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ACT NO. I OF 1931

An Act to consolidate and declare the law relating to land-revenue, land tenures and other matters connected with land in the Holkar State.

Whereas it is expedient to consolidate and declare the law relating to land-revenue, land tenures and other matters connected with land in the Holkar State, it is hereby enacted as follows :-

CHAPTER I

Preliminary

1. (1) This Act may be called the Indore Land-revenue and Tenancy Act, No. I of 1931.

(2) It extends to the whole of the Holkar State.

(3) It shall come into force on such date as Government, by notification in the Holkar State Gazette, may direct.

2. (1) In any case pending before a Civil or Revenue Court when this Act comes into force, all decisions relating to matters connected with land shall be based, so far as may be, on the rules and circulars in force prior to the commencement of this Act.

Title, extent and commencement

Restricted operation of Act in pending proceedings

(2) Any case pending before a Civil Court when this Act comes into force, which would, under this Act, be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court, notwithstanding anything contained in the provisions of this Act.

Saving and re-
peal of rules

3. All rules relating to matters connected with land, made by, or with the authority of, Government before the passing of this Act, shall, so far as they are not inconsistent with this Act, be deemed to have been made under it, and shall remain in force until such time as rules superseding them shall have been made under this Act. And any such rules as are inconsistent with this Act are hereby repealed; but not so as to invalidate any decision based on those rules which may be made under sub-section (1) of section 2.

Definitions

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

Rent

(i) "rent" means whatever is paid or payable in money or kind by a tenant or sub-tenant, on account of the use or occupation of land held by him;

Revenue

(ii) "revenue" means land-revenue; that is to say, the annual demand directly payable to Government by any person on account of the use or occupation of land held by him, whether such demand is fixed for a term or fluctuates from year to year; and includes all quit-revenues and tenants' rents or quit-rents which are directly payable to Government.

Village

(iii) "village" means any tract of land which Government may, from time to time, by

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notification in the Holkar State Gazette declare to be a village for the purposes of this Act;

(iv) “ khalsa village ” means a village other than a village held by a Jahagirdar or Istmurardar ; Khalsa village

(v) “ holding ” means a parcel of land, forming part of a village, which is held under one lease or one set of conditions ; Holding

(vi) “ boundary ” means a line of division between adjoining villages, holdings or fields, both of which are situated within the limits of the Holkar State ; Boundary

(vii) “ Patel ” means the village headman appointed, under this Act, for the management of a village ; Patel

(viii) “ Patwari ” means the village officer appointed, under this Act, to prepare the Annual Village Papers. Patwari

CHAPTER II

The Classes Powers and Procedure of Revenue Officers

5. Government shall appoint officers, for the administration of the revenue and other matters connected with land in the Holkar State, to be called Revenue Officers; and shall sub divide the State, for the same purpose, into divisions, districts and mahals, and may, from time to time, abolish, or alter the limits of, any such division, district or mahal. Appointment of Revenue Officers and formation of divisions, districts and mahals

6. There shall be the following classes of Revenue Officers, namely :— Classes of Revenue Officers

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Chief Revenue Authority;
Commissioners;
Subhas;
Amins;
Naib Amins;
Director of Land Records;
Assistant Directors of Land Records;
Sadar Munsarims;
Munsarims;
Settlement Officer; and
Assistant Settlement Officers.

Chief Revenue
Authority

7. (1) "Chief Revenue Authority" means the officer or officers, by whatever designation he or they may be known, charged by Government with the control of the revenue and other matters connected with land in the Holkar State.

(2) All powers conferred by this Act on the Chief Revenue Authority shall be exercised subject to the control of Government and to any directions which Government may, from time to time, issue for the guidance of the said Authority.

Commissioners,
Subhas & Amins
in charge of divi-
sions, districts
and mahals

8. (1) A Commissioner shall be placed in charge of each division, who shall exercise therein the powers conferred on a Commissioner by this Act.

(2) A Subha shall be placed in charge of each district, who shall exercise therein the powers conferred on a Subha by this Act.

(3) An Amin shall be placed in charge of each mahal, who shall exercise therein the powers conferred on an Amin by this Act.

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[Sections 9—12]

9. An Additional Commissioner, an Additional Subha or an Additional Amin may, at the discretion of Government, be appointed to a division, district or mahal, respectively; and shall exercise therein such powers under this Act, proper to his rank, as Government may, by notification in the Holkar State Gazette, confer on him,

Additional Commissioners, Subhas and Amins

10. Government may, by notification in the Holkar State Gazette, confer on an Amin such of the powers conferred by this Act on a Subha as the Amin may be considered fit to exercise, and on a Naib Amin such of the powers conferred by this Act on an Amin as the Naib Amin may be considered fit to exercise.

Enhancement of powers of Amins and Naib Amins

11. All Revenue Officers in the State shall be subordinate to the Chief Revenue Authority; all Revenue Officers attached to a division shall be subordinate to the Commissioner of the division; and all Revenue Officers attached to a district shall be subordinate to the Subha of the district; *provided that*, when a Settlement is in progress, the subordination of Sadar Munsarims and Munsarims to Commissioners and Subhas may be transferred to the Settlement Officer and Assistant Settlement Officers.

Subordination of Revenue Officers

12. A Revenue Officer or a Patwari (and the servants and workmen employed under him, when duly authorised either verbally or in writing) may enter upon land in order to survey it or demarcate its boundaries or to do any other act connected with the duties of such Revenue Officer or Patwari under this or any other enact-

Power to enter upon land to carry out duties

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[Sections 12—14]

ment for the time being in force; but, in making such entry, due regard shall be paid to the social and religious sentiments of the holder or occupier.

Power to require attendance of persons and production of documents

13. (1) Subject to the provisions of sections 132 & 133 of the Indore Code of Civil Procedure and to rules made under section 21 of this Act, a Revenue Officer shall have power to summon, for the purposes of any enquiry or case arising under this Act or any other enactment for the time being in force, any person whose attendance may be required for examination or for the production of a document,

(2) If a person, on whom a summons under sub-section (1) has been served, fails to comply with the summons, the Officer who issued the summons may issue a bailable warrant for the arrest of such person.

Power to require erection and maintenance of boundary marks etc:

14. A Revenue Officer may, at any time, require a holder or occupier of land or other person interested therein,

(i) to erect on such land, free of charge, boundary marks of such form and material as may be prescribed by rules made under section 21;

(ii) to repair or renew, free of charge, the boundary marks on his land in such form and material as may be prescribed by rules made under section 21; and

(iii) to carry out, free of charge, any other field work necessary, in the Revenue Officer's opinion, for the survey or Settlement, or for the preparation of the Record of Rights or Annual Village Papers, of the village in which his land is situated,

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15. If a holder or occupier of land or other person interested therein fails to comply with a requisition made under the foregoing section, the Revenue Officer may cause the work to be done and may recover the cost of the work from the person who has failed to comply with such requisition.

Power to recover cost of work done when requisition not complied with

16. An Amin may order any person found guilty before him, after a summary enquiry, of wilfully erasing, removing or damaging a boundary mark, to pay a penalty, which may extend to fifty rupees, for each such offence; and may utilise, in restoring the marks erased, removed or damaged, so much of the penalty realised as may be needed for the purpose.

