
**THE
BERAR REVENUE MANUAL**

VOLUME I

CONTAINING THE

**Land Revenue Code and Rules
thereunder**

As corrected up to the 3rd January 1928

REPRINT

(INCORPORATING AMENDMENTS 1—66)

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THE BERAR LAND REVENUE CODE, 1896.

Government of India, Foreign Department, Notification No. 3068-I.-B., dated Simla, the 2nd October 1896, as amended by subsequent Notifications Nos. 2831-I.-B., dated the 27th July 1897, 2838-I.-B., dated the 26th July 1901, 4246-I.-B., dated the 11th September 1903, 2800-G., dated the 9th November 1908, 1256-I.-B., dated the 23rd July 1914, and 456-I.-B., dated the 14th February 1918.

No. 3068-I.-B., dated the 2nd October 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act¹ XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Code of provisions relating to Revenue Officers and the administration of the land-revenue in Berar.

A Law to consolidate and amend the law relating to Revenue Officers and the Administration of the Land-revenue in Berar.

Whereas it is expedient to consolidate and amend the law relating to Revenue Officers and the administration of the land-revenue in Berar ;

It is hereby provided as follows :

CHAPTER I.

Chap. I.

PRELIMINARY.

Sec. 1.

1. (1) These provisions may be called the Berar Land Revenue Code, 1896, and are hereinafter referred to as "this Law".

Title, extent
and commence-
ment.

(2) This Law extends to the territories known as Berar ; and

¹See now the Indian (Foreign Jurisdiction) Order in Council, 1902.

(3) It shall come into force on such day as the Resident¹ may, by notification², direct.

Repeal.

2. (1) On and from that day the laws, rules and orders mentioned in the first schedule shall, subject to the other provisions of this section, be repealed to the extent specified in the third column thereof.

(2) Any law or document referring to any law, rule or order hereby repealed shall be construed as referring to this Law.

(3) All rules prescribed, appointments made, securities furnished, powers conferred, orders issued, notifications published, assessments fixed, determined, registered, sanctioned or declared, charges assessed, fines imposed, agreements executed or accepted, farms, leases or permissions granted, records prepared or altered, rights acquired, liabilities incurred, times or places appointed and other things done shall, so far as they are consistent with this Law, be deemed to have been respectively prescribed, made, furnished, conferred, issued, published, fixed, determined, registered, sanctioned, declared, assessed, imposed, executed, accepted, granted, prepared, altered, acquired, incurred, appointed and done hereunder.

(4) Such portion of the rules and orders mentioned in the third part of the said schedule as referred to matters in regard to which the Chief Commissioner is empowered to make rules or give instructions under any of the provisions of this Law, and in so far as they are consistent with this Law, shall be deemed to be rules made or instructions given under this Law until they are altered or superseded by rules made or instructions given under this Law.

(5) All proceedings pending at the commencement of this Law which have been commenced under any law, rule or order hereby repealed, shall be deemed to have been commenced under this Law, and shall thereafter be conducted in accordance with the provisions of this Law.

Saving.

3. Nothing in this Law shall interfere with or affect any right accrued or hereafter accruing under ³the Berar Forest Law.

¹"Resident" means the "Resident at Hyderabad" by whom Berar was administered previous to the 1st of October 1903.

²The Code came into force on the 1st January 1897. Residency Order Notification No. 355 of the 14th November 1896.

³See now the Indian Forest Act, 1878 (VII of 1878).

4. In this Law, unless there is anything repugnant in the subject or context—

¹[(1) “Revenue Officer” means any officer mentioned in section 5 (1) of this Code and any other officer whom the Chief Commissioner may, from time to time, declare to be a Revenue Officer :]

(2) “Deputy Commissioner” means the Deputy Commissioner of the district :

(3) “land” includes the sites of villages, towns and cities ; it also includes trees, growing crops and grass, fruit upon and juice in trees, rights of way, ferries, fisheries, and all other benefits to arise out of land and things attached to the earth, or permanently fastened to things attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory :

(4) “survey-number” means a portion of land formed into, or recognized as, a survey-number at the last preceding survey, or subsequently recognized as such by the Deputy Commissioner or any other officer authorized in this behalf :

