Warrant of attachment of movable property ... Form F Warrant of attachment of holding ... Form G Proclamation of sale of movable property ... Form H Proclamation of sale of holding ... Form I Sale certificate for land ... Form J
--	--

2. The fees shown in the following table shall be charged for serving and executing the several processes under the Code :—

	Rs.	a.	p.
(1) For every notice of demand if sent—			
(a) by post	...	0	8 0
(b) otherwise	...	1	0 0
(2) For a summons for appearance in respect of each person	...	0	12 0
(3) For a warrant of arrest in respect of each person	...	4	0 0
(4) For warrant of attachment of mov- able property	...	1	8 0
(5) For warrant of attachment of holding	...	3	0 0
(6) For a proclamation of sale of either movable or immovable property	...	1	8 0
(7) For a warrant for the delivery of immovable property	...	3	0 0
(8) For any process not specified above	...	0	12 0

3. Notwithstanding anything in rule 2 no fee shall be charged for executing :—

- (a) any process which may be issued by any revenue officer of his own motion except those issued for the recovery of land revenue or of any other sums recoverable as arrears of land revenue under section 164.
- (b) any process issued a second time in consequence of any mistake for which the officer is responsible or in consequence of an adjournment made otherwise than at the instance of a party;
- (c) any copy of any process fixed at the office of a revenue officer or at any other place under his orders.

4. The process fee shall be paid in court-fee stamps, which shall be affixed either to the application by which the revenue officer is moved to issue the process, or, if no such application be filed, to the order by which the revenue officer directs the issue or service of the process. If such an application be filed, it must, in addition to the requisite stamps for the process fee, bear such stamps, if any, as are needed for its own validity.

Provided that process fees may not be recovered in advance from a liquidator in cases where dues are to be recovered as arrears of land revenue under a certificate issued by the Registrar, Co-operative Societies, under the proviso to section 164 (d) of the Berar Land Revenue Code, 1928. When processes are issued jointly or severally against members of a society, the whole amount of process fees shall be recovered from the gross sum collected. Should no recovery be affected the process fees shall be recovered from the liquidator.

5. Processes shall be served by peons attached to tahsils or by the patal or may in the case of notice be sent by post. The peon or the patal shall enter the date and particulars of the mode of service on the copy of the process retained by him and this copy shall be returned to the officer who issued it.

6. Tahsil peons are prohibited from receiving any money on account of Government revenue or process fee.

7. When a revenue officer sends a process for service or execution to any court in British India, or in the territories of

a Native State with which an engagement for reciprocal service has been effected, the fees shall be levied in stamps in accordance with the rates prescribed in rule 1, and the revenue officer shall certify on the process that the proper fee has been levied.

8. A process issued by any court in British India, or in territories of a Native State with which an engagement for reciprocal service has been effected, shall be served and executed free of charge by any revenue officer to whom it may be sent, if it is certified on the process that the proper fee has been levied. When no such certificate has been given or the amount of process fee has been specifically mentioned in the revenue recovery certificate, the officer effecting recovery of the arrears will realize the fees due on the processes actually issued minus the amount shown in the revenue recovery certificate to have been recovered in advance.

9. Subsistence money to be paid by Government to a defaulter under detention or imprisonment shall be allowed at the rate for the time being in force for civil debtors.

FORM A.

[Referred to in rule 1 under section 194 (2) (a).]

Summons to attend before a Revenue Officer.

In the Court of _____

To _____

of village _____,

talug _____

Whereas your attendance is necessary in my Court on the _____ day of _____ 19 _____ for the purpose of _____,

you are hereby required to appear before me on that date at _____ and to bring with you _____

Herein fail not.

* A sum of Rs. _____ being your travelling expenses and diet money is sent herewith.

(Sd.)

Revenue Officer,
Designation.

Dated _____ 19 _____

(Seal.)

* To be scored out when no diet money is sent.

FORM B.

[Referred to in rule 1 under section 194 (2) (a).]

Warrant of arrest for appearance before a Revenue Officer.

In the Court of _____

To _____

Whereas _____ of village _____ has not obeyed the summons issued by this Court for his appearance, which summons was duly served on him, you are hereby ordered to arrest the said _____ and to produce him before this Court

(Sd.)

*Revenue Officer,
Designation.*

Dated Seal _____ 19

If the said _____ shall give bail himself in the sum of Rs. _____ with one surety in the sum of Rs. _____ to attend before this Court on the _____ day of _____ 19 , and to continue so to attend until otherwise directed by the Court, he may be released.

)

*Revenue Officer,
Designation.*

Dated _____ 19 .

FORM C.

[Referred to in rule 1 under section 194 (3) (a).]

Notice of demand under section (4) (a), Berar Land Revenue Code.

In the Court of _____

To _____, son of _____

resident of village _____, taluq _____

You are hereby required to take notice that a sum of Rs. _____ is due from you on account of arrears of land revenue as per details given in the subjoined statement, and that unless it is paid within _____ days from the receipt of this notice together with Rs. _____ being the penalty and process fee compulsory proceedings will be taken against you according to law for recovery of the dues :—

Village.	Survey number and sub-division number.	Amount of arrears.	Penalty.	Process fee.	Total amount due.	Date of service.
1	2	3	4	5	6	7

(Sd.)

Dated _____ 19 .

Tahsildar.

(Seal).

FORM D.

[Referred to in rule 1 under section 194 (2) (a).]

Warrant of arrest Revenue Defaulter.

Section 141 (a), Berar Land Revenue Code.

In the Court of the _____

To (name and office of the person charged with the execution of the warrant), _____

Whereas _____, son of _____ resident of village _____, taluq _____, has made default in payment of Rs. _____ on account of land revenue as per details given in the subjoined statement, you are hereby ordered to arrest him and bring him before this court unless he pays the said sum of Rs. _____ together with Rs. _____ as cost for the execution of this warrant and Rs. _____ as penalty to the patal on or before the day of _____ 19 _____ :—

Village.	Survey number and sub-division number.	Amount of arrears.	Process fee.	Penalty.	Total amount due.
1	2	3	4	5	6

(Sd.)

Dated _____ 19 .

Tahsil

(Seal.)

FORM E.

[Referred to in rule 1 under section 194 (2) (a).]

Warrant to confine revenue defaulter in the Civil Jail.

Section 147, Berar Land Revenue Code.

From

The _____,

To

The Officer in charge of the Civil Jail.

at _____.

Whereas _____, son of _____, resident of village _____ taluq _____ has been arrested for default in payment of the sum of Rs. _____ being arrears of land revenue due by him together with process fees and penalty :

and whereas the said _____ has been brought before me and has not paid the above sum (or has paid Rs. _____ and the sum of Rs. _____ is still due); you are hereby required to receive the said _____ into the Civil Jail of this district and to confine him there for a period of _____ unless the above sum be paid to you within that period or the imprisonment be stayed by order from this Court.

The allowance for subsistence of the defaulter during his imprisonment has been fixed at the rate of Rs. _____ month.

Dated _____ 19

Sub-Divisional Officer.

(Seal.)

FORM F.

[Referred to in rule 1 under section 194 (2) (a).]

Warrant of attachment of movable property.

Section 141 (b), Berar Land Revenue Code.

To,

(Name and office of the person charged with the execution of the warrant,)

Whereas _____, son of _____, resident of village _____, taluq _____, has made default in payment of Rs. _____ on account of land revenue as per details given in the subjoined statement, you are hereby ordered to attach the movable property of the said _____ and unless the total amount due is paid to the patel, to hold the same until further orders from this Court.

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

Village.	Survey number and sub-division number.	Amount of arrears.	Process fee	Penalty.	Total amount due.
1	2	3	4	5	6

(Sd.)

Dated _____ 19
(Seal.)

Tahsildar

FORM G.

[Referred to in rule 1 under section 194 (2) (a).]

Warrant of attachment of holding.

Section 141 (c), Berar Land Revenue Code.

To,

(Name and office of the person charged with the execution of the warrant.)

Whereas _____, son of _____ resident of village _____ taluq _____, has made default in payment of Rs. _____ on account of land revenue as per details given in the subjoined statement, you are hereby ordered to attach survey number _____ of village _____ and unless the total amount due is paid to the patel, to hold the same until further orders from this Court.

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

Village.	Survey number and sub-division number.	Amount of arrears.	Process fee.	Penalty.	Total amount due.
1	2	3	4	5	6

(Sd.)

Dated _____ 19

Tahsildar.

(Seal)

FORM H.

[Referred to in rule 1 under section 194 (2) (a).]

Proclamation of sale of movable property.

Section 145, Berar Land Revenue Code.

Whereas the movable property specified below has been attached for the recovery of Ra. _____, on account of arrears of land revenue, process-fee and penalty due by _____ son of _____, resident of village _____ taluq _____.

Proclamation is hereby made that, unless the amount due be paid to the patel before the day herein fixed for the sale, the said property shall be sold by public auction at _____ on the _____ day of _____ 19_____ at or about _____ o' clock.—

Description of movable property.	Number of articles.	Property exempt under proviso (1) to section 141.
1	2	3

Dated _____ 19____ (Sd.) _____
 (Seal.) _____ Tahsildar.

FORM I.

[Referred to in rule 1 under section 194 (2) (a) .]

Proclamation of sale of holding.

Section 149, Berar Land Revenue Code.

Whereas the holding specified below has been attached for the recovery of Rs. _____, on account of arrears of land revenue, process-fee and penalty due by _____, son of _____, resident of village _____ taluq _____.

Proclamation is hereby made that unless the amount due be paid to the patel before the date herein fixed for the sale, the said holding shall be sold free of all encumbrances by public auction at _____ on the _____ day of _____ 19_____, at or about _____ o'clock:—

Village.	Survey number, sub-division number.	Area.	Assessment.
1	2	3	4

(*St.*)

Dated _____ 19 .

Tahsildar.

(Seal.)

FORM J.

[Referred to in rule 1 under section 194 (2) (a).]

Sale certificate for land.

Section 161, Berar Land Revenue Code.

In the Court of the _____.

Class No. _____ Case No. _____.

This is to certify that _____, son of _____, resident of village _____, taluq _____, has been declared the purchaser of the holding specified below at a sale by public auction held on the _____ day of _____ and that the sale has been duly confirmed by the Sub-Divisional Officer on the _____ day of _____ 19_____.

Such sale transferred the property free of all encumbrances imposed on it, and all grants and contracts made in respect of it by any person other than the purchaser :—

Village.	Survey number and sub-division number.	Area.	Assessment.
1	2	3	4

(Sd.)

Dated _____ 19 _____

(Seal.)

Tahsildar.

Payment of Expenses To Witnesses.

Sections 20 (1) and 194 (2) (b).

1. When the attendance of a witness is applied for by a party in any proceeding before a Revenue Officer, the applicant shall be required to deposit diet money and travelling expenses sufficient to reimburse the witness for the reasonable expenses incidental on his attendance in court.

Notification No.
2310-1250 XII,
dated the 18th
July 1929.

2. (1) For diet money the rates shall not exceed the following maxima or such lower maxima as may be prescribed by the Deputy Commissioner :—

	Per diet.		
	Rs.	a.	p.
<i>Class A.</i> —Indians of the labouring class	0	8	0
<i>Class B.</i> —Artisans, cultivators, shopkeepers and others of the middle class.	1	0	0
<i>Class C.</i> —Europeans, Anglo-Indians and Indians of superior rank.	5	0	0

(2) In special cases, if the rates above prescribed appear to be insufficient, the Revenue Officer may, for reasons to be recorded in the order sheet, require such sums as appear reasonable to be paid.