Penalty for damaging boundary marks

17. Any person whose rights, interests or liabilities are required, by this Act or any rule made thereunder, to be entered in any official record by a Revenue Officer or by a Patwari, shall be bound to furnish, on the requisition of such Revenue Officer or Patwari, all information necessary for the correct compilation thereof; and any person who fails, without reasonable cause, to comply with such requisition shall be liable, under the order of an Amin passed after a summary enquiry, to a fine which may extend to ten rupees.

Power to requisition information for compiling records

18. A Revenue Officer may refer any case to an officer subordinate to him for report or, if such officer has power to dispose of the case, for disposal. On receipt of the report he may dispose of the case, or may return it for further investigation, or may himself make further investigation before disposing of the case.

Reference of cases

Transfer of
cases

19. A Revenue Officer may withdraw any case pending before a Revenue Officer subordinate to him, in respect of which he has appellate jurisdiction under chapter III, and may dispose of it himself, or may transfer it to another officer subordinate to him for report or, if such other officer subordinate to him has power to dispose of it, for disposal, irrespective of the limits of that other officer's territorial jurisdiction.

Appearances,
applications etc:
by whom made

20. All appearances, applications and acts, to be made or done before a Revenue Officer under this Act, may be made or done:—

- (i) by the parties themselves; or
- (ii) by their recognised agents; or
- (iii) by legal practitioners duly authorized by the parties and competent to practise in the Court of such officer;

provided that the Revenue Officer may require the personal attendance of any party to a proceeding, notwithstanding the employment of an agent or legal practitioner.

Power to make
rules under
chapter II

21. (1) With the previous sanction of Government, the Chief Revenue Authority may, from time to time, make rules for the purpose of carrying into effect the provisions of this chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate:—

- (a) the enhanced powers to be exercised by Revenue Officers under section 10;

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(b) the summoning of persons, to attend or to produce documents before a Revenue Officer, under section 13;

(c) the nature of the boundary marks to be erected and maintained under section 14; and

(d) the procedure to be followed by Revenue Officers in disposing of cases under this Act.

CHAPTER III

Appeal Revision and Review

22. (1) No appeal shall lie from any decision or order of a Revenue Officer, except as provided by this chapter.

Limitation of
appeals

(2) The period of limitation for appeals under this Act shall be sixty days from the date of the decision or order complained of.

23. An appeal shall lie, from every original decision or order under this Act,

Appeals

(i) to the Subha of the district, where the decision or order has been passed by a Revenue Officer subordinate to him, other than an Amin in exercise of the powers of a Subha conferred under section 10;

(ii) to the Commissioner of the division, where the decision or order has been passed by a Subha, or by an Amin in exercise of the powers of a Subha conferred under section 10;

(iii) to the Settlement Officer, where the decision or order has been passed by an Assistant Settlement Officer;

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House sites

42. A patteddar tenant shall have the right, free of charge, to a suitable house site of reasonable dimensions within the village site of the village in which he holds land. If he holds land in more than one village, he may choose the village in which he wishes to enjoy the foregoing concession but shall not be entitled to the concession in more than one village.

Exchanges of land

43. Patteddar tenants may exchange by mutual agreement the whole or any part of their holdings; and such exchange shall be recognised as valid from the date on which it is reported by either party to the Amin of the mahal. If the Amin is satisfied that the exchange has been made in good faith, with the object of securing greater convenience in cultivation, no fee shall be charged for the transfer. If the Amin is not so satisfied, he may require each party to pay, within two months from the date of his order, a fee equal to one year's revenue or rent of the land received in exchange.

Partition of holdings

44. Partition of a patteddar tenant's holding shall be effected only :—

(i) under an order of the Amin of the mahal, passed with the consent of all the recorded co-tenants; or

(ii) in accordance with the decree of a competent Civil Court in a suit instituted by one or more of the co-sharers against the others.

Voluntary sale of holdings

45. (1) A patteddar tenant may, with the previous sanction of the Subha of the district, and after payment to Government by the prospective transferee of a fee equal to one year's

revenue or rent of the land, transfer his rights in the whole, or any part, of his holding by sale to a *bona fide* agriculturist, as defined by rule made under section 63.

(2) A transfer by sale effected without the Subha's sanction shall be null and void; *provided that* the transfer may be validated by the Subha on payment by the transferee of a penalty which may extend to three years' revenue or rent of the land transferred.

46. (1) A pattedar tenant's rights in the whole, or any part, of his holding shall be liable to sale, under the order of the Subha of the district,

Compulsory sale
of holdings

(a) in execution of a decree for money, passed by a competent Civil Court, which cannot otherwise be satisfied; or

(b) in satisfaction of a claim for arrears of rent, duly established in the Court of an Amin, by an assignee of proprietary rights.

(2) No sale shall be effected under this section except in favour of a *bona fide* agriculturist, as defined by rule made under section 63; and no fee, on account of any sale under this section, shall be levied from the transferee.

47. (1) Notwithstanding anything contained in the Indore Code of Civil Procedure, a decree, in satisfaction of which the sale of a pattedar tenant's rights in the whole, or any part, of his holding is applied for in a competent Civil Court, shall be transferred to the Subha of the district for execution.

Procedure in
execution of Civil
Court decree in
satisfaction of
which sale is
applied for

(2) The Subha, on receiving the decree, shall cause a notice to be served upon the tenant, stating the date of the decree, the amount due

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thereunder and the numbers borne in the khasra by the land his rights in which it is proposed to sell, and informing him that, if he does not pay the amount due into Court, within a month from the date of the service of the notice, his rights in that land will be sold.

(3) If the amount due is not paid within the period fixed under subsection (2), the Subha may sell the tenant's rights in the land, or in a part thereof, or may, after such enquiry as he deems necessary, postpone the sale, to allow such tenant time for payment, for a period not exceeding four months from the date of the service of the notice under subsection (2).

Subleases

48. (1) A pattedar tenant may sublet the whole, or any part, of his holding for his agricultural purposes; but he shall not sublet solely with a view to obtaining rent or merely so as to remain an intermediary between the person from whom he holds and the actual cultivator of the land.

(2) A pattedar tenant, who is found, when this Act comes into force, to have sublet, or who may hereafter sublet, any land in his holding in contravention of the provisions of the foregoing subsection, may be called upon by the Amin of the mahal to cultivate such land during the next agricultural year. On his failing to do so, his rights in such land may, unless Government otherwise direct, be sold by auction, under the written order of the Subha of the district, to a *bona fide* agriculturist, as defined by rule made under section 63; or, if no suitable purchaser can be found, the rights in the land may be resumed. In case of sale, the price realised shall be paid to the pattedar tenant whose rights

After sub-section (3) of section 47, the following sub-section (4) shall be inserted, namely:—

“(4) An order for the sale of a pattedar tenant's rights in the whole or any part of his holding passed by a competent Court under the law relating to insolvency for the time being in force, shall be transferred to the Subha of the district where the holding is situate, for execution and the Subha shall sell the tenant's rights in the land, or in part thereof, as the case may be, in accordance with the provisions of this Act or the rules made thereunder in so far as they may be applicable.”

(Vide section 4 of Act No. VI of 1938 published under Legal Department Notification No. 25, dated 18-6-1938. H.G.G. dated 20-6-1938).