(5) “recognized division of a survey-number” means a division of a survey-number recognized at the last preceding survey, or subsequently recognized as such by the Deputy Commissioner or any other officer authorized in this behalf :

(6) “building-site” means a definite portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon :

(7) “boundary-mark” means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground or other object, whether natural or artificial, set up, employed or specified by the Deputy Commissioner or other Revenue Officer having authority in that behalf, in order to designate the boundary of any land :

(8) “to hold land” means to be legally invested with a right to the possession and enjoyment or disposal of

¹Inserted by Notification No. 2800-G, dated the 9th November 1908. *Gazette of India*, part I, page 1002.

such land, either immediate or at the termination of tenancies legally subsisting :

(9) "holder" or "landholder" means the person in whom a right to hold land is vested whether solely on his own account, or wholly or partially in trust for another person, or for a class of persons, or for the public ; and includes a mortgagee vested with a right to possession :

(10) "holding" means the whole land over which such right extends under any single original title : Provided that, when land has been divided into villages or survey-numbers or has been separately assessed at any survey-settlement made or confirmed under this Law or any law, rule or order hereby repealed, the land of each village, survey-number or assessed portion shall be regarded as held under a separate title :

(11) "superior holder" means the person who, for the time being is, or but for some special exemption would be, primarily responsible to the Government for the payment of the revenue or rent on account of alienated land, or, where more than one person is responsible, the person whose responsibility has been recognized by the Deputy Commissioner under the provisions of this Law :

(12) when in the case of alienated land the highest right in respect of the occupation of the land and the highest right in respect of the receipt of the revenue or rent of the land do not vest in the same person, the holder who has the highest right in respect of the occupation of the land is called the "inferior holder" :

(13) "tenant" means a person who holds land from another person, called his "landlord", and is, or but for a special contract would be, liable to pay rent for the land to that other person ; but does not include a superior holder, an inferior holder or an occupant :

(14) "occupant" means a holder of unalienated land or, where there are more holders than one, the holder having the highest right in respect of any such land, or, where such highest right vests in more holders than one, any one of such holders ; and when there are more occupants than one in a single holding, each of such occupants is also called a "co-occupant" :

Explanation.—A lessee under the Waste Land Rules of 1865, 1876, 1879 or 1880 is not an occupant of the lands leased to him within the meaning of this definition.

(15) "registered occupant" means the person for the time being primarily responsible to the Government under the provisions of this Law for the payment of the revenue or rent on account of unalienated land :

(16) "occupancy" means the sum of the rights vested in an occupant as such :

(17) "alienated" means transferred, so far as the rights of the Government to receive the rent or land-revenue are concerned, wholly or partially, to the ownership of any person :

Explanation.—Lands leased under the Waste Land Rules of 1865, 1876, 1879 or 1880 are "alienated" within the meaning of this definition.

(18) "agricultural year" and "revenue-year" mean, respectively, the year commencing on such date as the Chief Commissioner may, in each case, from time to time by notification appoint, and "year" means the year commencing on the first day of April :

(19) references to enactments of the British Indian Legislature shall be deemed to refer to such enactments as applied for the time being by the Governor General in Council to Berar :

(20) "legal practitioner" means a person who is authorized to practise under the rules regulating legal practitioners in the court of the [Financial Commissioner]¹ and the courts subordinate thereto, or under the rules regulating legal practitioners in the court of the Judicial Commissioner and the courts subordinate thereto :

(21) "notification," with its grammatical variations and cognate expressions, means a notification published by the authority of the Chief Commissioner in the *Central Provinces Gazette* :

(22) "village-cess" includes any cess, contribution or due which is customarily leviable within a village and is neither a payment for the use of private property or for personal service nor imposed by or under any law, rule or order for the time being in force :

(23) "land-revenue" includes all payments, whether in money or in kind, due to the Government on account of a specified parcel of land or specified benefits arising out of land, and also includes any rent, cess or rate fixed with

¹Substituted by Notification No. 2800-G, dated the 9th November 1908, *Gazette of India*, 1908, part I, page 1002.

reference to land or other immovable property or to interests therein and imposed by the Government: and

(24) "rent" means whatever is payable to a landlord in money, kind or service by a tenant on account of the use or occupation of land by him.