(3) Diet money shall be given not only for the period of actual attendance, but also for any reasonable time spent in the journey to and from the place of sitting, the mode of conveyance available being taken into consideration.

3. For travelling expenses the rates shall be—

(i) When the journey is by road, the actual expenses incurred up to a maximum of six annas per mile, provided that travelling expenses shall not be paid to A class witnesses unless owing to age or physical condition or any other reasonable cause they are unable to travel on foot.

(ii) When the journey is wholly or partly by rail—

Class A.—3rd class railway fare.

Class B.—2nd or intermediate class railway fare according to the discretion of the Revenue Officer.

Class C.—1st or 2nd class railway fare plus 3rd class railway fare for one servant according to the discretion of the Revenue Officer.

4. When the Revenue Officer causes the attendance of a witness of his own accord and not at the instance of any party, he may allow the payment of expenses to the witness by Government at the rates prescribed in the foregoing rules, provided that diet money and travelling expenses shall not be paid to a village officer summoned in any matter connected with his official duty.

5. Government servants when summoned to give evidence in their public capacity shall, save in the undermentioned cases receive nothing from the Revenue Officer, but are entitled to travelling allowance under the Fundamental Rules. The Revenue Officer, on finally discharging such witnesses, shall sign a certificate in such form as the Accountant General may from time to time prescribe, stating the period for which they have been detained to give evidence :—

(a) To a Government servant attending before a Revenue Officer not more than five miles from his headquarters, payment may be made direct by the Revenue Officer of reasonable travelling expenses actually incurred in connection with his attendance, whenever this appears to be necessary.

(b) Government servants whose salary does not exceed Rs. 15 per mensem may receive from the Revenue Officer a suitable daily allowance under rule 2 and reasonable travelling expenses actually incurred in connection with their attendance.

6. Government servants when summoned to give evidence in their private capacity may receive from the Revenue Officer any daily allowance and travelling expenses admissible under rules 2, 3 and 4, but they will not be entitled to any travelling allowance under the Fundamental Rules.

Petition-writers.*Section 194 (2) (c)***1. In these rules :—**

(i) "Petition" means a document written for the purpose of being presented to a Revenue Officer and includes a petition of appeal or review.

Notification No. 2310-1250-XII, dated the 18th July 1929.

(ii) "Petition-writer" means a person licensed under these rules to write petitions.

(iii) "To practise as a petition-writer" means to write petitions for hire, and extends to the writing of a single petition for hire.

(iv) A petition-writer is said to practise before a Revenue Officer when he writes petitions for the purpose of being presented to that officer.

2. No person shall practise as a petition-writer before a Revenue Officer unless he has been duly licensed under these rules provided that :—

(1) these rules shall not apply to any advocate or pleader in respect of a petition written for presentation to a Revenue Officer before whom he is entitled to appear, whether such petition be written by himself or on his behalf; provided that in the latter case it be signed by the petitioner;

(2) no petition shall be rejected merely on the ground that it has been written by a person who is not a licensed petition-writer.

3. No person shall be licensed as a petition-writer whilst he is in the service of Government, of an Indian State or of a legal practitioner.

4. Any person above the age of twenty years may present a stamped application to the Deputy Commissioner of the district in which he resides, or desires to practise, to be licensed as petition-writer.

5. (1) The application shall be written by the applicant in his own hand and presented by him in person, and shall state :—

- (a) the applicant's name, father's name, date of birth, caste, residence and present occupation (if any);
- (b) the language or languages with which the applicant is acquainted;
- (c) the names of two persons of respectability to whom reference may be made as to the applicant's character.

(2) If the applicant has been convicted of a criminal offence or removed from Government service, this should be stated in the application. If the applicant is in the service of Government, of an Indian State or of a legal practitioner, his application shall state that he is prepared to resign such service on being licensed as a petition-writer.

6. The Deputy Commissioner to whom the application is made may, in his discretion, on being satisfied that the applicant:—

- (a) is over twenty years of age,
- (b) is of good character, and
- (c) is otherwise eligible,

grant the applicant a licence in Form A.

7. (1) Every appointment will be probationary in the first instance and no probationer will be confirmed unless and until he satisfies the Deputy Commissioner that he:—

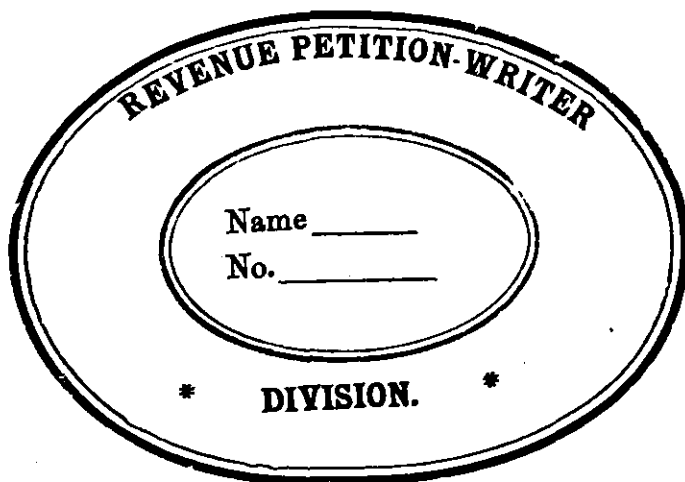
- (i) is able to draw up in a legible hand a clear and concise petition in the official language of the place where he practises; and
- (ii) is acquainted with the provisions of the Berar Land Revenue Code, Patels and Patwaris Law, Berar Alienated Village Tenancy Law, the Land Acquisition Act, the Agriculturists Loans Act and the Land Improvement Loans Act, so far as a knowledge of these Acts is necessary for the efficient performance of the duties of a petition-writer.

(2) Any probationer who fails to give such satisfaction within one year from the date of his appointment may be removed by the Deputy Commissioner.

8. A register of licensed petition-writers in Form B will be maintained in the office of every Deputy Commissioner. A page or pages of the register will be set apart for each petition-writer.

9. Every licensed petition-writer shall keep up a register in Form C and shall enter therein every petition written by him, and shall produce the register for the inspection of any Revenue Officer, when required to do so.

10. Every licensed petition-writer shall, at his own expense, provide himself with an official seal of the following pattern:—



11. Every licensed petition-writer, in writing petitions, shall confine himself to expressing in plain and simple language, such as the petitioner can understand, and in a concise and proper form, the statements and objects of the petitioner; and shall not introduce any argument or quotation from a law report or other law book, or refer to any decision not brought to his notice by the petitioner.

12. Every licensed petition-writer shall affix his seal (with his name and licence number filled in) on every petition written by him, and shall enter on such petition the number which it bears in his register and the fee which has been charged for writing it.

13. (1) Subject to the provisions of rule 16, every licensed petition-writer may make his own terms with his employer as to the remuneration to be paid for his services.

Provided that he enters correctly the actual amount agreed upon on the petition and in the proper column of his register.

(2) A licensed petition-writer shall not take payment for his services by an interest in the result of any case in connection with which he is employed and shall not find, or contribute towards, the funds employed in carrying on any case in which he is not otherwise personally interested.

14. A licensed petition-writer shall not accept any Mukhtarnama, whether general or special, for the conduct of any case before a Revenue Officer other than a case in which he is himself a party.

15. Every licensed petition-writer—

(1) who resigns or is removed from his appointment:

(2) who enters the service of Government, of an Indian State or of a legal practitioner: or

(3) who is suspended or dismissed under these rules, shall forthwith surrender his license to the Deputy Commissioner.

16. Any Revenue Officer who, upon the representation of any person employing a petition-writer, and after hearing such petition-writer (if he desires to be so heard) finds that the fee charged for writing a petition presented to him was excessive may, by order in writing, reduce the same to such sum as appears to be, under the circumstances, reasonable and proper, and may require the petition-writer to refund the amount received in excess of such sum.

17. Any Revenue Officer may order a licensed petition-writer to rewrite without extra remuneration any petition written by him which contravenes rule 11, or is illegible, obscure or prolix, or contains any irrelevant matter or misquotations or is, from any other cause, in the opinion of such officer informal or otherwise objectionable.

18. Any person who contravenes rule 2 or any licensed petition-writer who contravenes any of the rules 9, 10, 12, 13,

14 and 15 shall be liable; by order of the Deputy Commissioner to a penalty not exceeding fifty rupees.

19. Any licensed petition-writer who—

- (1) does not carry out, within a reasonable time, the order of a Revenue Officer made under rule 16 or 17.
 - (2) habitually writes petitions contrary to rule 11 or containing irrelevant matter or which are unnecessary or informal or otherwise objectionable; or
 - (3) in the course of his business as a petition-writer uses disrespectful, insulting or abusive language; or
 - (4) is found to be incapable of efficiently discharging the functions of a petition-writer; or
 - (5) by reason of any fraudulent or improper conduct in the discharge of his duty as a petition-writer is found to be unfit to practise as such; or
 - (6) is convicted of a criminal offence;
- may be suspended or dismissed by order of the Deputy Commissioner.

20. No order under rules 18 and 19 shall be passed by the Deputy Commissioner until the person or petition-writer in fault has been given an opportunity of defending himself.

FORM A.

Form of licence.

Certified that _____, son of _____, resident of _____ has, this day, been licensed as a revenue petition-writer in the _____ district and is hereby permitted to practise as such in the manner prescribed by the rules relating to such petition-writers in Berar and subject to the provisions of the said rules.

Given under my hand and the seal of this office this _____ day of _____ 19____ at _____.

(Seal.)

Deputy Commissioner.

FORM B.

Register of licensed petition-writers.

Revenue.

(NOTE.—One or more pages to be set apart for each petition-writer.)

Page of register _____

Register No. _____

Name of petition-writer _____

Father's name _____

Residence _____

Place of business _____

Date of grant of licence _____

Date of confirmation of appointment _____

*Remarks _____

*NOTE.—In the space for remarks will be entered a note of any penalty imposed under rule 18 or any order passed under rules 7 (2) 16, 17 and 19.

FORM C.

Register to be maintained by every licensed revenue petition-writer

Serial number of petition.	Date on which petition was made.	Name, parentage, caste and residence of the person at whose instance the petition was written.	Description of petition.	Brief abstract of contents of petition.	Value of court-fee stamps affixed to the petition.	Fee charged for writing the petition.	Remarks.	Signature of petition-writer.
1	2	3	4	5	6	7	8	9

Recognized Agents.*Section 194 (2) (d).*

1. "Recognized agent" means a person authorized in writing by any party to a proceeding under the Code to make appearances and applications and to do other acts on his behalf in such proceeding and shall be a permanent servant, partner, relative or friend of the party who from his knowledge of the matter in dispute or his general acquaintance with the affairs of the party, is a fit person to represent him.

Notification No. 2310-1250-XII, dated the 18th July 1929.

2. In deciding whether any person is a fit recognized agent a Revenue Officer shall have regard to section 10 of the Legal Practitioners Act, and shall so exercise his discretion as to prevent any single person from taking powers of attorney from numerous principals.

Sanitation Rules for villages where the Central Provinces Municipalities Act, Village Sanitation and Public Management Act or Village Panchayat Act are not in force.

Section 194 (2) (e) and (f).

1. No person shall throw rubbish or allow water to flow over the streets or lanes or open places in the village.

Notification No. 2310-1250-XII, dated the 18th July 1929.

2. Household refuse and stable litter shall unless it is taken out to the fields, be thrown daily by the owners into manure pits or into other receptacles provided by them for the purpose.

3. No person shall do any act, such as the washing of clothes, steeping stalks of ambadi, san, hemp, etc., which is likely to defile the water of a well, tank or stream used for drinking purposes. In the case of a stream the washing of clothes and other acts may be done below the point at which water is taken for drinking purposes.