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have been sold after deducting a penalty, equal to two years' revenue or rent of the land, and such sum, to be paid as compensation to the subtenant, as the Subha may direct.

(3) The fact that proceedings are in progress under subsection (2) shall not be regarded as precluding the sale of his rights by the pattedar tenant to a *bona fide* agriculturist by private negotiation, in the ordinary way, with the Subha's sanction.

49. If a pattedar tenant is found, after this Act comes into force, habitually to contravene the provisions of subsection (1) of section 48, or to have contravened them a second time after proceedings have been started under subsection (2) of section 48, or to have contravened them after obtaining the land as a *bona fide* agriculturist under section 38, 45, 46, or 48, the Subha of the district, in proceeding under section 48, need not give him the option of cultivating the land during the next agricultural year, but may forthwith sell or resume, as the case may be, his rights in the land.

Penalty for repeated unlawful subletting etc:

50. (1) A pattedar tenant shall not transfer by bequest, gift or mortgage his rights in the whole, or any part of his holding. Any document purporting to effect such a bequest, gift or mortgage shall be null and void and shall be inadmissible for registration, notwithstanding anything contained in the Indore Registration Act, 1907.

Bequest, gift or mortgage

(2) Nothing in this section shall affect the validity of a mortgage, properly executed prior to the 21st of August, 1928 or between the 25th of October, 1929 and the 2nd of June,

1930, both days excluded, which shall be regulated by rules made under section 63.

(3) Nothing in this section shall affect the validity of a mortgage in favour of a Co-operative Credit Society, properly executed, with the previous sanction of such officer as Government may empower in this behalf.

(4) Any person who, in contravention of the provisions of this section, obtains possession of any land by virtue of a bequest, gift or mortgage or of any agreement purporting to be a bequest, gift or mortgage, shall be deemed to be a trespasser and shall be subject to the operation of section 30.

Surrender

51. (1) A pattedar tenant may surrender the whole of his holding by a written notice, which shall be delivered to the Amin of the mahal on, or before, the 31st of March in any year. He may, in like manner, surrender a portion of his holding (not being less than a plot recorded as a separate number in the Annual Village Papers), provided he obtains the previous sanction of the Amin to such partial surrender.

(2) Any land surrendered under the preceding subsection shall be at the disposal of Government from the beginning of the agricultural year next following.

Abandonment

52. If, during any one agricultural year, a pattedar tenant fails to pay the revenue, and makes no arrangement for the cultivation, of his holding, he may be presumed to have abandoned it; and the land shall be at the disposal of Government from the beginning of the agricultural year next following.

53. A pattedar tenant may be dispossessed of the whole, or any part, of his holding, under the order of the Subha of the District,

Dispossession of pattedar tenant

(i) if he does not agree to pay the revenue or rent to which he has been duly assessed on account of his holding under the orders of Government; or

(ii) if he has contravened, either directly or through a subtenant indirectly, any of the provisions of this chapter (other than those contained in section 48) which regulate his tenure; *provided that*, in any case under this clause where the Subha considers dispossession to be too severe a penalty, he may, in lieu thereof, impose on the pattedar tenant a fine which may extend to fifty rupees.

54. On the death of a pattedar tenant his rights in the holding shall pass by inheritance in accordance with his personal law, subject to such modification thereof as has been recognised in the Holkar State prior to the commencement of this Act. If, when the pattedar tenant dies, there is no one entitled to succeed, his rights in the holding shall revert to Government.

Disposal of rights on death of pattedar tenant

55. When, on the death of a pattedar tenant, his rights in the holding are deemed to have reverted to Government under the foregoing section, an Amin shall issue proclamation calling upon any person, who claims to succeed to the deceased tenant's rights, to appear and present his claim within six months from the date of such proclamation; and, if no claim is presented within the prescribed period, the rights of the deceased tenant shall revert finally to Government, and no claim shall thereafter be admissible in any Civil or Revenue Court in respect of such rights.

Proclamation when heir not known

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Ordinary tenant

56. "Ordinary tenant" means a tenant who is not a pattedar tenant.

Rights of ordinary tenant

57. An ordinary tenant is entitled to hold the land let to him in accordance with such terms as may be agreed upon with the person from whom he holds.

Dispossession of ordinary tenant

58. An ordinary tenant, who holds directly from the Maharaja, may be dispossessed of the whole, or any part, of his holding under the order of a Subha on the ground that he has, either directly or through a subtenant indirectly, contravened the terms on which he holds the land or infringed the general conditions of his tenancy as laid down in section 32. An ordinary tenant, who holds from an assignee of proprietary rights, may, on the like ground, be dispossessed by a suit for ejectment filed in a Civil Court.

Sub-tenant

59. "Subtenant" means a person who holds land from a tenant or from an Adhi Jama Khotidar or from the holder of a service holding.

Rights of sub-tenant

60. A subtenant is entitled to hold the land let to him in accordance with such terms as may be agreed upon with the person from whom he holds, subject to his compliance with the general conditions of a tenancy as laid down in section 32; *provided that* he shall, in no circumstances, lease out the land to any person; and *provided also that* he shall in no case be entitled to retain possession of the land after the person from whom he holds has surrendered, abandoned, or been dispossessed of, it under this Act, or after the rights of the person from whom he holds have been resumed by, or have reverted to, Government.

61. A subtenant's rights in the whole, or any part, of his holding may be cancelled, and he may be dispossessed of it, if necessary, under the order of a Subha, on the ground

Dispossession
of subtenant

(i) that he has infringed the general conditions of a tenancy as laid down in section 32;

(ii) that he has leased out his holding or any part of it; or

(iii) that the person from whom he holds has surrendered, abandoned, or been dispossessed of, the land under this Act; or that the rights of such person have been resumed by, or have reverted to, Government.

62. (1) A pattedar tenant, who has been dispossessed of the whole, or any part, of his holding, otherwise than under the order of a Revenue Officer or competent Civil Court, may, on application made within two years from the date of his dispossession, be re-instated in possession of such holding, or part thereof, under the order of a Subha.

Re-instatement
of tenant or sub-
tenant improper-
ly dispossessed

(2) A ordinary tenant, or subtenant, who has been dispossessed of the whole, or any part, of his holding otherwise than under the order of a Revenue Officer or competent Civil Court, may, on application made within two years from the date of his dispossession and on proof that his dispossession was in contravention of the terms on which he held, be re-instated in possession of such holding, or part thereof, under the order of a Subha.

(3) No order, passed under this section, shall preclude any person from establishing such rights as he may claim in the whole, or any part, of the holding and from obtaining possession of such holding, or part thereof, by means of a regular suit in a competent Civil Court,

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[Sections 63-64]

Power to make
rules under
Chapter V

63. (1) With the previous sanction of Government, the Chief Revenue Authority may make rules, consistent with this Act, for the purpose of carrying into effect the provisions of this chapter, and may attach to the breach of any such rule a penalty which may extend to fifty rupees.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate :—

(a) the definition of a *bona fide* agriculturist for the purposes of this chapter;

(b) the exercise of rights of grazing and *nistar* under section 35;

(c) the use or disposal of tress under section 41;

(d) the procedure to be followed in conducting the sale of a pattedar tenant's rights in his holding under section 46 or 48;

(e) the operation of mortgages, properly executed, whose validity is saved by subsection (2) or (3) of section 50; and

(f) the date on which the agricultural year begins.