CHAPTER II.

APPOINTMENT AND POWERS OF REVENUE OFFICERS.

Revenue
Officers.

¹[5. There shall be the following classes of Revenue Officers:—

- (1) the Chief Commissioner,
- (2) the Financial Commissioner,
- (3) the Commissioner,
- (4) Deputy Commissioners,
- (5) Assistant Commissioners,
- (6) Tahsildars.

Subordination
of Revenue
Officers.

6. (1) The Chief Commissioner shall, in all revenue matters, be subject to the control of the Governor General in Council.

(2) The Financial Commissioner shall be subject to the control of the Chief Commissioner.

(3) All other officers shall be subordinate to the Chief Commissioner and to the Financial Commissioner¹ all Revenue Officers below the rank of Commissioner to the Commissioner, and all Revenue Officers employed in a district to the Deputy Commissioner.

Financial Com-
missioner.

7. The Chief Commissioner * * * ² shall appoint, and may suspend or remove, the Financial Commissioner.]

Commissioner.

8. The Commissioner shall be appointed by the Chief Commissioner subject to the control of the Governor General in Council and shall exercise the powers and perform the duties conferred and imposed on the Commissioner by this law, or any law, rule or order for the time being in force, and, so far as is consistent therewith, all such other powers and duties within Berar as may from time to time be prescribed by the Chief Commissioner.

¹See footnote 1 on page 3 *supra*.

²Deleted by Notification No. 1256-I-B, dated the 23rd July 1914. *Gazette of India*, 1914, part I, page 1249.

9. (1) Berar shall be divided into such districts, and each district shall consist of such taluqs and each taluq of such villages as the Chief Commissioner may from time to time by notification prescribe.

Division of
Berar into
districts.

(2) The existing boundaries of districts and taluqs shall remain as they are, for the purposes of this Law, until altered.

10. The Chief Commissioner shall appoint in each district an officer who shall be the Deputy Commissioner and may exercise, throughout the district, all the powers and perform all the duties conferred and imposed on a Deputy Commissioner by this Law or any law, rule or order for the time being in force, and shall in all matters not specially provided for by any law, rule or order act according to the instructions of the Chief Commissioner.

Deputy Com-
missioner of
the district.

11. The Chief Commissioner may appoint to each district so many Assistants as he may deem expedient; and such Assistants shall be called "Assistant Commissioners," "Extra-Assistant Commissioner," "Attachés," or by such other designation as may be expressed in the order of their appointment.

Assistants.

12. (1) Subject to the general orders of the Chief Commissioner the Deputy Commissioner may place any of his Assistants in charge of the revenue administration of one or more of the taluqs in his district, or may himself retain charge thereof.

Duties and
powers of
Assistants.

(2) An Assistant thus placed in charge shall, subject to the provisions of this Law, exercise such of the powers conferred, and perform such of the duties imposed, upon the Deputy Commissioner by this Law or any law, rule or order for the time being in force, so far as regards the taluq or taluqs in his charge, as the Commissioner may from time to time direct :

Provided that the Deputy Commissioner may, whenever he shall think fit, direct any such Assistant not to exercise certain powers or perform certain duties, and may reserve the same to himself or assign them to any other Assistant subordinate to him.

(3) To such Assistants as it may not be possible or expedient to place in charge of taluqs the Deputy Commissioner shall, under the general orders of the Chief Commissioner, assign such particular powers and duties as he may from time to time deem fit.

Secs. 13—16.

Deputy Commissioner of the district in case of temporary vacancy.

13. (1) If the Deputy Commissioner is disabled from performing the duties of, or for any reason vacates, his office or leaves his district or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by the Chief Commissioner succeed temporarily to the office, and shall be held to be the Deputy Commissioner until the Deputy Commissioner resumes charge of the district, or until the Chief Commissioner appoints a successor to the former Deputy Commissioner and such successor takes charge of the office.

(2) An officer whose principal office is different from that of an Assistant and who is an Assistant for special purposes only, shall not be deemed to be an Assistant for the purposes of this section.