4. No corpse shall be buried in or near any well or the bed of any tank or stream or in the village site.

5. All people shall be bound to go for purposes of nature beyond the limits which shall be marked out by the patel on each side of the village. These limits shall be at least 100 yards from the outermost houses of the village. This rule shall not be enforced in the case of infants or sick or infirm persons.

6. No animals shall be skinned or carcasses buried except at a place or places which shall be fixed by the patel.

7. Any person who commits a breach of rules 1 to 6 shall be liable at the discretion of the Tahsildar to a fine not exceeding Rs. 50.

Jaglias

Section 194 (8) (g).

1. Jaglias shall be appointed in all taluqs of Berar except the Malghat according to the scale given in the following table:—

Population of village,	Number of jaglias.
Below 1, 400	0
From 1, 400 to 3,000	1
Above 3,000	2

Notification No. 3104-XII, dated the 1st October 1929.

Provided that—

- (1) In municipal towns the Commissioner shall decide how many jaglias should be appointed.
- (2) The Commissioner may for special reasons sanction a departure from the scale in any case.

2. No person shall be eligible for the post of jagila who—

- (1) is a woman;
- (2) is not of good character and antecedents;
- (3) is unfit through infirmity of body or mind to perform the duties of the post.

3. When a post of jaglia falls vacant the police patel shall nominate a successor and appear with him in person before the Tahsildar.

4. The Tahsildar may appoint such person as a jaglia or may, for reasons to be recorded, order the patel to produce another nominee.

5. The scale of remuneration of jaglias shall be determined from time to time by the Governor in Council.

6. The pay of jaglias shall be disbursed quarterly in April, July, October and January at the tahsili.

7. Patels may grant leave of absence to a jaglia up to one week and will be responsible that the duties of the jaglia are not neglected.

For longer periods the sanction of the Tahsildar shall be obtained and a jaglia granted such leave will be required to provide a substitute.

8. A jaglia may be suspended or dismissed by the Tahsildar on any of the following grounds :—

- (1) that he is of bad character ;
- (2) for wilful breach of rules ;
- (3) for serious misconduct.

9. A jaglia may be removed from service by the Tahsildar when, owing to age or to mental or bodily infirmity, he is no longer fit to perform the duties of the post.

10. A jaglia, on retirement after, long and approved service, shall be entitled to a gratuity to be determined by the Commissioner.

11. Jaglias shall wear a leather belt with a brass badge inscribed with the words—

Jaglia No.

Mauza.

Talug

and a turban and coat of such pattern and material as the Commissioner may from time to time direct. The cost of these articles shall be defrayed by Government. The coat and turban shall be renewed annually.

12. The principal duties of jaglias shall be as follows:—

- (1) to supervise the village watch and ward and accompany the mahars on night rounds ;
- (2) to see that all crimes are reported to the patel ;
- (3) to take the weekly report to the police station in

turn with the mahar or mahars allotted for the purpose ;

- (4) to report vital statistics and outbreaks of epidemics with the assistance of the mahar or mahars set aside for the purpose ;
- (5) to assist in the collection of land revenue ;
- (6) generally to carry out the patel's orders and supervise the work of the mahars.

(1) to (4) do not apply to jaglias in towns where the Municipal Law is in force.

In villages where there are two patels, the jaglias shall work under the police patel, but during the collection season shall give all needful assistance to the revenue patel.

13. Jaglias shall not be liable to be employed on serving processes or to transfer from one village to another.

Village Mahars.

14. In all taluqs except the Melghat the number of mahars to be maintained in office in each village shall be determined, under the control of the Deputy Commissioner, by the Sub-Divisional Officer in consultation with representatives of the patel, mahars and persons liable to pay mahar and jaglia cess and may be varied from time to time under the specific sanction of the Deputy Commissioner.

15. The mahars shall be under the control of the revenue patel and it shall be his duty to see that the number of mahars sanctioned for the village is maintained in office.

16. No person shall be eligible for the post of village mahar who :—

- (1) is a woman ;
- (2) is not of good character and antecedents ;
- (3) is unfit through infirmity of body or mind to perform the duties of the post.

17. Village mahars shall be appointed by the revenue patel in accordance with the custom of the village, provided that where no established custom exists, the nearest eligible relative of the late mahar shall be appointed.

All appointments of village mahars shall be immediately reported by the revenue patel to the Tahsildar.

18. If there is a dispute as to the right to office, the revenue patel shall make a temporary appointment and the parties shall be referred to a civil court. If the person decided by the civil court to have the right to office is in the opinion of the patel of bad character or unfit to perform the duties of the office, he shall demand that a competent substitute be furnished. Any person dissatisfied with the patel's order may apply to the Tahsildar for redress.

19. The scale of remuneration of mahars shall be determined from time to time by the Local Government.

20. The remuneration of mahars shall be disbursed quarterly in April, July, October and January at the tahsili.

21. Patels may grant leave of absence to a mahar up to one week and will be responsible that the duties of the mahar are not neglected.

For longer periods the sanction of the Tahsildar shall be obtained and a mahar granted such leave will be required to provide a substitute,

22. A village mahar may be suspended or dismissed by the Tahsildar on any of the following grounds:—

- (1) that he is of bad character;
- (2) for wilful breach of rules;
- (3) for serious misconduct.

The vacancy so caused shall be filled, under the orders of the Tahsildar, by a person who is not a member of the family of the suspended or dismissed mahar.

23. A village mahar may be removed from service by the Tahsildar when, owing to age or to mental or bodily infirmity, he is no longer fit to perform the duties of the post.

24. It shall be the duty of the village mahar—

- (1) to reside in his village, or, if he be in charge of more than one village, in such village as is appointed for his residence by the Tahsildar, and not to absent himself without the patel's permission

- (2) to keep watch and ward over the houses and property of the villagers; and, in villages with a population of more than 300, to patrol the village at night;
- (3) to arrest and convey to the police station any person who in his view commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;
- (4) to assist in the private defence of person or property in accordance with section 97 of the Indian Penal Code;
- (5) to report immediately to the police patel of the village (or in his absence to the officer in charge of the police station) all matters such as the presence of suspicious strangers, the occurrence of any unnatural death, etc., which the patel is bound to report to the police;
- (6) to patrol important routes within the village boundary on bazar days and on occasions of fairs;
- (7) to carry reports to the police station;
- (8) to report to the patel vital statistics and the outbreak of epidemic disease or cattle disease;
- (9) to carry corpses under the order of the police for *post mortem* examination and to bury unclaimed corpses when ordered;
- (10) to assist village officers in the collection of the land revenue;
- (11) to escort money to the tahsili;
- (12) to assist any Government officer in survey operations, measurement work, and crop and boundary mark inspection;
- (13) to carry reports to the tahsili, to carry message from village and revenue officers and to serve record of rights notices;
- (14) to repair and maintain boundary marks of village sites and of lands set apart for public purposes;

- (15) in villages where no conservancy staff is employed to clean the public buildings;
- (16) to assist the patel in enforcing the rules for village sanitation;
- (17) to remove the bodies of unclaimed dead animals and bury them when ordered;
- (18) to carry out petty repairs to fair weather roads within the village boundary;
- (19) to carry Government property;
- (20) to assist the patel in the supply, on proper payments, of necessary provisions and transport to public officers and travellers and to put up tents;
- (21) to carry out the patel's orders in all official matters;
- (22) upon payment of the fee fixed according to the rules made under the Central Provinces Village Panchayat Act, 1920, as applied to Berar to serve summonses and notices issued by a panchayat or a village court or bench constituted under that Act.

Proviso 1.—Duties Nos. (7) and (8) shall be performed personally by one or in large villages by two mahars set aside for the purpose by the patel for a period of not less than three months at a time and the names of such mahars shall be communicated by the patel to the Tahsildar and police station.

Proviso 2.—In towns where the Municipal Law applies, watch and ward, reporting of crime and vital statistics are not duties enjoined on the mahars.

Proviso 3.—Mahars shall not be employed for carrying messages when these can be conveniently sent through the post,

- (23) If so ordered to do by the Deputy Commissioner and upon payment of the fee fixed by that officer

Notification No.
220-XI, dated 4-5-31

to serve notices and summonses issued by the school attendance authorities constituted under section 7 of the Central Provinces Primary Education Act III of 1920, as applied to Berar. "

Procedure of Revenue Officers.

Section 194 (2) (j).

1. Subject to the provisions of section 19 of the Code applications shall be entertained and cases taken cognizance of only by the lowest court competent to deal with them:
- Notification No. 3104-XII dated the 1st October 1931.

Provided that in such classes of cases as the Deputy Commissioner may prescribe, applications may be entertained and cases taken cognizance of by a lower court and submitted with a report after due enquiry to the court competent to deal with them.

An application not presented in accordance with this rule may be returned for presentation to the proper court.

2. In revenue proceedings all statements of parties and depositions of witnesses and the final order shall be recorded personally by the officer making the enquiry.

3. Order in revenue cases, whether original, appellate or revisional, shall be communicated by the court to the parties personally if they are present in court; otherwise by a memorandum issued by the Tahsildar through the village officers.

The village officer shall read out the memorandum to the parties and take their signature on it and return it to the Tahsildar after endorsing on it the date on which the order was communicated.

In unimportant cases where proof of the date of communication of the order is not likely to be required, the order may be communicated by post.

Partition of Lands in Alienated Villages Leased Under the Waste Land Rules of 1865.

Section 194 (2) (h).

1. Partition of the lands of an alienated (izara) village shall be carried out by a Revenue Officer on precept from a Civil Court only, which shall specify the rights of the parties concerned and the nature of the partition to be effected.
- Notification No. 814 XVI, dated the 28th August 1930.

2. The officer carrying out the partition shall not be of lower class than an Assistant Commissioner of the first grade.

3. With the precept the Civil Court shall forward a map showing the lands to be partitioned and certified copies of the latest entries in the record of rights and crop statement relating to these lands.

4. The Revenue Officer shall proceed to the village in which the lands are situated and after inspecting the lands and hearing the parties interested, shall with the assistance of the land records staff, draw up instructions for the guidance of the revenue inspector or other person, entrusted by him with the preparation of the detailed scheme for partition.

Provided that if the lands to be partitioned are small in area and the partition is of simple character the Revenue Officer, for reasons to be recorded by him in writing, need no visit the village.

5. These instructions shall be so drawn up as to secure so far as is possible, that the lands allotted to each party shall be compact and that there shall be an equitable division by area, fair assessment and rent of the lands held by ante-alienation tenants, permanent tenants, and ordinary tenants and of the home-farm and waste and unoccupied lands.

6. On receipt of the detailed scheme from the Revenue Inspector or other person, the Revenue Officer shall explain it to the parties and record their statements in respect of it. After considering their objections, if any, and modifying the scheme, if necessary, he shall record an order of confirmation. There-after, he shall intimate the result of the proceeding and the details of the scheme confirmed to the Civil Court.

7. At the time of passing the order of confirmation, the Revenue Officer shall draw up a statement of the costs incurred in effecting the partition, including his travelling and daily allowance for his visit to the village and the remuneration of the person preparing the scheme and shall apportion these costs amongst the parties, from whom they shall be recoverable as provided by section 164 of the Berar Land Revenue Code.

Legal Practitioners.

Section 194 (2) (j).

1. No legal practitioner shall act for any party before any Revenue Officer in any proceeding under the Code or the rules made thereunder, unless he has been appointed for the purpose by such party by a document in writing signed by such party or by his recognized agent or by some other person duly authorized by or under a power of attorney to make such appointment.

Notification No.
3103-873-XII, dated
the 1st October
1929.