CHAPTER VI

Special Tenures

Assignee of pro-
prietary rights

64. "Assignee of proprietary rights" means a person who enjoys, free of revenue or on a favoured assessment, certain proprietary rights, by assignment from the Maharaja, over a specified area of land; and includes a Jahagirdar, an Istmurardar, an Inamdar, a Khotidar Patel and any other person hereafter declared by Government to be an assignee of proprietary rights.

EXPLANATION :-

(i) "Jahagirdar" means a person who holds, free of revenue, an assignment from the Maharaja consisting of one or more whole villages.

(ii) "Istmurardar" means a person who holds, on a favoured assessment, an assignment from the Maharaja consisting of one or more whole villages.

(iii) "Inamdar" means a person whose assignment consists of a holding, granted by the Maharaja, free of revenue, for the holder's maintenance; or as a reward for some past service, secular or religious; or as remuneration for some continuing service, secular or religious, the performance of which is a condition of the grant.

(iv) "Khotidar Patel" means the Patel of a village to whom, as Inamdar, land, called khoti, has been granted by the Maharaja as remuneration for his continuing service, and in recognition of his position, as Patel.

65. The rights and liabilities of an assignee of proprietary rights shall be such as may have been defined in the original grant or specified in a subsequent order.

Rights and liabilities of assignee of proprietary rights

66. (1) Except where the original grant or subsequent order regulating the tenure provides otherwise, the tenure of an assignee of proprietary rights shall, if it be heritable, descend by primogeniture, that is, to the eldest male heir in the eldest surviving male line of the last holder; *provided that*, if the person ordinarily entitled to succeed is disqualified, according to the per-

Succession

sonal law to which he is subject, or is found to be unsuitable by reason of disloyalty to the Maharaja or notorious profligacy or extravagance, he may be set aside, under the orders of Government, in favour of the next rightful heir free from such disqualification; and *provided also that* the right of members of the junior branches, claiming descent from the original grantee, to a share in the income arising from the assignment, or to maintenance, in accordance with the custom of the family or the orders of Government, shall not be affected thereby.

(2) If there be a failure of heirs male of the body of an assignee of proprietary rights, he or his widow may, with the previous sanction of Government, adopt a successor in accordance with rules made under section 78. In case there is no one entitled to succeed, the grant may be cancelled, and possession of the land covered by the grant may be resumed, by Government.

(3) The person who succeeds to an assignment of proprietary rights under this section shall intimate the fact to Government in such manner, and shall pay to Government such mutation *nazarana*, as may be prescribed by rules made under section 78.

Partition and
transfer

67. (1) Except where the original grant or subsequent order regulating the tenure provides otherwise, no assignee of proprietary rights shall, without the previous sanction of Government, either partition his rights in the whole, or any part, of the land covered by the grant, or transfer them by exchange, sale, gift, mortgage or otherwise.

(2) Any document, purporting to effect a partition or transfer in contravention of the foregoing subsection, shall be null and void and inadmissible for registration, notwithstanding anything contained in the Indore Registration Act, 1907.

(3) If possession is transferred in pursuance of any agreement purporting to effect a partition or transfer in contravention of subsection (1), the grant regulating the tenure shall be liable to be cancelled, and possession of the land covered by the grant permanently resumed, by Government.

68. (1) The special tenure of an assignee of proprietary rights shall be liable to be cancelled, and possession of the land covered by the grant permanently resumed, by Government on proof that he has been guilty of:-

Cancellation of
assignee's tenure

(a) disloyalty towards the Maharaja or his Government or the British Government; or

(b) a heinous offence, as defined by rule made under section 78, or an offence in respect of coinage or stamps under the Indore Penal Code.

(2) The special tenure of an Inamdar, the continuance of whose grant is conditional on his performance of some service, shall also be liable to cancellation by Government if, and when, the service for which the grant is provided is no longer performed by him. But, in cases of cancellation under this subsection, possession of the land shall not be resumed by Government but shall be retained by the former Inamdar as a pattedar tenant; *provided that if,*

prior to such cancellation, pattedar tenant's rights in any part of the land have been conferred on any other person under section 70, this circumstance shall be deemed to negative the former Inamdar's claim to pattedar tenant's rights in that part of the land.

Suspension of
assignee's tenure

69. The special tenure of an assignee of proprietary rights shall be liable to be suspended, and possession temporarily resumed, by Government, in respect of the whole, or any part, of the land covered by the grant, on proof that he has been guilty of :—

(i) a breach of any of the provisions of this Act or of any rules made under this Act;
or (ii) notorious profligacy or extravagance;
or (iii) failure to pay any sum due from him to Government under this Act ;

provided that Government may, at their discretion in a case of grave delinquency, instead of suspending the tenure and resuming possession of the land temporarily under this section, set aside the assignee of proprietary rights permanently in favour of any one having the right to succeed him.

Tenant holding
from assignee
may be declared
pattedar tenant

70. Except where the original grant or subsequent order regulating the tenure provides otherwise, Government shall have power to declare that any tenant holding from an assignee of proprietary rights land, other than land which may be recognised by Government as the assignee's home-farm, shall be a pattedar tenant. Such tenant shall, thereupon, have all the rights, and be subject to all the liabilities, of a pattedar tenant, as defined in

this Act, and shall be entitled to pay the rent of his holding in such instalments as the Chief Revenue Authority may, from time to time, prescribe; *provided that* all fees leviable on an exchange under section 43 or on a sale under section 45 shall be paid to the assignee of proprietary rights.

71. On the occurrence of local or wide-spread famine or other calamity, Government may, by general or special order, suspend or remit, as the case may be, the whole, or a part, of the rents which have become, or are about to become, due to an assignee of proprietary rights from his tenants. When any rents are suspended or remitted under this section, the assignee shall be entitled to a proportionate suspension or remission (as the case may be) of the revenue (if any) payable by him to Government.

Suspension and remission of rents payable to assignee

72. The land included in an assignment of proprietary rights and any income arising from such an assignment shall be exempt from attachment under the decree or order of a Civil or Revenue Court; and no Civil Court shall have jurisdiction to adjudicate upon any question relating to succession or adoption in the family of an assignee of proprietary rights or to any other incident of his special tenure.

Assignee's land and income therefrom exempt from attachment. Restriction on civil jurisdiction

73. "Adhi Jama Khotidar" means a person who holds land, called adhi jama khoti, in a khalsa village on a revenue equal to half that to which but for his special tenure he would have been assessed.

Adhi Jama Khotidar

Rights and liabilities of Adhi Jama Khotidar

74. An Adhi Jama Khotidar shall, in respect of the land covered by the grant, have the rights, and be subject to the liabilities, of a pattedar tenant, as defined in this Act, except in so far as those rights and liabilities are modified in each case by the terms of the order under which the special tenure was conferred.

Service holding

75. "Service holding" means a holding granted by Government, free of revenue, as remuneration for the holder's performance of some service for Government or for the inhabitants either of the village in which the land is situated or of some other village or villages.

Rights and liabilities of holder of Service holding

76. The holder of a service holding has the rights, and is subject to the liabilities, of a pattedar tenant, as defined in this Act, except that sections 43, 44, 45, 46, 47, and 54 shall not apply and that he may be dispossessed by the Subha of the district if, and when, the service for which the grant is provided is no longer performed by him.