Tahsildars.

14. (1) The officer entrusted with the local revenue administration of a taluq shall be called the Tahsildar, and shall be appointed by the Chief Commissioner.

(2) The powers and duties of the Tahsildar shall be such as may be expressly conferred or imposed upon him by this Law or by any law, rule or order for the time being in force, or as may be imposed upon, or delegated to, him by the Deputy Commissioner, under the general or special orders of the Chief Commissioner. Every Tahsildar in office at the commencement of this Law shall continue, until such time as is otherwise directed by competent authority to exercise the powers and to perform the duties at present exercised and performed by such an officer.

Notification No. 106-95-B, dated the 10th March 1920.

NOTE.—In exercise of the powers conferred on him by sections 14 and 17 of the Berar Land Revenue Code, 1896, the Chief Commissioner is pleased, with the previous sanction of the Governor General in Council, to assign to the Financial Commissioner the powers and functions exercised by, the Chief Commissioner, under sections 14 and 17 of the said Code, of the appointment of Tahsildars and Naib-Tahsildars in Berar.

Employment of subordinates by Tahsildars.

15. The Tahsildar may, subject to such general orders as may from time to time be passed by the Commissioner or by the Deputy Commissioner, employ any of his subordinates to perform any portion of his ministerial duties :

Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar.

Tahsildar in case of temporary vacancy.

16. If the Tahsildar is disabled from performing the duties of, or for any reason vacates, his office or leaves his taluq or dies, his subordinate of the highest rank on the spot shall succeed temporarily to the office, and shall

be held to be the Tahsildar until the Tahsildar resumes charge of the taluq or until such time as a successor is duly appointed and takes charge of the office.

17. (1) The Chief Commissioner may appoint such other officers and invest them with such powers as may from time to time be necessary to give effect to the provisions of this Law. Other executive officers.

(2) Such officers shall discharge such duties and be subordinate to such authorities as, in the absence of any provision in this Law, the Chief Commissioner may prescribe.

NOTE.—In exercise of the powers conferred on him by sections 14 and 17 of the Berar Land Revenue Code, 1896, the Chief Commissioner is pleased, with the previous sanction of the Governor General in Council, to assign to the Financial Commissioner the powers and functions exercised by the Chief Commissioner, under sections 14 and 17 of the said Code, of the appointment of Tahsildars and Naib-Tahsildars in Berar. Notification No. 106-95-B, dated the 10th March 1920.

18. The Chief Commissioner may appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this chapter, or confer or impose upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient. Combination of offices.

19. [(1) The appointment of all officers mentioned in sections 5 to 14 (both inclusive) shall be notified. Other appointments may be notified in accordance with such instructions as the Chief Commissioner may, from time to time, issue to this effect.]¹ Notification of certain appointments and powers of acting officers.

(2) Any person appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be exercised or performed by the officer for whom he is so appointed to act.

(3) Appointments required to be notified under this section shall be notified in the *Central Provinces Gazette* or in the *Gazette of India*.

20. Subject to any instructions given under section 216, and unless the Chief Commissioner shall otherwise direct,— Establishments.

[(a) All members of the Financial Commissioner's establishment shall be appointed by the Financial Commissioner]²;

¹See footnote 1 on page 5 *supra*.

²See footnote 1 on page 3 *supra*.

- ¹(b) all members of the Commissioner's establishment shall be appointed by the Commissioner ;
- ¹(c) all members of the establishment of the Deputy Commissioner and all members of the establishments of officers subordinate to the Deputy Commissioner shall be appointed by the Deputy Commissioner ; and
- ¹(d) all members of the establishment of an officer appointed under section 17 and not subordinate to the Deputy Commissioner shall be appointed by such officer as the Chief Commissioner may direct :

Provided that any officer empowered to make appointments under this section may delegate so much of his power in this behalf as he may deem fit to any subordinate officer, but subject to the retention by him of a right of revision at any time of any appointment that may be made by such subordinate officer.

CHAPTER III.

THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITIES OF PRINCIPALS AND SURETIES.

Chief Commissioner to direct what officers shall furnish security, and to what amount.