2. Every such appointment shall be filed before the Revenue Officer and shall be deemed to be in force until determined with the leave of the Revenue Officer by a writing signed by the party or the legal practitioner, as the case may be, and filed before the Revenue Officer, or until the party or the legal practitioner dies, or until all proceedings in the case are ended so far as regards the party.

3. For the purposes of rule 2, an appeal from any order in the case, an application for revision or review and any application or act for the purpose of obtaining copies of documents or return of documents produced or filed in the case or of obtaining refund of monies paid before the Revenue Officer in connection with the case shall be deemed to be proceedings in the case.

4. If the party is unable to write his name, his mark upon the document appointing the legal practitioner or upon the writing determining such appointment shall be attested by a witness.

5. No legal practitioner who has been engaged for the purpose of pleading only shall plead on behalf of any party, unless he has filed before the Revenue Officer a memorandum of appearance signed by himself and stating:—

- (a) the names of the parties to the case,
- (b) the name of the party for whom he appears, and
- (c) the name of the person by whom he is authorized to appear :

Provided that nothing in this rule shall apply to any legal practitioner engaged to plead on behalf of any party by

any other legal practitioner who has been duly appointed to act before the Revenue Officer on behalf of such party.

Procedure for presentation of appeals

Section 194 (2) (j)

Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Revenue Officer or to such Officer as he appoints in this behalf, in accordance with the provisions of section 31 of the Code.

Appendix B.

Notifications under Berar Land Revenue Code 1928.

Commencement of the Code.

In exercise of the powers conferred on him by section 1 subsection (3) of the Berar Land Revenue Code, 1928, promulgated in the Government of India Foreign and Political Department Notification No. 523-I dated the 25th September the Governor in Council is pleased to direct that the Code shall come into force on the 1st November 1928.

Notification No. 3397-XII, dated the 9th October 1928.

Classification of Assistant Commissioners and E.A. Cs.

In exercise of the powers conferred on him by section 8 of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to direct that all Assistant Commissioners and Extra-Assistant Commissioners, other than those appointed as Assistant Commissioners first grade, under the Code, shall be Assistant Commissioners of the second grade.

Notification No. 587-297-XII, dated the 7th February 1929.

Powers of Assistant Commissioners, 1st and 2nd Grades

In exercise of the powers conferred on him by section 8 of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to invest Assistant Commissioners of the first and second grades with the powers under the Code specified below.

Notification No. 588-297-XII, dated the 7th February 1929.

Powers of an Assistant Commissioner, first grade.

To exercise all or any of the powers conferred on a Sub-Divisional Officer in such cases or classes of cases as the Deputy Commissioner may from time to time refer to him for disposal.

Powers of an Assistant Commissioner, second grade.

To investigate and report on such cases as the Deputy Commissioner or the Sub-Divisional Officer may from time to time refer to him for investigation and report.

Appointment of Tahsildars and Naib Tahsildars.

In exercise of the powers conferred on him by section 9 of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to delegate to the Commissioner, Berar, the power of appointing Tahsildars and Naib-Tahsildars.

Notification No. 539-297-XII, dated the 7th February 1929.

Powers of Sub-Divisional Officers.

In exercise of the powers conferred on him by section 11, sub-section (2), of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to invest all Sub-Divisional Officers with powers under the Code specified in the schedule below :—

Notification No. 785-297-XII, dated the 21st February 1929.

Schedule.

	Section of the Code,
To decide claims against Government to land	41 (2)
To alter the assessment and impose premium on diversion of land.	50 (2), (3) and (4).
To dispose of the right to occupy un-alienated land	53.
To sanction diversion of land and to impose a penalty for diversion without notice.	58.
To take action where land is diverted after permission is refused or in contravention of a condition.	59 (1), (2) and (3),
To eject a third party who diverts land	59 (4).
To dispose of intestate holdings	... 63.
To sanction transfers of land by members of aboriginal tribes or backward castes.	66,
To dispose of alluvial land	... 67.
To make assessments and decide disputes in regard to alluvial lands.	70.
To correct errors in the area and assessment of a holding.	102.
To fix boundaries of villages and settle village boundary disputes and in such cases to eject a person found wrongly in possession of land.	122, 123 and 124 (1)
To redistribute land revenue in accordance with a civil court decree.	124 (3)

Schedule

	Section of the Code
To impose a penalty for default in payment of land revenue.	137.
To recover arrears of land revenue by attachment and sale of the holding on which the arrear is due or by ordering the detention of the defaulter in the civil jail.	141 (c) and (d) and 147 (2), (3) and 148(4).
To set aside sale of immovable property for irregularity, etc.	156.
To confirm or set aside sale of immovable property.	159.

Powers of Tahsildars.

In exercise of the powers conferred on him by section 13 sub-section (2) of the Berer Land Revenue Code, 1928, the Governor in Council is pleased to invest all Tahsildars with powers under the Code specified in the schedule below :—

Powers of Tahsildars

Schedule.

	Section of the Code,
To recover the value of Government trees unauthorisedly felled and appropriated and to impose a penalty.	48.
To dispose of the right to occupy unalienated land subject to the provisions of the rules under section 53.	53.
To lease land situated in the bed of a river	55 (1) (a).
To dispose of relinquished sub-divisions	61.
To impose penalty and assessment on persons unauthorisedly taking possession of lands, to eject persons unauthorisedly in possession and dispose of forfeited property.	64.
To eject a person unauthorisedly in possession of land	65.
To correct the record-of-rights in accordance with a civil court decree.	112 (3).
To correct clerical errors and errors admitted by the parties in the record-of-rights.	114.
To impose a penalty for neglect to make report or furnish information or documents as required by sections 109 and 116.	117

Schedule

	Section of the Code
To determine field boundaries and settle field boundary disputes and in such cases to eject a person found wrongfully in possession of land.	122, 123 and 124 (1)
To demarcate the boundaries of sub-divisions	127,
To enquire into and decide the right of way over boundaries.	129.
To recover revenue paid on behalf of a co-sharer in an alienated village.	138.
To recover arrears of land revenue by—	141 (a), (b) and (d).
(a) service of a written notice of demand on the defaulter.	
(b) attachment and sale of the defaulter's movable property.	
(c) arrest and detention of the defaulter.	
To decide what property should be exempt from attachment.	141. proviso 1 (b).
To decide claims by third parties to property attached or proceeded against.	146.
To issue proclamation and conduct sale of immovable property.	149 and 150,
To recover deficiency of price and costs of sale from a defaulting purchaser.	153 (2) and 154.
To set aside sale on deposit of arrear, etc.	155.
To place the purchaser in possession and give him a certificate.]	161.
To prevent the removal of crop in cases of anticipated default, employ watchmen, etc., and impose fine for disobedience of order.	166, 167, 168, 169 and 170.
To impose a penalty for recovery of cess from a tenant in excess of the legal amount.	171 (5).
To demand the production of records prepared by hereditary or village officers.	189.

Powers of Naib Tahsildars drawing Rs. 100 or more.

In exercise of the powers conferred on him by section 13, sub section (2), of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to invest all substantive Naib-Tahsildars and officiating Naib-Tahsildars drawing Rs. 100 or more per mensem with all the powers of a Tahsildar under the Code.

Notification No.
589-A-297-XII,
dated the 7th
February 1929,

Powers of Sub-Divisional Officers to hear appeals.

In exercise of the powers conferred on him by section 13, sub-section (2), of the Berar Land Revenue Code; 1928, the Governor in Council is pleased to confer on all Sub-Divisional Officers the powers of a Deputy Commissioner under section 32, sub-section (1) clause (a), of the Berar Land Revenue Code, 1928, to hear appeals from orders passed by Tahsildars and Naib-Tahsildars under the Code.

Notification No. 593-297-XII dated the 7th February 1929.

Aboriginal tribes and backward castes under Sec. 66

In exercise of the powers conferred on him by section 66 of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to apply to the provisions of that section to land comprised in occupants holding and sites in gaathan in the Melghat taluq as constituted in the year 1911, held by the following aboriginal tribes and backward castes:—

Restriction of rights of transfer of certain backward classes in the Melghat.

- | | |
|-------------|------------------------|
| (1) Korku. | (9) Banjari. |
| (2) Balai. | (10) Pardhan. |
| (3) Mahar. | (11) Moghia. |
| (4) Gond. | (12) Gosai. |
| (5) Bhil. | (13) Gowari. |
| (6) Gaolan. | (14) Korku-Christians. |
| (7) Nihai. | (15) Chamar. |
| (8) Gaoli, | (16) Bhuta. |

(17) Mang.

Provided that the aforesaid provisions shall not apply to sites in the gaathan of villages transferred from the Melghat taluq under Notification No. 440, dated the 29th August 1912.

Exemption from provisions relating to Record of rights.

In exercise of the powers conferred by section 121 of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to direct that the provisions of sections 108 to 117 and 119 of the Code shall not apply to the following areas namely:—

Exemption from provisions of Chapter X.

- (i) the Melghat taluq, and
- (ii) all village sites except sites in which a revenue-survey has been undertaken or completed under section 79.

For a list of village sites in which a revenue survey has been completed see page 9 of Appendix A.

Rate of Jaglia and Mahar cess.

In exercise of the powers conferred on it by section 171; sub-section (1), of the Berar Land Revenue Code, 1928, the Local Government is pleased to direct that, with effect from the 1st November 1928, the cess to provided for the remuneration of jaglias and village mahars shall be levied at the rate of 12 pies in the rupee on the amount on which the cess is to be calculated in all the taluqs of Berar.

Rate of Jaglia and Mahar cess on Non-Agricultural incomes.

In exercise of the powers conferred on it by section 172, sub-section (1), of the Berar Land Revenue Code, 1928, the Local Government is pleased to direct that, with effect from the 1st November 1928, the cess to provide for the remuneration of jaglias and village mahars shall be levied at the following rates in all the taluqs of Berar on incomes derived from non-agricultural sources:—

- (i) from all persons in receipt of an annual income from such sources exceeding five hundred but not exceeding two thousand rupees—two rupees per annum;
- (ii) from all persons in receipt of an annual income from such sources exceeding two thousand but not exceeding five thousand rupees—five rupees per annum; and
- (iii) from all persons in receipt of an annual income from such sources exceeding five thousand rupees—ten rupees per annum.

Application of preemption to Izara Village.

In exercise of the powers conferred on him by section 187 sub-section (1), of the Berar Land Revenue Code, 1928, the Governor in Council is pleased to extend after previous publication, the application of the provisions of Chapter XIV of the said Code to all alienated villages leased under the Waste Lands Rules of 1865 in which proprietary rights have been conferred by Government.

Application of
Chapter XIV to
Izara village.



Berar Land Revenue Code 1928.

GENERAL INDEX.