Lease for non-agricultural purposes

77. The Chief Revenue Authority may, with the previous sanction of Government, grant leases of land to be used for other than agricultural purposes. The rights and liabilities of the lessee of such land shall be such as may be defined by the terms of his lease.

Power to make rules under Chapter VI

78. (1) With the previous sanction of Government, the Chief Revenue Authority may make rules, consistent with this Act, for the purpose of carrying into effect the provisions of this chapter, and may prescribe a penalty for any contravention of those rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate:—

(a) the exercise of the right of adoption by assignees of proprietary rights or by their widows under subsection (2) of section 66; and the rights of the adopted son in case of the birth of a son subsequent to the adoption;

(b) the intimation to be given to Government by a person who succeeds to an assignment of proprietary rights under subsection (3) of section 66;

(c) the mutation *nazarana* to be paid on succession by an assignee of proprietary rights under subsection (3) of section 66;

(d) the definition of "heinous offence" for the purposes of clause (b) of subsection (1) of section 68; and

(e) the suspension and remission of rents and revenue in accordance with the provisions of section 71.

CHAPTER VII

Settlement

79. (1) When Government consider that a Settlement of any local area should be made, a notification to that effect shall be published in the Holkar State Gazette.

Notification of
Settlement

(2) The local area shall be held to be under Settlement from the date of such notification until a notification is published in the Holkar State Gazette declaring the Settlement operations to be closed.

(3) No assignment of proprietary rights or other grant made by Government shall operate to prevent the Settlement of any part of the local area included in a notification under subsection (1).

Settlement and
Assistant Settle-
ment Officers

80. Government may appoint an officer, called the Settlement Officer, to be in charge of the Settlement of the local area; and may also appoint as many Assistant Settlement Officers as may be necessary, to work in subordination to him.

Preparation of
Record of Rights

81. (1) When any local area is brought under Settlement, a Record of Rights shall be prepared for each village within that area.

(2) The Record of Rights shall comprise the following documents :—

(a) a field-map of the village;

(b) a *khassra* or field-book, in which shall be entered the name of each person holding or occupying land in the village, the area of land held or occupied by him, the right in which it is held, any special conditions of the tenure and such other detail as may be prescribed by rules made under section 94;

(c) a *jamabandi* or list of persons holding or occupying land in the village, showing the area held or occupied by each and the rent or revenue (if any) to which he has been assessed by the Settlement Officer on account of that area; and

(d) a *wajibularz* or village administration paper, recording village customs, village cesses and such other matters connected with the administration of the village as may be prescribed by rules made under section 94.

82. A dispute, regarding an entry in the village papers prepared for the purpose of compiling a Record of Rights, shall be decided by the Settlement Officer or an Assistant Settlement Officer, in accordance with the provisions of this Act contained in section 101, as if he were exercising the powers of an Amin.

Dispute regarding entry in papers prepared for Record of rights

83. Any person, aggrieved by an entry or order contained in the Record of Rights prepared under section 81 (other than an entry or order assessing rent or revenue), may, within twelve months from the date on which the new Settlement is announced under section 86, institute a suit in a Civil Court to have such order or entry modified or cancelled; *provided that* no suit shall lie under this section against Government or its officers for a declaration of any right in land.

Civil Court's jurisdiction regarding entry in final Record of rights

84. When any local area is brought under Settlement, the Settlement Officer shall, within that area,

Assessment and fixation of revenue and rent at Settlement

(i) assess the revenue (if any) separately for each person who holds on a special tenure;

(ii) assess and fix the revenue separately for each pattedar tenant who holds from the Maharaja; and

(iii) assess and fix the rent separately for each pattedar tenant who holds from an assignee of proprietary rights.

85. When any local area is brought under Settlement, the Settlement Officer shall, within that area, enquire into the case of any land held free of revenue or on a favoured assessment, conditionally or for a term. If it appears that the

Enquiry at Settlement into grants held free of revenue or on favoured assessment

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conditions of the grant have been transgressed, the Settlement Officer shall refer the matter for the orders of Government. If it appears that the term of the grant has expired, the Settlement Officer shall proceed to assess any authorised holder of the land to revenue in the ordinary way.

Announcement
of Settlement

86. (1) The revenue or rent, separately assessed by the Settlement Officer in respect of a village or holding, as the case may be, shall be announced :-

(a) in the case of an assignment of proprietary rights, to the assignee;

(b) in the case of any other special tenure, to the authorised holder thereof; and

(c) in the case of pattedar tenants' holdings, to the pattedar tenants assembled in a public place after due notice.

(2) If the person, to whom such an announcement of revenue or rent is made, does not, within three months from the date of that announcement, specifically reject the offer to hold the village or holding (as the case may be) on the revenue or rent assessed by the Settlement Officer, his acceptance shall be presumed.

(3) No assessment of revenue or rent shall be announced so as to operate with retrospective effect.

Settlement Officer
to determine the
village site

87. The Settlement Officer shall, in the case of every inhabited village, ascertain and determine the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto; and such area shall be deemed to be the *gaonthan*, or village site, of such village.

88. The Settlement Officer shall ascertain and record the custom in each village in regard to:—

(i) the rights, of persons resident, or holding land, in the village, in the common land and its produce and in the village site;

(ii) rights of irrigation, rights of way and other easements; and

(iii) any other rights, the custom in regard to which Government may order to be recorded;

provided that, if the persons interested desire that any existing custom shall be modified, the Settlement Officer may, after due enquiry, record the fact; and the custom so modified shall thenceforward be deemed to be the existing custom.

89. No Settlement, made under this chapter, shall be declared to be closed under subsection (2) of section 79 until it has been confirmed by Government and Government have fixed the term of the new Settlement.

90. A person, with whom, or with whose predecessor in interest, a Settlement has been made in respect of any land, shall, if he continues to hold the land after the term of such Settlement has expired, hold it on the conditions of the Settlement the term of which has expired until a new Settlement has been announced under section 86.

91. When Settlement operations are declared to be closed by a notification under subsection (2) of section 79, all applications and

Settlement Officer to ascertain and record village customs

Confirmation & term of Settlement

Savings of rights after expiry of term of Settlement

Transfer of pending Settlement cases

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[Sections 91—94]

proceedings, then pending before the Settlement Officer and Assistant Settlement Officers, shall be transferred to such other Revenue Officer or Officers as Government may direct, who shall have the powers of a Settlement Officer for their disposal.

Commissioner to exercise certain powers of Settlement Officer when Settlement not in progress

92. A Commissioner shall, when a Settlement is not in progress, exercise, within his division, the powers conferred by this chapter on a Settlement Officer for the following purposes :—

(i) assessing and fixing the rent of a pattedar tenant, in cases where the rights of a pattedar tenant have been conferred under section 70 ;

(ii) enquiring into cases of land, held free of revenue or on a favoured assessment, under section 85 ;

(iii) ascertaining and determining the area to be reserved as the village site under section 87 ; and

(iv) ascertaining, recording and modifying customs under section 88.

Revision of revenue when Settlement not in progress

93. If, when a Settlement is not in progress, the culturable area of any holding is substantially diminished by fluvial action or otherwise, or if its soil is permanently deteriorated without fault of the holder, a Commissioner may, with the previous sanction of Government direct that the revenue or rent of the holding be reduced in proportion to the reduction in its productivity.