21. (1) The Chief Commissioner may direct that such Revenue Officers as he deems fit shall, previously to entering upon their office, furnish security to such amount as he may in each case think expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell, or in the form contained in the second schedule, or in such other form as he may from time to time prescribe.

(2) The amount for which such security shall be furnished may be varied, from time to time, by order of the Chief Commissioner, who shall also determine the number of sureties to be required.

Fresh or additional security.

22. The Deputy Commissioner or other officer authorised by the Chief Commissioner in this behalf may,

¹Clauses (a), (b) and (c) re-lettered (b), (c) and (d), respectively, by Notification No. 2800-G, dated the 9th November 1908. *Gazette of India*, 1908, part I, page 1002.

at any time after security has been given by a Revenue Officer subordinate to him, if it appears to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and, in case of the officer failing to give such security within one month after its being required of him, may suspend or dismiss him :

Provided that no greater security shall be demanded than is required by the orders of the Chief Commissioner under the last foregoing section :

Provided, also, that, in the event of a Revenue Officer who has been required to furnish security owing to his transfer to an office for which larger security is required, failing to furnish the required security, he may be allowed to revert to his former post, if any, instead of being suspended or dismissed.

23. (1) The Deputy Commissioner, or any other officer deputed by the Deputy Commissioner in this behalf, shall, in all cases in which the Government may have a claim on any Revenue Officer, or on any person formerly employed as such in the district, for public moneys or papers or other Government property, by order in writing under his official seal, if he uses one, and signature, require the moneys or papers or property detained to be delivered to the person bearing the said order either immediately or on such date and at such place as the order may specify.

Demands for money, papers or property and confinement in default of delivery.

(2) If the officer or other person aforesaid shall not deliver the moneys, papers or property as directed in the order, the Deputy Commissioner may cause him to be apprehended, and may send him with a warrant in the form contained in the third schedule to be confined in the civil jail till he complies with the order :

Provided that no person shall be detained in confinement under any such warrant for a longer period than one calendar month.

24. (1) The Deputy Commissioner may also take proceedings to recover any public moneys due by any Revenue Officer in the same manner and subject to the same rules as are laid down in this Law for the recovery of arrears of land-revenue from defaulters, and for the purpose of recovering public moneys, papers or other property appertaining to Government. may issue a search-warrant and exercise all such powers with respect thereto as

Public money recoverable as arrears of land-revenue and by issue of search-warrant, and persons in possession of public moneys, papers and property bound to give them up.

may be lawfully exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1882.¹

X of
1882.

(2) It shall be the duty of every person in possession of public moneys, papers or other property appertaining to the Government, in regard to which he knows or has reason to believe that a search-warrant has been issued under the provisions of this section, to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

Liability of
sureties.

25. The surety or sureties of such officer or other person as aforesaid, who may enter into a bond in the form contained in the second schedule, or in any other form prescribed by the Chief Commissioner shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default and notwithstanding such principal may be so proceeded against :

Provided that, in any case of failure to discharge or make good any sum of money due to the Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them :

Provided, also, that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government treasury the whole or such part of the penalty named in the bond as may be demanded.

An officer or
surety in jail
may, by furnish-
ing certain
security, obtain
his release.

26. If an officer or other person as aforesaid, or his surety or sureties against whom a demand is made, shall give sufficient security in the form contained in the fourth schedule, the Deputy Commissioner shall cause such officer or surety, if in custody, to be liberated, and shall countermand the sale of any property that may have been attached, and restore it to the owner.

¹See now the Code of Criminal Procedure, 1898 (Act V of 1898).

Secs. 27—30.

27. (1) The liability of the surety or sureties shall not be affected by the death of the principal, or by the appointment of the principal to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 21 or until his bond is cancelled.

Liability of surety not affected by death of principal or by his taking a different appointment.

(2) The heirs of a deceased officer shall be liable by suit in the civil court for any claims which Government may have against the deceased, in the same way as they would be for similar claims made by an individual.

Liability of heirs of deceased officer.

28. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on giving notice in writing to the office to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after six calendar months from the date on which he gives such notice as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of six calendar months, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

How surety may withdraw from further liability.