	PAGE,
Abatement. of suit for presumption; ...	256
Abwab.	271
Act. Survey and settlement;	4
Acquiescence. effect of on presumption; ...	237
Adjournment: intimation about, Sec: 27; ...	25
of hearing, Sec: 27;	25
Aggregate to detail—Mode of working out assessment rates	4
Agricultural land. Assessment of	130,131
Agricultural year, Section, 2 (1);	7
importance of, Section, 2;	8
Agricultural purposes. meaning of; ...	215
Akarband.	125
Alienation. meaning of, Section, 72; ...	94
Alienated land. application of, Secs. 58, 59, to;...	78
definition of, Section 2;	8
forfeiture of, on breach of conditions, Sec. 190,...	268
Alienated villages. attachment of, Section 148; ...	176,177
co-sharer's right to manage;	177
effect of survey and Settlement on; ...	91
management of, Section 148;	178
what are;	90,91
Alluvion. definition of;	88
disposal of alluvial land in unalienated villages, Section 67;	85
disposal of alluvial land in alienated villages, Section 68;	86

	PAGE.
disposal of alluvial land in alienated plots, Section 69;	86
disputes about, Section 70;	87
free use of, Section 67;	85
Rights consequent on;	88,89
Right of ante-alienation tenant to;	86
Anna Notation, what is;	4
Annual tenant, who is;	92
Annual tenancy, what is, Section 74;	114
notice for termination of, Section 74;	114
Antiquity, meaning of, Section 73;	100,104
Tenant of, Section 73;	92,100
Ante-alienation tenant, Who is, Section 72 rights of, Section 72;	92,93,94,99
rights of regarding preemption;	217
Appeal, Courts of, Section, 32;	27
first appeal, Section 32 (1) second appeal, rules for Section 32 (2) third appeal, rules for Section 32 (3);	27,28
Petition, contents of Section 35;	30
Limitation for, Section 34;	29
No appeal against exparte order, Section 28,	25
No appeal against certain orders, Sec. 33;	29
Date of hearing of, Section 36 (2);	31
Additional evidence in, Section 36 (3) (c);	31,32
Remand of case on;	32
from an order in revision;	35
Court fees for, in preemption suit;	212
Valuation for jurisdiction, (Preemption);	256
Rules for presentation of	
Appellant, Hearing of;	31
Appellate Authority, powers of, Section 36;	31
procedure to be followed by, Section 36;	31
Appellate Courts, table showing different Courts;	28
Acquisition of rights in land, (See rights in land)	
report of,	147
by minor;	147
Arbitration, for boundary disputes;	158

	PAGE.
Arrears of land revenue. meaning of, Section 135;	168
recovery of, Section 140; 	171
certified accounts of, Section 140; 	171
evidence of, Section 140; 	171
process and way of recovery of, Section 141; ...	171,173
recovery of, in alienated village, Section 141;	173
money recoverable as, Section 164; 	190,191
penalties whether; 	58,59
water rate, Section 52; 	59
value of trees cut whether, Section 48; 	64
parcha fees recoverable as, Section 119; 	156
measurement fees recoverable as, Section 119;	156
compensations for mining, Section 44 (4); ...	46
cost of removal of structure, Section 64 (4); ...	81
Arrest of. defaulter for arrears, Sections, 141,147;	173,176
Asal Tumar. 	271
Assessment. principles of, Section 93; 	129
limits of, 	129,130,131
of a survey number; 	131,132
a village; 	131,132
of a group; 	131,132
What is fair :—(See fair assessment) 	138
Land revenue and-difference between; 	138
Proposals of, section 95; 	135
confirmation of, Section 96; 	135
determination of, Section 95; 	136
„ in khalsa village, Section 96;	136,137
„ alienated village, Section 96 	136,137
„ of jagir and Inam lands, Section 96; 	137
„ on land not assessed, Section 51	59
Association :—Ijardars—Jagirdars; 	49
Attachment of alienated villages, Section 141; 	173
of moveables, Section 141; 	172
of immoveables, Section 145; 	173,174
of holding, Section 141; 	172
exemption from, Section 148; 	176
Backward classes. restriction on the rights of 	
transfer by—Section 66; 	84

	PAGE.
Sanction of D. O. to transfer by, Section 66; ...	84
Baden Powell. Nature of occupant's right, ...	70
Bagait Takta... ..	125
Balutedars. who are,	197
Berar Alienated village Tenancy Law, ...	120
Berar Land Revenue Code, of 1896,	5
Changes brought about by Code of 1928 ...	5,6,7
Berar Land Revenue Code of 1928. extent of,	
Section 2;	7
commencement of, Section 3;	7
Berar Land Revenue and Survey Manual. ...	145
Berar, whether British India (See British India) ..	1,2
Berar Legislative Committee	2,5
Berar Sub-tenancy Rules,	145
Berar Settlement Rules,... ..	3,95,204
Bhag-annas—meaning of,... ..	135
Boundaries, in alienated villages,	158
determination of, Section 122;	157
demarcation of sub-division,	162
settlement of disputes about, Section 123; ...	158
right of way over, Section 129;	163
Boundary marks. construction of Section 125; ...	160
in survey number, in villages in holdings. ...	160
of new specification, introduction of Section 125 (2);	161
maintenance of, Section 125 (3);... ..	161
repairs of, Section 126;	162
destruction of—penalty for, Section 128; ...	163
British India. whether Berar is.	1
Laws of—application to Berar	1,2
Bullock—on rights in land in 1852;	2
Burden of proof. in suit between Govt. and	
individual.	41
re proof of tenancy of antiquity.	104,106
about market price in preemption suits. ...	246
Cause of action. in preemption suits;	258
joinder of, in preemption suits;	255

	Page:
Certificate, of sale, Section 161; ...	189
Cess. Jaglia and Mahar Section 171; ...	195,196
rate of, Section 171; ...	195,196
who must pay, Section 171; ...	195-198
in unalienated villages Section 171; ...	198
in Ijara village, Section 171; ...	198
in Jagir villages, Section 171; ...	198,200
in case of other lands, Section 171; ...	198
on non-agricultural income, Section 172; ...	201
on amount of on, Section 172; ...	201
on persons liable to pay, Section 172; ...	201
on in municipal areas, ...	202
on in alienated villages, ...	202
Jaglia and Mahar, Section 171; ...	195
Jaglia penalty for excess levy of, Section 171; ...	196
Jaglia customary village cess, ...	271
Chawadi. definition of, Section 2; ...	8
Civil Court. matters excluded from jurisdiction of Section 192; ...	272
jurisdiction of ...	152,273
C. P. Code. Order 20 R. 14, preemption suits	
and decrees ...	254
Order 21 R. 83; ...	181
Order 21 R. 73; ...	180
Order 21 R. 90; ...	184
application of in matter of summoning persons, Section 20; ...	22
Civil suit. right of, to establish claim on land	
Section 41; ...	40
right of, in respect of diversion of land ...	77
right of, in respect of intestate holding, Section 63; ...	79
right of, to correct record of rights entries see Section 111; ...	152
for boundary dispute barred ...	158
against ejectment, Section 124; ...	159,160
for setting aside Rev. sale, Section 157; ...	186

	PAGE.
for right of way over boundary strips, Section 157 ; 	164
for recovery of sum paid under protest as land revenue Section 144 ; 	174
for remission or suspension of land revenue barred, 	171
barred in revenue matters, Section 192 ; ...	272,278
to enforce duty of public servant, 	286
Classer's register, 	125
Commissioner. Appointment and powers of, Section 5, 	14
Compensation. for occupation or disturbance of surface land for mining purposes, Section 44, (4) ; 	46
unlawful occupation, 	82
for cutting trees Section 48 ; 	54
to tenant of antiquity for improvements ; ...	101,113
Consent. of co-occupant in preemption, ...	224
of joint family members, in preemption cases,	224
Consolidation. of holding and preemption, ...	252
Co-occupant, who is for preemption purposes, ...	211
Co-operative Society, recovery of dues of, as arrears of land revenue, Section 164 ; ...	191
Co-sharer's register, 	125
Costs. of recovery of arrears, Section 142 ; ...	173
for boundary repairs, 	162
legal practitioner's fees not to be included in, Section 29 ; 	25
apportionment of, Section 29 ; 	25
Court fees. for preemption suit 	202,211
in appeal from preemption decrees 	212
for specific performance in preemption, ...	239
Court of Wards Act. and preemption, 	258
Crops. charge of land revenue on, Section 131 ; ...	165
attachment of by D. O. Section 168 ; 	193
restriction on harvesting and removal of, Section 169 ; 	194

	PAGE.
release of attached, Section 173 ;	194
relinquishment of attached, Section 170 ;	194
Government's lien on, Section 166-170 ;	192
Crown Grants Act.	64,65,67
Cultivators. Classes of in 1852,	2
Decree. in preemption suits, Sections 184 ; ...	185,252,253
contents of, in preemption suits	254,259
in preemption not transferable	261
Definitions, Section 2	7-13
Defaulter, who is, Section 135	168
Deputy Commissioner. appointment and duties of	
Section 7 ;	15
in case of temporary vacancy occurring,	
Sections 15 ;	19
to exercise certain powers of Settlement officer	
during the term of settlement, Section 103 ; ...	143
powers of to complete unfinished proceedings	
in settlement cases, Section 101 ; ...	142
power to correct errors. Section 102 ; ...	142
Deposit, by purchaser at Rev. sale Section 153 ; ...	181
forfeiture of	182
for getting Rev. sale set aside Section 182, ...	183
of preemption price by co-occupant	228
of preemption price named in decree	259
date fixed by Court for and Courts power to	
extend the time for	260
conditional, of preemption price	261
acceptance of, by vendee does not stop him ...	263
Detention, of defaulter in jail, Section 147 ; ...	176
Dhuras, right of way over, Section 129 ; ...	164
Diluvion. in unalienated land, Section 67 ; ...	85,89
diminished area-effect of on L. R. Section 67 (3) ;	85
in alienated villages, Section 68 ;	86,89
right of ante-alienation on	86,89
in alienated plots, Section 69 ;	86,89
disputes about, Section 70 ;	87
Rights consequent on,	89

	PAGE.
District. creation and abolition of, Section 6 ;	15
Diversion of land. permission for, Section 58 ; ...	74
Condition for, Section 74 ; ...	74
Right of occupant to divert, Section 58 ; ...	73
without notice-penalty for, Section 58 (4) ; ...	74
after refusal of permission, Section 59 ; ...	74
breach of conditions for, Section 59 ; ...	74
principles underlying the provisions for ...	75
right of tenant of antiquity to divert ...	99
right of ante-alienation tenant to divert. ...	99
Ejectment. from immoveable property, Section 30 ;	25
—of encroacher, ...	83
—of persons unauthorizably in possession, Section 65 ; ...	83
of tenants—grounds for—Section 76 ; ...	119
—of persons wrongfully in possession of land beyond its proper boundaries—Sec. 124 ; ...	159
Emoluments. agreement to divide, ...	286
civil suit for, ...	286
Encroachment. jurisdiction of Revenue Officer in the matter of, ...	81
Enhancement of rent. (See Rent B). ...	
Error. correction of clerical in record of right, Section 114 ; ...	155
power of D.O. to correct during term of settle- ment, Section 102 ; ...	142
Estoppel. against owner in respect of irregularity in Rev. Sales, ...	186
in preemption suits, ...	235
acceptance of deposit whether works as, ...	263
Evidence. power to take, Section 20 ; ...	22
additional evidence in appeal power to take, Section 36 ; ...	31
Exchange. Difference between exchange and Sale, preemption on, Sec. 184 ; ...	252
... ..	251
Ex parte. hearing, Section 26 ; ...	25
—order, application to set aside, Section 28 (2) ;	25

	PAGE.
Fair assessment. what is,	138
Fair consideration. what is,	239,240,243,244
suit to preempt for, Section 182;	239
Faisal patrak. meaning of,	125
„ value of in connection with antealienation tenants,	98
Famine Commission,	145
Farm building. definition of Section 57;	72
Fees. measurements, Section 119;	156
paraha fees, Section 119;	156
legal practitioners', not included in costs, Section 29;	25
Female. Pardanashin, Exempt from being sum- moned to appear in court, Section 20;	22
exempt from arrest and detention in jail for default in payment of Land Revenue, Section 141 Proviso (ii),	172
Final orders. see Section 32;	27,28
Flag holders. holders to supply,	123
Forest areas. Section 2;	7
villages, Section 2;	7
Foreclosure. Preemption on, Section 177;	218,229
Forfeiture of land.—now abolished,	172
—of alienated land, Section 190;	268
Fraud. suit to set aside sale on ground of proof of,	186 187
Ghanavati Fee. suit for barred,	271
Good faith. want of, in fixing preemption presumption regarding absence of	240 241
Governor in Council. powers of to create, alter, abolish districts and divisions, Section 6;	14
power to transfer cases, Section 18;	21
power of to make rules, Section 194;	287,188
power to revise orders, Section 38;	34
authority to confer powers, Section 13;	16
appeals to, Section 32;	28