Power to make rules under Chapter VII

94. (1) With the previous sanction of Government, the Chief Revenue Authority may, from time to time, make rules for the purpose of

carrying into effect the provisions of this chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:—

- (a) the preparation of forecast reports;
 - (b) the formation of assessment circles;
- and (c) the specification of those matters, connected with village administration, which are to be recorded in the wajibularz.

CHAPTER VIII

Annual Village Papers

95. (1) The Annual Village Papers shall consist of a village field-map, khasra and jama-bandi, as described in section 81, and of such other village papers as Government may, from time to time, prescribe.

Annual village
Papers

96. (1) The Subha shall cause the Annual Village Papers to be prepared each year, in accordance with rules made under section 105, for each khalsa village in his district.

Village for
which prepared

(2) The Subha shall also, when Government so order, cause the Annual Village Papers to be prepared each year, in like manner, for any village in his district held by a Jahagirdar or Istmurardar; and no assignment of proprietay rights or other grant shall impede the operation of such an order of Government.

97. (1) The Subha shall, from time to time, with the previous sanction of the Chief Revenue Authority, arrange the villages of his district in

Patwaris' circles
and appointment
of Patwaris

Patwaris' circles and may, with like sanction, alter the number and limits of such circles.

(2) Subject to rules made under section 105, the Subha of the district shall appoint a Patwari to each Patwari's circle, for the preparation and correction of the Annual Village Papers and for such other duties as the Chief Revenue Authority may prescribe.

Munsarims' circles and appointment of Munsarims

98. (1) The Commissioner shall, with the previous sanction of the Chief Revenue Authority, arrange the Patwaris' circles of each district of his division in Munsarims' circles and may, with like sanction, alter the number and limits of such circles.

(2) Subject to rules made under section 105, the Commissioner shall appoint a Munsarim to each Munsarim's circle in his division, to supervise the preparation and correction of the Annual Village Papers and to perform such other duties as the Chief Revenue Authority may prescribe.

Sadar Munsarims

99. Subject to rules made under section 105, the Chief Revenue Authority shall appoint, for each district, one or more Sadar Munsarims, to supervise the work of Munsarims and Patwaris and to perform such other duties as the Chief Revenue Authority may prescribe.

Director of Land Records

100. The Chief Revenue Authority may, with the previous sanction of Government, assign to an officer, called the Director of Land Records, such powers of supervision and control and such duties, in regard to the preparation and correction of the Annual Village Papers and in regard to the Land Record Staff, as he may think pro-

per. Such powers and duties shall be exercised by the Director of Land Records subject to the general control of the Chief Revenue Authority.

101. (1) When a dispute arises regarding an entry in the Annual Village Papers, an Amin shall make a full enquiry into the respective claims of the parties to the dispute. After finally deciding the case, he shall, where necessary, modify the entry in the Village Papers and hand over possession to the party entitled to it, in accordance with the terms of his decision.

Disputes regard-
ing entry in An-
nual Village
Papers

(2) If the dispute relates to the possession of any land, the Amin shall, before proceeding to make the full enquiry prescribed by the foregoing subsection, pass, after summary enquiry, an *ad interim* order in favour of the party having actual possession, whose name shall be entered in the khasra; *provided that*, if the Amin cannot satisfy himself as to which party is in actual possession, or has reason to believe that actual possession has been obtained, within six months prior to the commencement of his summary enquiry, by wrongful dispossession of the party entitled to it, he shall pass an *ad interim* order in favour of the party *prima facie* best entitled to possession, whose name shall be entered in the khasra.

(3) When a dispute arises regarding an entry in the Annual Village Papers which would affect the boundary of a village held by a Jahagirdar or Istmurardar, the procedure shall be regulated by special rules made under section 105.

(4) No order passed under this section shall debar any person dissatisfied with that order from establishing such right in any land as he may claim by a regular suit in a competent Civil Court,

Presumption as to entries in Annual Village Papers

102. All entries made under this chapter in the Annual Village Papers shall be presumed to be correct until the contrary is proved.

Inspection of Annual Village Papers and grant of copies thereof

103. The Annual Village Papers shall be open to inspection by the public, free of charge; and copies thereof shall be furnished at such time and place, and on such conditions as to payment, as may be prescribed by rules made under section 105.

Procedure in regard to mutation of names

104. (1) When a holder of land, other than an assignee of proprietary rights, loses his rights in any land in a village by death, or by surrender or abandonment of the land or by transfer of his rights to any other person, or by dispossession or otherwise, the Patwari of the village in which the land is situated shall forthwith report the fact to the Amin of the mahal, intimating the name of the new holder (if any) and the grounds on which the latter claims to succeed to the title of the former holder.

(2) The Amin, on receipt of the Patwari's report, shall make enquiry; and, if there appears to be no doubt or dispute in the matter, shall direct the necessary changes to be made in the Annual Village Papers. If there appears to be a dispute in the matter, the Amin shall proceed under section 101 and shall pass orders on the case under that section.

Power to make rules under Chapter VIII

105. (1) With the previous sanction of Government, the Chief revenue Authority may from time to time, make rules for the purpose of carrying into effect the provisions of this chapter, and may attach to the breach of any such rule a penalty which may extend to fifty rupees,

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for :—

(a) the preparation of the Annual Village Papers, and the duties of Patwaris, Munsarims and Sadar Munsarims in connection therewith;

(b) the appointment, remuneration, control and dismissal of Patwaris;

(c) the appointment, remuneration, control and dismissal of Munsarims and Sadar Munsarims;

(d) the duties and powers of the Director of Land Records;

(e) the procedure to be followed by Amins in dealing with the mutation of names under section 104; and

(f) the procedure to be followed, under section 101, in disposing of disputes affecting the boundary of a village held by a Jahagirdar or Ist-murardar.

CHAPTER IX

The Collection of Revenue

106. The revenue, payable on account of any land in the Holkar State, shall be a first charge on that land and on the produce of that land; and a claim for revenue shall have precedence, in any Civil or Revenue Court, over any other claim, debt or demand whatsoever, whether or not the Court has issued an order of attachment in respect of such other claim, debt or demand,

Revenue a first charge on land & its produce

EXPLANATION—In this section and in the four sections next following, “produce” means the crops and other products grown on the land, so long as these are standing, or remain deposited, on that land or are on the cultivator’s threshing floor or are otherwise in his keeping.

Restriction on disposal of produce of land by Civil Courts

107. Except with the sanction of the Subha of the district, previously obtained in writing, no produce of any land shall be attached in satisfaction of a decree or order of a Civil Court until all sums, payable to Government under this Act on account of that land, have been paid.

Power to prohibit removal of produce, if disposed of

108. If the produce of any land has been sold, mortgaged or otherwise disposed of, whether by an order of a Civil Court or other public authority or by private agreement, and the revenue of that land for the current year has not been paid, an Amin may, without regard for the date fixed for the payment of the revenue, prohibit the removal of the produce from the land or from any place in which it may have been stored, for a period not exceeding two months.

Power to prohibit removal of produce in other cases

109. If, in any circumstances other than those mentioned in the foregoing section, an Amin considers that special steps are necessary to secure for the current year the revenue payable on account of any land, he may, without regard for the date fixed for the payment of the revenue, after recording the reasons for his order, prohibit the removal of the produce from that land or from any place in which it may have been stored, for a period not exceeding two months.