29. All records which have been, or may be, prepared by any hereditary officer, Revenue Officer or village-officer in pursuance of the duties of his office or by order of his superior officer or of the present or former Government, are hereby declared to be the property of the Government, and the Deputy Commissioner is hereby empowered to demand their production.

Records to be the property of Government.

CHAPTER IV.

CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS, AND THEIR PUNISHMENT FOR MISCONDUCT.

30. (1) No Revenue Officer shall, except with the express permission of the Chief Commissioner,—

Prohibition on Revenue Officers trading, bidding at auctions or holding land.

(a) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land in the district to which he is appointed or in which he is employed;

- (b) purchase or bid for, either in person or by agent in his own name or in the name of another or jointly or in shares with others, any property which may be sold by order of any revenue or judicial authority in such district ;
- (c) hold, directly or indirectly, any land or be in any way concerned on his private account in the collection or payment of revenue of any kind in such district.

(2) The Chief Commissioner may delegate to the Commissioner or to the Deputy Commissioner the power of granting the permission mentioned in this section in the case of any specified class of officers or for any special occasion.

(3) Nothing in this section shall be deemed to preclude any person from being a member of a company incorporated under the ¹Indian Companies Act, 1882.

VI of
1882.

Prohibition of unlawful detention of money and acceptance of presents.

31. No Revenue Officer shall—

(1) derive, either for himself or for any other individual, any profit or advantage, beyond his lawful salary or emoluments, from any public moneys or property with the collection or charge of which he is entrusted or connected ; or

(2) demand, or receive, under the colour or by the exercise of his authority as such Revenue Officer, or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf, any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Law or of any law, rule or order for the time being in force.

Penalty.

32. Subject to any instructions given under section 216, any Revenue Officer may be fined, reduced, suspended or dismissed for any such offence as is described in the last foregoing section, or for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer is appointed, or by any authority

¹See now the Indian Companies Act, 1913 (VII of 1913).

superior to such authority; and this power may be delegated by such first-mentioned authority, wholly or partially, to any subordinate officer on the same condition as the power of appointment delegated under section 20 :

Provided that no Revenue Officer whose monthly salary exceeds two hundred and fifty rupees, shall be fined, suspended, reduced or dismissed except by order of the Chief Commissioner.

33. When any Revenue Officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record such order or cause the same to be recorded, together with the reasons therefor, in writing, under his signature, in the language of the district or in English. Any explanation which the subordinate officer accused may wish to offer, shall first be considered and reduced to writing in the language in which it is given, and shall form part of the record.

All such orders to be made in writing.

34. (1) No fine inflicted under this chapter shall in any case exceed the amount of one month's pay of the office held by the offender at the time of the commission of the offence.

Fines.

(2) All fines inflicted under this chapter may be recovered from the officer's pay.

35. (1) If the Deputy Commissioner, whether of his own motion or on appeal from a subordinate officer's order, passes an order for fining, reducing, suspending or dismissing any Revenue Officer subordinate to him whose monthly salary does not exceed thirty-five rupees, or if any authority superior to the Deputy Commissioner passes any such order against a Revenue Officer whose monthly salary does not exceed ninety-nine rupees, no appeal shall lie against such order :

Appeals barred in certain cases.

Provided that at least one appeal shall lie against every order made, of his own motion, by any authority other than the Chief Commissioner for dismissing an officer whose monthly salary exceeds thirty-five rupees.

(2) No appeal shall lie against any order inflicting a fine not exceeding one rupee.

36. (1) Nothing in this chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Liability to criminal prosecution not affected by this Law : officer may be suspended during trial.

(2) Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon

Secs. 36—39

and subsequently suspended, reduced or dismissed.

a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority, whether he has been found guilty or not.

Chapter not to apply to certain patels and patwaris.

37. Except as provided in section 31, nothing contained in this chapter shall be held to apply to patels and patwaris appointed under the ¹Berar Patel and Patwaris Law, 1885, or shall in any way affect that law.

CHAPTER V.

LAND AND LAND-REVENUE.

Lands.

All public roads, etc., and all lands which are not the property of others, belong to the Government.