	PAGE.
Grazing. on Government waste land, Section 43 ;	45
Grouping of villages for assessment, Section 94 ;	127
Hearing. (Cases) ex parte, Section 26 ;	25
the appellant, Section 36 ;	31
place of, Section 16 ;	19
Holder. who are of land, Section 2 (4) ;	8,9,10
definition of Sec. 2 (4) ;	8,9,10
duty of, Section 118 ;	156
Holding. definition, Section 2 (5) ;	8,9
disposal of intestate, Section 63 ;	79
Hyderabad Assigned Districts, what are,	1
House site, in villages, Section 90 (2) ;	126
Ijaras, and ante-alienation tenants,	97
Ijardars. right of, to minerals,	68
payment of cess by,	193
Ijara villages. preemption in.	216,217,266,267
exclusion of, in respects of provisions relating	
to tenancies, Section 77 ;	120
alluvion, diluvion in,	87
house site in	126
Improvements. definition of, Section 2 (6) ;	11
what are,	11,12
right of occupant to make,	71
by tenants,	112,113
agreement to make,	112
Imprisonment. of defaulter,	147
Inam patrak.	125
Inam Commission	8
Inam land. diversion of,	58
Inam land. preemption in,	216
Inam Rules,	4,137
Inam—Service Inams breach of conditions—conse-	
quences of Sec. 190 ;	269,270
Injury. substantial what is,	185
Inspection. of maps and land records	267
of land by Revenue officers, Section 17 ;	20

	PAGE.
Instalments. for payment of land Revenue, Section 134 ;	167
Intestate. holding disposal of, Section 63 ; ...	79
Irregularity. for setting aside revenue sale, Sec. 156 ;	184
what is material,	184,186
claim on ground of barred Section 157 ; ...	186
Jagirdar. right of, to minerals,	48
payment of cess by,	199
Jagir land. preemption in,	216
house site in,	126
Jaglias. who are, duty of,	196,197,198
civil suit for appointment of,	285
history of, (see village service)	196,198
cess for, Section 171 ;	195
Jantri.	137
Johnston Major. on rights in land in Berar, ...	2
Joint family right, of member to preempt, ...	221
Joshi. one of the 12 Balutedars,	197
Jurisdiction. value of suits for purposes of, in preemption cases & appeals,	256,257
exclusive of, Revenue Courts, Section 192 ; ...	272,275
of Civil Courts in matters of encroachment ; ...	81,83
„ in disputes about record of rights ; ...	152
test of exclusive jurisdiction of Rev. Courts ; ...	276
effect of error by Rev. Courts on ; ...	277
time for pleading, want of,	278
Kabuliat. by tenant of antiquity effect of, ...	107
Khatedar system,	145,146
Kalash fees, suit for barred	271
Khusabasha tenants.	2
Land. agricultural purposes, held for, meaning of... ..	215
alienated, definition of, Section 2 (2) ;	8
Land. agricultural purpose, held for, meaning of ; in preemption	215

	PAGE.
assignment of, for grazing and other public	
purpose Section 42; ...	44
classification of; ...	44,45
definition of, Section 2 (7); ...	12
disposal of unoccupied, Section 53; ...	61
disposal of relinquished, Section 61; ...	79
dispute with Government over title to, Section 41	40,42
diversion of rent free, Section 50; ...	57
diversion to non-agricultural purposes, Sec. 58;	73
enquiry into value or profits of for settlement,	
Section 94; ...	133
grant of, for agricultural purposes; ...	62
grant of, for building purposes ...	62
grant of, in Municipal areas ...	62
grant of, in villages; ...	62
held under Treaty or political tenure ...	279
Jagir ...	8
lease of, by Government, Section 55; ...	66
liability of to pay land revenue, Section 49; ...	55
liability of all, to assessment, Section 92; ...	129
liability of, to premium on diversion, Section 50;	57
Nazul, what is ...	62
officers who can grant ...	62
occupied, Section 53; ...	61
payment of premium on grant of ...	61,62
relinquishment of, Section 60; ...	78
right of way to relinquished land, Section 62; ...	79
title of Government in all, which is not the	
property of others, Section 41; ...	40
unauthorizedly taking possession of, Section 64;	80
unoccupied unalienated, Section 53; ...	61
Land-Holder. duty of, to help settlement officer,	
Sec. 85; ...	122
Landlord & tenants, Section 71-76; ...	90-119
Landlord, definition of Section 2 (13); ...	13
status of persons paying rent to; ...	90
denial of title of; ...	99,113
right of to enhance rent Section 73 (6); ...	109
consent of, to tenants improvements; ...	101

	PAGE.
and Records. definition of Section 2 (8); ...	12
for a village Section 115; ...	165
Superintendent, & Assistant Superintendent of, Section 106; ...	143
rules for, Section 120;...	157
Land Revenue. Arrears of meaning of Section 135;	168
dates when payable, Section 134 ...	167
definition of, Section 49 (2); ...	55
default in payment of penalty for Section 137;...	155,156,168
exemption from payment of strict proof essential	58
first charge in respect of Section 131; ...	165
Instalments for payment of ...	167
payment of under protest, Section 144; ...	173
payment of by money order ...	166
penalty for default, Section 157; ...	168
period of grace for payment of ...	167
persons to whom to be paid ...	167,168
persons primarily liable for Section 132; ...	166
place of payment of ...	167
precautionary measures for recovery of, Section 166--168 ...	192-194
realization of arrears processes for Section 141;	171
receipts for payment of Section 136; ...	168
recovery of, by enforcement of process in other districts ...	173
remission of, Section 139; ...	170
suspension of, Section 139; ...	170
superior holder's remedy to recover L. R. paid for his cocharer through D.O.—Section 138;...	169
time for payment of Section 134; ...	167
Lease, licence difference, ...	93
agricultural lease what is—application of T. P. Act to ...	90
Legality. of orders in revision, meaning of ...	35
Legislation. history of—in Berar ...	1,7
Lien. Govt's. Lien on crops, Sections 166-170; ...	192-194
Limitation. for appeals, Sec. 34; ...	29
computation of period of, Section 29; ...	30

	PAGE.
extention of,	30
for filing civil suits under Section 41 ; ...	43
for rent suits,	99
for suits to set aside revenue sale, under 146 ; ...	175
to set aside sale for arrears of land revenue, ...	183,184
for preemption suits	213,214
for specific performance of preemption, ...	239
for suit to preempt for fair price, ...	240
for review,	38
Limitation Act. application of, Section 40 ; ...	39
Local Committee. for consideration of proposals	
of assessment, Section 95 (2) ;	135
Mahar. is a balutedar,	196
not a hereditary officer,	285
cess, Section 195 ;	195-200
Maps, original revenue survey,	124
inspection and copies of, Section 188 ; ...	267
Market value of land, preemption cases, ...	212
Market price. for preemption,	244,246
burden of proof about,	246
exorbitant, when it is	247
Material irregularity. in publishing and	
conducting sale,	185
Mauzawar Settlement.	3
Measurement fees, Section 119 ;	156
Minerals. Govt's. title to, Section 44 ; ...	45
meaning of rights to, Section 44 (2) ; ...	45
subsidiary rights to, Section 44 (2) ; ...	45,50,51
meaning of... ..	46,50
history relating to ownership of ; ...	48
Mistake. in publishing & conduction of sale ; ...	184,186
in arrears of land revenue,	187
Mode. of serving summons, Section 21 ; ...	23
of serving notice, Sec. 23 ;	24
of issuing proclamation, Section 24 ; ...	24
of serving notices in preemption cases, Sec. 175 ;	226,227
Mojami book.	125

	Page.
Moneys recoverable. as arrears of land revenue	
Section 164	191
Motasthal land.	59
Mundakari. meaning of,	2
Mutation register, Sec. 110;	147,149
entries in,	149
certification of entries in,	149
Nafargats. value of, in cases of antealiena- tion tenants	97
Naib Tahasildar. appointment of Section 9;	15
Nazul land,	62
Nazul rules	62,63
Non-agricultural land. assessment on,	130,131
Non-agricultural income, cesa on, Section 172,	201
Non-appealable orders, Section 26-33;	25,29,
Non-judicial Book Circulars.	47,53,204
Notice. mode of service, of generally, Section 23;	24
not void for error, Sec. 25;	24
not void in presumption cases, Section 175;	226
to terminate annual tenancy, Section 74;	114,115,116
fresh notice to terminate annual tenancy when unnecessary	116
requirements of valid notice to terminate annual tenancy	115
for enhancement of rent, Section 75;	117
difference between notice to quit and notice to enhance rent	117
for recovery of arrears of land revenue Sec. 141;	171
for permission to reap crops Section 167;	192
for avoiding presumption service of, Sec. 175;	227
for avoiding to joint family	228
for avoiding contents of,	229
for avoiding withdrawal of,	229
Notification. of proposed revenue Survey, Section 79;	121
of D. C's orders re the reaping and removal of crops, Section 167;	193
re-the commencement of the Code-App. B	127

	PAGE.
re-classification of Assistant Commissioners and E. A. O's App. B	127
re-powers of A. C. first and 2nd grades, App. B	
re-appointment of Tahsildars and Naib Tahsildar, App. B	128
re-powers of S.D.O. App. B.	128
re-powers of Tahsildars App. B	122
re-powers of Naib Tahsildars App. B.	180
re-Powers of S.D.O's to hear appeals, App. B. ...	131.
re-aboriginal tribes and backward classes ...	131
re-exemption of Melghat Taluq from provisions of Record of Right. App. B.	131
re-Rate of Jaglia and Mahar cess, App. B. ...	132
re-Rate of on non agricultural income, App. B.	132
re-Extension of provisions of preemption to Ijara villages App. B.	133
Oaths Act. Application of, to Revenue Courts ...	23
Occupant. adverse possession against, ...	77
who is, Section 54 ;	64,65
who is, for purposes of preemption, Sec. 173 ;	204,205
in a survey number, definition of, Section 173 ; ...	203
rights of, heritable, transferable, Section 56 ; ...	68,69
rights and liabilities of,	71
restriction on the rights of,	70
right of, to divert land, Section 58 ;	73
right of, to trees, Section 46 ;	53
right of, to alluvion	67
right of, to build houses on farms,	72,73
remission of enhanced land revenue to, Section 99 ;	139
right of to make improvements, Section 57 ; ...	71
register of,	5
officers, Revenue, Section 3 ;	14
power to appoint, Section 10 ;	16
old khatedars of grazing land not occupant, ...	66,67
Order. what are final, Sections 28,33 ; ...	25,29
exparte, application to set aside Section 28 (2) ;	25
Ordinary tenant,	92,93
Pahani Sud Meaning of	124,125