Disposal of produce after order under section 108 or 109

110. If, at any time before the expiry of the period for which the removal of produce has been prohibited by an order under section 108 or 109,

the revenue and the cost (if any) of safeguarding the produce are paid, or security for the payment is furnished to the satisfaction of the Amin, the order shall forthwith be rescinded. If the revenue and cost are not so paid or adequate security not so furnished, such portion of the produce as may suffice to defray the revenue and cost aforesaid shall, on the expiry of the period for which the removal of the produce was prohibited, be sold and the remainder of the produce (if any) released.

111. Any person who disobeys any order duly passed under section 108 or 109 of this Act, or who abets, within the meaning of section 107 of the Indore Penal Code, the disobedience of any such order, shall be liable, under the order of an Amin passed after a summary enquiry, to a fine which may extend to double the amount of the revenue to ensure the recovery of which the order was issued.

Penalty for disobedience of order under section 108 or 109

112. (1) Notwithstanding anything contained in any Record of Rights, the Chief Revenue Authority may, by rules made under section 122, fix the number, and proportionate amount, of the instalments of any revenue payable under this Act and the time when, the manner in which, and the place where, they are payable.

Instalments of revenue

(2) Unless, and until, the Chief Revenue Authority otherwise directs, all revenue shall be payable on the dates, in the instalments, in the manner, and at the places, which have sanction when this Act comes into force.

113. On the occurrence of local or widespread famine or other calamity, the Chief Revenue Authority may, with the previous sanction of

Suspensions & remissions of revenue

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Government, suspend or remit, as the case may be, the whole, or a part, of any instalment of revenue which has become, or is about to become due in respect of any holding, group of holdings, village, group of villages or larger area; and such order of suspension or remission of revenue shall modify, to the extent and in the manner provided by that order, the liability of all persons responsible for the payment of such revenue.

Primary responsibility for revenue

114. Where proprietary rights have been assigned, the assignee, and, in all other cases, the holder under a special tenure or the pattedar or ordinary tenant who is entitled to hold the land, shall be primarily responsible to Government for the payment of the revenue of that land by the due date, according to the instalments fixed under section 112.

Arrear; defaulter

115. When any instalment of revenue is not fully paid by the due date, the balance outstanding becomes an arrear of revenue; the person primarily responsible for its payment becomes a defaulter; and the arrear of revenue may be recovered from him as provided by this Act.

Secondary responsibility for revenue

116. (1) If an arrear of revenue cannot be recovered from the person primarily responsible for its payment, it may be realized from any co-sharer of such person, or from any subordinate holder to the extent to which such subordinate holder is liable to make payment for his interest in the land to the person primarily responsible, or from any other person in occupation of the land.

(2) Any sum, collected from a subordinate holder under subsection (1), shall be credited

to the payer's account with the person on whose behalf the payment was made and to the latter's account with the State.

117. A statement of account, certified by the Amin of the mahal, shall, for the purposes of this chapter, be held to be presumptive evidence of the existence of an arrear, the amount of an arrear and the person who is the defaulter; in respect of any revenue payable in that mahal.

Amin's statement
to be evidence of
arrear

118. (1) An arrear of revenue may be recovered by any one or more of the following processes :—

Processes for re-
covery of arrear

(a) by the attachment and sale of the moveable property of the defaulter;

(b) by the attachment and sale of immoveable property belonging to the defaulter, other than the land in respect of which the arrear has accrued; or

(c) by the attachment and sale of the defaulter's rights in the land in respect of which the arrear has accrued, or by their resumption in case the defaulter's rights cannot be sold;

provided that :—

(i) the process specified in (a) shall not permit the attachment or sale of the necessary wearing apparel, cooking utensils, beds or bedding of the defaulter and his wife and children; of the tools of an artizan; or of the implements of husbandry, seed grain or plough cattle of a cultivator, unless his rights in respect of all agricultural land in the Holkar State have been lost or have been ordered to be sold;

(ii) the process specified in (c) shall not be issued against an assignee of proprietary

rights, in whose case the procedure for recovery shall be regulated by the provisions of section 69;

(iii) when, by the process specified in (c), the defaulter's rights in the land in respect of which the arrear has accrued have been sold, all arrears outstanding against the defaulter in respect of that land shall be deemed to have been satisfied.

(2) A fee shall be charged for each process, in accordance with rules made under section 122.

Notice of demand

119. An Amin may, if he thinks fit, cause a notice of demand to be served on a defaulter before the issue of process under section 118 for the recovery of an arrear.

Process enforce-
able outside dis-
trict of default

120. The process specified in clause (a) or (b) of subsection (1) of section 118 may be enforced in the district in which the default has been made or in any other district.

Procedure in
attachment and
sale of property

121. The attachment and sale of moveable and immoveable property under this Act, and the entertainment of objections thereto, shall be conducted, so far as may be, in accordance with the procedure prescribed in that behalf by the Indore Code of Civil Procedure.

Power to make
rules under Chap-
ter IX

122. (1) With the previous sanction of Government, the Chief Revenue Authority may, from time to time, make rules for the purpose of carrying into effect the provisions of this chapter, and may attach to the breach of any such rule a penalty which may extend to one hundred rupees.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for :—

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(a) the number, and proportionate amount, of the revenue instalments; and the time when, the manner in which, and the place where, they shall be payable under section 112;

(b) the suspension and remission of revenue under section 113; and

(c) a scale of process fees under subsection (2) of section 118, and the collection of such fees.

CHAPTER X

Village Officers and Village Management

123. (1) Subject to rules made under section 135, there shall be appointed one or more Patels for each village, to perform the duties assigned to a Patel under this Act.

Appointment of
Patel

(2) The appointment of the Patel of a village held by a Jahagirdar or Istmurardar shall be made after consultation with the Jahagirdar or Istmurardar, as the case may be.

124. (1) The remuneration of the Patel of a khalsa village shall consist of so much khoti land as the Maharaja may confer on him as Inamdar, together with such percentage of the revenue the Patel collects from other persons holding land in the village as may be prescribed by rules made under section 135.

Remuneration
of Patel

(2) The remuneration of the Patel of a village held by a Jahagirdar or Istmurardar shall consist of so much rent-free land as Government may sanction in each case after consultation with the Jahagirdar or Istmurardar, as the case may be.

Duties of Patel

125. (1) Subject to rules made under section 135, it shall be the duty of every Patel

(a) to control and superintend the village Chaukidars and Balais, and to support them in the discharge of their duties;

(b) to safeguard any State property in the village, such as wells, tanks, Dharmashalas etc;

(c) to report, and, if possible, prevent, encroachments on the recognised roads and paths and common lands of the village, and to keep such areas available for the purpose they are intended to serve;

(d) to report, and, if possible, prevent, encroachments on village boundaries;

(e) to keep the village in a reasonably sanitary condition; and

(f) to perform such other duties as may be assigned to him from time to time.

(2) It shall also be the duty of the Patel of a khalsa village, subject to rules as aforesaid,

(a) to collect, and aid in the collection of, all payments due to Government from persons residing, or holding land, in the village, and to credit into a Government Treasury all payments which he may collect;

(b) to allot house sites within the village site; and

(c) to regulate the use of the village waste.

(3) Wherever Government may so direct, and in the performance of such of the above duties as Government may indicate, the Patel shall be assisted by a Gaonhi Panchayat, over which he shall preside and the constitution and

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working of which shall be regulated by rules made under section 135.

(4) Nothing in this section shall operate so as to modify the constitution or the working of a Village Panchayat, duly established under the Indore Village Panchayat Act. The provisions of that Act shall override the provisions of this section wherever there is conflict between them.

126. Any person who neglects or disobeys a reasonable order, made by a Patel in pursuance of a duty assigned to him by section 125, shall be liable, under the order of an Amin, to a fine which may extend to twenty rupees. The Amin's order shall be in writing and shall state the facts and circumstances of the case.

Penalty for disobedience of Patel

127. A Patel, who is found guilty of any disregard of the duties assigned to him under section 125, shall be liable, under the order of a Subha, to a fine which may extend to twenty rupees.

Punishment of Patels

128. (1) Subject to rules made under section 135, the Subha of the district may suspend or remove from office any Patel who

Suspension and removal of Patel

(a) is unwilling to work as such;

(b) is disqualified for the post by definite physical or mental incapacity; or

(c) has been guilty of gross misconduct or of continued and glaring neglect of his duties; *provided that:—*

(i) no Patel shall be suspended or removed from office until he has been given, by notice in writing, a reasonable opportunity of showing cause against his suspension or removal, as the case may be;

(ii) no Patel of a village held by a Jahagirdar or Istmurardar shall be suspended or removed from office except after consultation with the Jahagirdar or Istmurardar, as the case may be; and

(iii) no Patel shall be removed from office by the Subha except with the previous sanction of the Maharaja.

(2) A Patel may be suspended or removed from office by an order of the Maharaja for any sufficient reason.

Chaukidars

129. For each village, whether khalsa or held by a Jahagirdar or Istmurardar, there shall be appointed, in accordance with rules made under section 135, one or more Chaukidars or village watchmen. Such rules may also prescribe the remuneration and duties, and provide for the punishment, suspension and removal, of a Chaukidar.

Balais

130. For each village whether khalsa or held by a Jahagirdar or Istmurardar, there shall be appointed, in accordance with rules made under section 135, one or more Balais or village servants. Such rules may also prescribe the remuneration and duties, and provide for the punishment and removal, of a Balai.

**Rights of way &
other private
easements**

131. In the event of a dispute arising as to the route by which a holder of land shall have access to his fields or to the waste or pasture lands of the village, otherwise than by the recognised roads, paths or common land, or as to the course by which he may avail himself of water, to which he is entitled, from, a tank, well or other source, an Amin may, after local

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enquiry, decide the matter with reference to the previous custom in each case and with due regard for the convenience of all the parties concerned.

132. Any person who encroaches upon, or causes any obstruction to the use of, a recognised road, path or common land of a village, or who disregards the decision of an Amin passed under the foregoing section, shall be liable, under the written order of an Amin stating the facts and circumstances of the case, to a fine which may extend to twenty rupees.

Penalty for obstruction to rights of way etc:

133. If an Amin finds that any obstacle has been erected, impeding the free use of a recognised road, path or common land of a village or obstructing a route or water-course which has been the subject of a decision under section 131, he may order the person responsible for erecting the obstacle to remove it; and, if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removing it.

Removal of obstruction

134. Government may, by rules made under section 135, regulate the protection and management of any forest growth in a village, whether khalsa or held by a Jahagirdar or Istmurardar, and the exercise of any right of user over such forest growth.

Village forests

135. (1) With the previous sanction of Government, the Chief Revenue Authority may, from time to time, make rules for the purpose of carrying into effect the provisions of this chapter, and may attach to the breach of any such rule a penalty which may extend to fifty rupees.

Power to make rules under Chapter X

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate :—

(a) the appointment, remuneration, duties, suspension and removal of Patels;

(b) the constitution and working of Gaonthe Panchayats;

(c) the appointment, remuneration, duties and punishment of Chaukidars;

(d) the appointment, remuneration, duties and punishment of Balais; and

(e) the use, protection and management of village forests.

CHAPTER XI

Miscellaneous

Exclusive jurisdiction of Revenue Authority

136. (1) Except as otherwise provided in this Act, no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which Government are or a Revenue Officer is, by this Act, empowered to determine, decide or dispose of.

(2) In particular, and without prejudice to the generality of the foregoing provision, no Civil Court shall exercise jurisdiction over any of the following matters :—

(a) the dispossession of a trespasser under section 30;

(b) the finding of a Revenue Officer regarding the use or purpose to which land is appropriated under section 32;

(c) the finding of a Revenue Officer regarding the occurrence of a breach of the conditions of his tenure, as laid down in chapter V

or VI, by a pattedar or ordinary tenant or subtenant or by a holder of any special tenure;

(d) the enforcement, as against Government, by an assignee of proprietary rights, Adhi Jama Khotidar, holder of a service holding, tenant or subtenant, of any right which he may claim under the provisions of this Act;

(e) the amount of the revenue assessed under this Act in respect of any right in land; or the principles on, or methods by, which such assessment is made;

(f) the validity of any engagement with Government for the payment of revenue;

(g) any claim against Government connected with, or arising out of, the collection of revenue or the recovery of any sum realizable as revenue under this Act;

(h) any claim against Government to the right to enjoy the revenue or rent of any land or to receive any payment charged on, or payable out of, the revenue of any land;

(j) the claim of any person to hold land free of revenue or on a favoured assessment;

(k) the preparation of a Record of Rights or of the Annual Village Papers;

(l) any question connected with the allotment of house sites in, or the determination of the area of, village sites under section 42 or 87;

(m) any claim in connection with the office or remuneration of a Patel, Patwari, Chaukidar or Balai, or in respect of any injury caused by the exclusion of any person from such office;

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(n) any claim to compel the performance of a duty imposed by this Act on any Revenue Officer; or

(o) any claim against a Revenue Officer arising out of any act done, or ordered to be done, by him in good faith in pursuance of any law for the time being in force or of any rules made under such law.

Lis pendens

137. No Civil or Revenue Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue before any other competent Civil or Revenue Court in a previously instituted suit between the same parties.

Law of limitation to apply

138. Except where it is otherwise specially provided, the law of limitation for the time being in force in the Holkar State shall apply to all claims made under this Act before a Revenue Officer.

Valuation of suits; Court fees

139. All claims before a Revenue Court under this Act shall be valued in accordance with the law, if any, for the time being in force in the Holkar State regarding the valuation of suits in Civil Courts; and Court fees shall be paid according to the provisions of the Indore Court Fees Act.

Recovery of miscellaneous revenue and other money due to Government

140. (1) Any fee, *nazarana*, penalty or other sum of money, payable under the order of a Revenue Officer in accordance with this Act, shall be recoverable as if it were an arrear of revenue.

(2) Any authorised cess, rent, fee or royalty, due to Government on account of the use

or occupation of land or water, or on account of any product thereof, shall also be recoverable as if it were an arrear of revenue.

141. Every Revenue Officer, Patel, Patwari, Chaukidar and Balai, who is lawfully holding office when this Act comes into force, shall be deemed to be holding office as if he had been duly appointed in accordance with the provisions of this Act.

Validation of
existing official
appointments