	Page.
Paiki number, meaning of,	13
preemption in respect of	205
Parcha fees, Section 119;	156
Party duty of when summoned,	22,23
Parties. Necessary to preemption suit,	254
joinder of parties in preemption suits	254,255
death of in preemption suit,	255
partition of land by revenue officer, suit for	273
Patil. See patwari below	
Patsthala rate,	59
Patwari one of the Balutedars	197
report of acquisition of right to	147
duty of in respect of mutation & disputes	
Register, Section 110;	148
duty of to grants receipts for payment of land	
revenue, Section 136;	184
is a hereditary officer	284
suits in respect of emoluments of, barred	285
agreement to divide emoluments void	286
not a revenue officer,	180
Paykari cultivator	3
Penalty for encroachment on land	82
for unauthorisedly taking possession of land,	
Section 64;	81,82
for unauthorisedly continuing in possession,	
Section 65;	83,84
for neglecting to give information or to report	
about acquisition of rights, Section 117;	155
for destruction of boundary marks Section 128;... ..	163
for excess levy of cess, Section 171 (5);	196,201
for default in payment of land revenue, Sec. 137;	168,169
persons by whom applications and appearances	
can be made Section 31;	26
Phod Patrak.	125,126
Place of hearing cases, Section 16;	19
Plaint. copies of Record of Rights to accompany	
all, Section 112;	152

	Page.
Possession. Physical of land, meaning of ..	213
of the whole land what is,	213
what is prior possession effect of,	214
loss of-after purchase,	214
procedure for giving possession of land, Sec. 30 ;	25
unauthorized-of land, Section 64 ;	81
Powers. to transfer cases, Section 18, 19 ; ...	21
of Rev. officers to take evidence, Section 20 ; ...	22
of appellate authority, Section 36 ;	31
to stay execution, Sec. 37 ;	33
of D. C. to make assessments, and decide dis-	
putes in cases of alluvion and diluvion Sec. 70 ;	87
of Settlement officers and Assistant Settlement	
officer, Section 82 ;	121
to require assistance from land holders, Sec. 85 ;	122
of D. C. to complete unfinished Settlement pro-	
ceedings, Section 101 ;	142
to correct errors, Section 102 ;	142
during term of settlement, Section 103 ; ...	142
of Governor in Council to grant powers of	
Settlement officers during term of settlement	
Section 104 ;	142
to make rules regarding survey Section 105 ; ...	142
to make rules for Land Records, Section 120 ; ...	157
of Governor in Council to exempt villages	
from provisions of Chap. X Sec. 121 ;	157
of Governor in Council to exempt villages from	
provisions of Chap. XI Section 130 ;	165
to make rules about serving notices in preemp-	
tion Section 186 ;	266
of Local Govt. to extend right of preemption to	
alienated villages Section 187 ;	266
General rule making, Section 194 ;	288
Prati Book	125
Preempt. who can,	206,220,221,222
suit to for fair consideration, Section 182 ; ...	239
suit when no notice given, Section 183 ; ...	242
Preemption. object of,	203
origin of,	204

	PAGE.
incidents of the right of, Section 174; ...	206,207
in paiki number,	216
in alienated land	215
property liable for,	215
implications of the right of	207
nature of the right of	207,257
primary right of,	209
secondary right of	209
extent of the right of,	214
right of and trees,	216
in Jagir land,	216,217
in Inam land,	216,217
in Ijara villages,	216,217
condition precedent for,	217
what transfers create the right of,	218,219
retransfer, and the right of,	224
enforcement of the right of Section 181,	222,223,225,238
partial what is,	225
on foreclosure, Section 177;	229,230
on proposed sale, Section 176;	228
on lease or possessory mortgage, Section 178;	230,233
priority in, Sec. 179;	231,233
loss of the right of, Section 180;... ..	234,235
suit for Specific performance of,	239
on exchange when allowed, Section 184;	251
whether can be pleaded in defence,	257
Preemptor. loss of right of,	238 to 236'
part preemptor,	251
right of, against vendor,	251
liability of. to pay encumbrances,	263
liabilities of,	264
bound by order setting aside the sale,	264
not bound to preempt,	264
liability to pay for improvements... ..	264
Premium. on diversion of land, Section 50;	57
Presumption. of the correctness of entries in the	
Record of rights Section 110	149,152
Price. fair price, See 'fair consideration.'	
payment of, before Sub Registrar	247

	PAGE.
Possession. Physical of land, meaning of ..	213
of the whole land what is,	213
what is prior possession effect of,	214
loss of-after purchase,	214
procedure for giving possession of land, Sec. 30;	25
unauthorized-of land, Section 64;	81
Powers. to transfer cases, Section 18, 19; ...	21
of Rev. officers to take evidence, Section 20; ...	22
of appellate authority, Section 36;	31
to stay execution, Sec. 37;	33
of D. C. to make assessments, and decide dis-	
putes in cases of alluvion and diluvion Sec. 70;	87
of Settlement officers and Assistant Settlement	
officer, Section 82;	121
to require assistance from land holders, Sec. 85;	122
of D. C. to complete unfinished Settlement pro-	
ceedings, Section 101;	142
to correct errors, Section 102;	142
during term of settlement, Section 103; ...	142
of Governor in Council to grant powers of	
Settlement officers during term of settlement	
Section 104;	142
to make rules regarding survey Section 105; ...	142
to make rules for Land Records, Section 120; ...	157
of Governor in Council to exempt villages	
from provisions of Chap. X Sec. 121;	157
of Governor in Council to exempt villages from	
provisions of Chap. XI Section 130;	165
to make rules about serving notices in preemp-	
tion Section 186;	266
of Local Govt. to extend right of preemption to	
alienated villages Section 187;	266
General rule making, Section 194;	288
Prati Book	135
Preempt. who can,	206,220,221,222
suit to for fair consideration, Section 182; ...	239
suit when no notice given, Section 183; ...	243
Preemption. object of,	203
origin of,	204

	PAGE.
incidents of the right of, Section 174, ...	206,207
in paiki number,	216
in alienated land	215
property liable for,	215
implications of the right of	207
nature of the right of	207,257
primary right of,	209
secondary right of	209
extent of the right of,	214
right of and trees,	216
in Jagir land,	216,217
in Inam land,	216,217
in Ijara villages,	216,217
condition precedent for,	217
what transfers create the right of,	218,219
retransfer, and the right of,	224
enforcement of the right of Section 181,	222,223,225,238
partial what is,	225
on foreclosure, Section 177;	229,230
on proposed sale, Section 176;	228
on lease or possessory mortgage, Section 178;	230,233
priority in, Sec. 179;	231,233
loss of the right of, Section 180;... ..	234,235
suit for Specific performance of,	239
on exchange when allowed, Section 184;	251
whether can be pleaded in defence,	257
Preemptor. loss of right of,	235 to 236'
part preemptor,	251
right of, against vendor,	251
liability of, to pay encumbrances,	263
liabilities of,	264
bound by order setting aside the sale,	264
not bound to preempt,	264
liability to pay for improvements... ..	264
Premium. on diversion of land, Section 50;	57
Presumption. of the correctness of entries in the	
Record of rights Section 110	149,152
Price. fair price, See 'fair consideration.'	
payment of, before Sub Registrar	247

	PAGE.
payment of, in private... ..	247
old debts as	247
of preemption on foreclosure,	248
when in excess of market value effect,	249
apportionment of	249
deposit of preemption price	249
Principles of assessment, Section 93 ;	129,133
Procedure. where land is diverted without notice,	
Section 58 ;	73,74,77
in conducting cases by Rev. officers,	19
of hearing case, Section 16 ;	19,25
when land is diverted when permission is refused Section 59 ;	74,77
Proclamation, mode of issuing, Section 24 ;	24
when not void for error in, Section 25 ;	24
Profits. of land enquiring into, Section 94 ;	133
Proof. of the nature of tenancy	106
Proposals of Settlement Officer. confirmation of, Section 75 ;	135
Propriety. of order for revision	35
Public nuisance. when diversion of land amounts to,	76
Public Roads etc. ownership of,	42
Purchaser, deposit by, at revenue sale, Section 158 ;	181
how is possession given to, Section 161 ;	189
not liable to pay prior land revenue,	190
Purchase money. what is,	253
time to pay, Section 154 ;	181
default in payment of Section 154,	182
refund of, Section 160 ;	188
attachment of,	263
Raiyatwari Settlement	3
Receipt. obligation to give, for land revenue	136,168
form of, for payment of land revenue	168
Records. Settlement,	124,125

	PAGE.
Land records, Definition of, Section 2 (8); ...	12
Land records—Kinds of, Section 115; ...	155
Department of land, ...	144
Govt: ownership of certain records prepared by Village Officer's Section 189; ...	268
Record of Right, certified copies to be filed with	
plaint &c, Section 112; ...	152,154
certification of entries for, Section 110; ...	149
contents of, Section 108; ...	144,145
correction of errors, Section 114; ...	155
entries in-effect of ...	150,151
first attempt at ...	4,145
history of ...	145
intimation of transfers, by Sub-Registrars, Section 113; ...	154
jurisdiction of Civil Courts, concerning disputes about Sec. 111 ...	152
mutation register and register of disputes, Section 110; ...	149
preparation and maintenance of, Sec: 108; ...	144
presumption of correctness of entries in, Section. 110 (6); ...	149,152
reliance on entries in, by bonafide purchaser, ...	152
report of acquisition of right Section 109; ...	147
stages of enquiry, ...	146
Register, of Disputed cases, Section 110; ...	148,149
of Occupants, ...	4
mutation register, Section 110; ...	148,149
Registered occupant, ...	5
Relationship. Priority in presumption, based on, Section 179; ...	231,232
Relinquishment, of land in favour of Govt., Sec: 60; of the right of pre-emption; ...	78 237
Rent, definition of Section 2 (9); ...	12
when first charge, Section 72; ...	94
what is just and reasonable—and how fixed in case of tenants of antiquity; ...	73,109
enhancement of—Notice for Section 75; ...	117

	Page.
Report. of acquisition of rights in land ; ...	147,148
exemption from making a, Section 109 ; ...	148
Revenue Authority. exclusive jurisdiction of ; ...	27
Revenue Circles.—what are, Section 107 (2) ; ...	144
Revenue Inspectors. appointment of, Section 107 ;	144
Revenue officers. definition of, Section 2 (10) ; ...	12
appointment of, Section 3-15 ; ...	14,19
classes of, Section 3 ; ...	14
subordination of, Section 4, ...	14
subordination of, in sub-division and taluk, Sec. 12 ; ...	16
conferral of powers on Sec. 13-14 ; ...	16,18
jurisdiction of, ...	17
powers of, to enter on land, Section 17 ; ...	20
powers of, to take evidence oral and documentary Sec. 20 ; ...	22
powers of, to issue summonses and warrants Sec. 20 ; ...	22
Superintendent and Assistant Supdt. of Land Records, are so, for purposes of procedure in chap. III, ...	144
prohibition to bid at revenue sale, Sec: 151 ; ...	180
Revenue Survey. what is Section 78 ; ...	120
Notification about proposed survey, Sec : 79 ; ...	120
Notification of Town lands, Sec : 79 ; ...	120
of lands generally, or of particular lands in a local area, ...	121
Revenue year. Section 2 (11) ; ...	13
Reviews. orders which can be reviewed, Section 39 ;	36
extent of power of revenue Court in cases of, ...	39
notice to parties in cases of, ...	36
previous sanction, when necessary, ...	37
grounds for, ...	38
limitation for, ...	38
Revision. of orders, Section 38 ; ...	34
grounds for, ...	34,35
who can file and against what orders, ...	36

	PAGE.
whether will lie when other remedies open, ...	35
notice to parties before granting application ...	34
Right of transfer, restriction on, in case of Backward classes, Section 66 ;	84
acquisition of rights in land, report of, Sec. 109 ;	147
Rights in land, history of,	2
of occupant,	3,68
Right of way, over boundaries, enquiry into Section 129 ;	163
power of D. O. to give,	164
Rules, general power to make, Section 194 ; ...	288
power to make, Sec. 186 ;	286
Re-alluvion and diluvion,	Ap. A 30
—appeals, presentation of,	Ap. A. 126
—assessment on unassessed lands,	Ap. A-4
—boundaries,	Ap. A 60
—boundary marks,	Ap. A 61
—boundaries of sub-divisions,	Ap. A 65
—classification of land,	Ap. A 1
—conditions on which land granted under Section 55 may be held,	Ap. A 25
—disposal of trees and forest produce,	Ap. A 3
—ejectment of trespassers,	Ap. A 28
—grant of receipts,	Ap. A. 66
—grant of copies of Revenue Records and maps...	Ap. A. 73
—grant or refusal of permission for diversion of land,	Ap. A. 27
—grant of right to occupy unalienated land.—...	
(A) For agricultural purposes	Ap. A. 5
(B) For building sites in the village site of villages other than towns to which the Nasul Rules apply	Ap. A. 7
(C) For building sites in Municipal towns—	Ap. A. 9
—grazing on Govt. waste lands—	Ap. A. 1
—inspection of Revenue Records, maps and land records,	Ap. A. 81
—jaglias—	Ap. A. 117

	PAGE.
—jaglia and Mahar cess on Survey numbers and sub-divisions	Ap. A. 71
--jaglia and Mahar cess on non-agricultural income,	Ap. A. 72
—legal practitioners—... ..	Ap. A. 125
—levy of penalty—	Ap. A. 67
—notice of assessments fixed on non-agricultural lands,	Ap. A. 38
—partition of lands in alienated villages leased under the Waste Land Rules of 1865	Ap. A. 123
—payment of Land Revenue—	Ap. A. 66
—payment of expenses to witnesses—	Ap. A. 94
—penalties for unauthorised appropriation	Ap. A. 29
—petition writers,	Ap. A. 95
—premium and Assessment on diversion of agricultural land,	Ap. A. 3
—procedure of Revenue officers	Ap. A. 123
—publication of proposals for revenue survey of town lands—	Ap. A. 31
—record of rights—	Ap. A. 42
—recognized agents—	Ap. A. 116
—regrant of forfeited service Inam—	Ap. A. 83
—relinquishment—	Ap. A. 28
—revenue survey of agricultural land—	Ap. A. 35
--sub-divisions of survey numbers—	Ap. A. 34
—Sanitation Rules for villages where the Central, Provinces Municipalities Act, Village Sanitation and Public management Act or Village Panchayat Act are not in force	Ap. A. 116
—survey numbers and villages—	Ap. A. 32
—suspension and remission of land revenue—	Ap. A. 69
—transfer of holdings—... ..	Ap. A. 80
—village Mahars—	Ap. A. 119
Sale, for arrears of Land Revenue Section 141; ...	172
bar of claim founded on irregularity in Sec. 157; ...	186
confirmation of, Sec: 159;	188
date of-how determined	184
deposit of purchase money Section 153;	181
how, when and by whom to be held, Section 150; ...	189

	Page.
of immoveable property, Section 149; ...	178
of moveable property, Section 141; ...	172
not to take place on Sundays etc. Section 150 (2);	179
postponement of, Section 158; ...	188
power of Revenue Officers to postpone, Sec: 150 (3); ...	181
power of D. O. to set aside, Section 159; ...	188
proclamation for, Section 149; ...	178,179
proclamation before resale, Section 158; ...	188
purchase money when to be paid, and effect of default in payment of, Sec: 154; ...	181
purchaser to be put in possession, Section 161; ...	189
purchaser's liability for land revenue, Section 163;	190
proceeds of sale, application of, Section 162;...	190
Revenue officers not to bid at, Section 151;...	180
refund of purchase money on sale being set aside,	188
re-sale on postponement ...	188
separate lots-sale in, ...	184
setting aside on deposit, Sec: 155;...	182
setting aside for irregularities, Section 156; ...	184
setting aside reasons for, ...	183
setting aside, Deputy Commissioner's powers, Section 159; ...	188
special procedure for Rev. Sales necessity of, ...	179
stay of, when arrears paid Section 152; ...	180
presumption right on proposed sale, Section 176...	228
Sale dead, execution of, through court in preemp- tion, Section 185; ...	265
Saving clause. Section 195: ...	289
Service grants, forfeiture of, on breach of condi- tions, Sec: 190; ...	268
Service grants Suits to question forfeiture or assessment Section 192; ...	280
Settlement See Survey settlement. ...	
Settlement Commissioner Section 80; ...	121
Settlement Officers, Sec. 81; ...	121
are revenue officers for procedure, ...	122

	PAGE
powers of, to require assistance, Section 85; ...	122
powers of to exclude land from survey, Section 84;	122
power to invest revenue officers with powers of. Sec. 104;	143
Shadow right.	52
Sic Uteri &c. meaning of the maxim, ...	72
Siwai Income.	271
Stay. of sale for arrears, Section 152;... ..	180
in appeal, of execution of orders, Sec. 37; ...	38,34
grounds for granting,	38,34
Sub-division of a district, Sec. 6;	14
Sub-division of survey number. definition of, Sec. 2 (12)	13
demarcation of boundaries of, Section 127; ...	162
entry of, in Survey Records, Section 89; ...	124
power of Settlement Officer to make or recognise, Section 87;	123
Power of settlement officer to divide a survey number into, Section 88;	124
Sub-Divisional officer. appointment and powers of, Section 11;	16
Sub-Tenancy Rules	4
Suit. for land claimed by Govt., Section 41; ...	40-43
for intestate holding, Section 63;	79,80
to decide disputes in cases of alluvion and diluvion barred, Section 70;	87
for enhancement of rent, Section 73, 75; ...	100,117
for ejectment of tenants, Section 76; ...	118
for damage during inspection, Section 17; ...	20
for correcting entries in Record of Rights, Sec. 111;	152
for settling boundaries of survey numbers &c. barred Section 122;	157
for setting aside ejectment ordered by Rev. officer Section 124 (1);	159.
for setting aside order about right of way over boundaries, Sec: 129;	163
for recovering money paid under protest as land	

	PAGE.
revenue, Sec : 144;	173
for setting aside revenue sale on the ground of irregularity barred, Sec : 157;	186
for setting aside revenue sale on ground of fraud not barred, Sec : 157 (2);	186,187
for declaring that an auction purchaser in Rev. Sale was a benamidar allowed,	189
for preemption for fair consideration, Sec: 182;	239
for preemption when no notice given, Sec: 183;...	242
for preemption, general provisions relating to,...	254,265
by rival preemptors,	233
for setting aside forfeiture &c. in case of service grants barred,	272
barred when matter is exclusively to be dealt with by Revenue officers, Sec : 192 ;	272,286
for remission and suspension of land revenue barred Sec : 139;	171
Summons. form and contents of, Sec : 21 (1) ;	23
mode of serving, Sec : 21 (2) ;	23
Superior holder. who is Sec : 2 (2) ;	6
right of in cases of alluvion and diluvion on,...	86
assistance to, for recovery of share of land revenue paid, Sec: 138;	169,170
Surety. recovery of money from, Sec: 165;	192
discharge of,	192
Survey. Revenue—what is, Sec: 78 ;	120
first survey of districts in Berar, when completed,	3
Survey Number. definition of, Sec : 2 (13) ;	13
formation of, Sec : 86 ;... ..	123
minimum area of, Sec : 86	123
diverted land may be formed into Sec: 87 ;	123
entries of, in Record of Right Sec: 89;	124, 125
Survey Settlement. effect of introduction of, in alienated villages,	91
at the commencement of British administration,	3
what is, Sec : 78 ;	120
term of, meaning of, Sec:78 ;	120
principles regarding, Sec: 93,94,	129,134

	PAGE.
announcement of, Sec: 97 ;	138
confirmation of proposals of Settlement officer, Sec: 95 ;	135
introduction of, Sec: 98 ,	139
term of, Sec : 100 ;	140
temporary—what is	140,141
powers of D. C. during term of, Sec: 108 ;	145
extention of the term of,	141,142
D. C. powers of, to complete unfinished pro- ceedings Sec: 101 ;	142
Correction of errors in, Section 102 ;	142
revision Settlement	132
Tahsildar. appointment and powers of Sec: 9 ;	15
notice of preemption service through, Sec. 175 ;	226
power of, to grant building sites	62
Tenant. definition of Sec:2 (14) ;	13
status of persons paying rent Section 71 ;	90
classes of,	91
ante-alienation,	98
—rights of, Section 72 ;	96
—proof to establish status as	96
—privity of estate necessary	99
—right to divert land,	99
—right to minerals	99
—denial of landlord's title effect of	99
—loss of status when brought about	94
—rent a first charge in case of	100
terant of antiquity Sec: 73 ;	103
—test to determine	104
—burden of proof to establish rights as	108
—rights of	109
—just and reasonable rent meaning of	110,111
—improvements by	113
—right to trees	113
—denial of landlord's title by	114
Annual, status of, Sec: 74 ;	115
notice essential to terminate tenancy	111
ejectment of, Section 76 ;	117
enhancement of rent of, Section 75 ;	117

	Page.
In Ijara villages excluded from this Code, Section 77 ; 	120
Tenancy, presumption about Sec: 71 ; ...	90,93
determination of by denial of landlord's title determination of, by non payment of rent, Sec: 76 ; 	99
Tenancy Law. Berar Alienated Tenancy Law, Tipan Book, 	118,119
Tenancy Law. Berar Alienated Tenancy Law, Tipan Book, 	90,120
Tipan Book, 	125
Title, obligation to furnish information about, Section 116 ; 	155
Time, for payment of preemption price, extension of. 	261
Transfer, restriction on right of aboriginal tribes and backward classes, Sec. 66 ; ...	84
intimation of, by registering officers, Section 113 ;	154
nature of, for preemption, 	218
involuntary and voluntary 	219,220
Transfer of cases, who can grant,	18,19,21
grounds for, 	21
Trees, ownership of Govt. in, Section 45 ; ...	51,52
shadow rights in cases of, 	52
occupant's right in, Section 46, 	58
ownership of, in alienated lands, Section 47 ; ...	53,54
unauthorised appropriation of, penalty for, Section 48 ; 	55
recovery of the value of, Section 48 ; ...	54
right of tenant of antiquity to. 	113
Trespasser, ejection of, Section 59 ; ...	75
not a holder, 	11
Valuation of relief, for appeal in preemption cases,	257
Value of land, enquiry into for fixing fair assess- ment, Sec: 94 ; 	133
market value—for preemption, 	212,242
Vendee. Improvement in status of, ...	235
Vendor, Defect in title of, and apportionment of preemptive price, 	249

xxx

	PAGE.
Village. definition of, Sec: 1 (15),	13
grouping of survey numbers into a, Sec. 86 ; ...	123
grouping of village for assessment, Sec: 21 ; ...	127,128
Village service. persons constituting, ...	196,197
Village cess......Sec: 191 ;	271
Village site, Sec: 90 ;	126
Vadilki —suit for barred,	285
Waiver. of right of preemption,	237
Watandars.	3
Warranty. of title in preemption suits,	226
Wasul Baki Patrak.	125
Watchman. appointment of, to secure land revenue, Sec : 167 ;	192
Water. standing and flowing, ownership of, ...	42
right to, owned by riparian owner,-	42
rules for use of, Sec: 52 ;	59
Water rates. what are &c. when tenable, ...	60
Witness. attendance of, Sec : 20 ;	22
warrant for attendance of, Sec: 20 ;	22
Personal attendance—when dispensed with, Sec: 20 (4) ;	22
women as, provisions relating to,	23
Court's power to compel a person present to give evidence, Sec : 20 ;	22
examination of, on commission	23
Zamindari —Model of Settlement	3