38. All public roads, lanes and paths, the bridges, ditches, dykes and fences on or beside the same, the beds of rivers, streams, nalas, lakes and tanks, and all canals and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are, and are hereby declared to be, together with all rights in or over the same, or appertaining thereto, the property of the Government; and the Deputy Commissioner may, subject to the orders of the Commissioner, dispose of them in such manner as he may deem fit or as may be authorised by general rules sanctioned by the Chief Commissioner, subject always to the rights of way and all other rights of the public or of individuals legally subsisting.

Lands may be assigned for special purposes, and when so assigned shall not be otherwise appropriated without sanction of the Commissioner.

39. Subject to the general orders of the Chief Commissioner, the Deputy Commissioner whilst survey operations are proceeding under Chapter VIII, and the Commissioner at any other time, may set apart lands, the property of the Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for village cattle, for grass reserves or for any public or municipal purpose; and lands assigned

¹See now the Berar Patels and Patwaris Law, 1900.

specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Commissioner; and, in the disposal of land under section 38, due regard shall be had to all such special assignments.

40. (1) Grazing on Government waste lands, other than those which may have been, or which may be, declared to be State forests under the provisions of the ¹Berar Forest Law, may be regulated by rules to be, from time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner with the previous sanction of the Commissioner.

Power to make rules as to grazing on Government waste lands heretofore set apart for forests, reserves and pasturage of village-cattle.

(2) The decision of the Deputy Commissioner in any case of dispute as to such grazing shall be conclusive.

Trees.

41. (1) In unalienated villages or portions of villages of which the original survey-settlement has been completed before the commencement of this Law, the right of the Government to all trees in all alienated land, and in all unalienated land under occupation at the commencement of this Law, shall, in the absence of proof to the contrary, be presumed to have been conceded to the occupant or holder.

Concession of Government rights to trees in case of settlements completed before the commencement of this Law.

(2) The contrary may be proved by showing—

- (a) that the rights of the Government were specially reserved at the time of the survey-settlement; or, when permission to occupy has been granted subsequent to the completion of the survey-settlement, at the time of the grant of such permission, and that the rights so reserved have not been subsequently conceded to the occupant;
- (b) that the trees have been planted and reared by, or under the orders of, or at the expense of, the Government, or at the expense of local funds, and that the rights of the Government have not been specially conceded to the occupant;
- (c) that the land has not been alienated, that the trees were in existence when the last permission to occupy was granted, that the land on which the trees are growing, has not been

¹See footnote 3 on page 2 *supra*.

occupied continuously for twenty years from the date of the last permission to occupy, and that the rights of the Government in the trees have not been purchased by or specially conceded to the occupant ; or

(d) that the occupant has continuously recognized the rights of the Government.

Concession of Government rights to trees in the case of settlements completed after the commencement of this Law.

42. In unalienated villages or portions of villages of which the original survey-settlement shall be completed after the commencement of this Law, the right of the Government to all trees shall be deemed to be conceded to the occupant or holder of the land on which they are growing, except in so far as such right may be specially reserved at the time of the settlement.

Concession of Government rights to trees in case of land taken up after completion of settlement.

43. When permission to occupy land shall hereafter be granted after the completion of the survey-settlement of the village or portion of the village in which such land is situated, the said permission shall be deemed to include the concession of the right of the Government to all trees growing on that land which may not be specially reserved at the time of granting such permission.

Government trees and forests.

44. The right to all trees specially reserved under the provisions of the three last foregoing sections, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government ; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as the Chief Commissioner may from time to time direct.

Trees planted by or under the orders of the Government.

45. (1) All trees which have been planted and reared by, or under the orders of, or at the expense of, the Government, or at the expense of local funds, vest in the Government ; but, in the event of such trees dying, or being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land on which they were growing, and the usufruct, including the loppings, of such trees shall also vest in the said holder :

Provided that no such trees shall be lopped except under the order of the Deputy Commissioner.

(2) If the holder of any land in which such trees are growing shall so desire and shall make an application to

the Deputy Commissioner for the purpose at any time within two years after the commencement of this Law, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land-revenue due upon the strip so deducted. Any strip of land so deducted shall, together with the trees upon it, vest thereafter in the Government.

46. (1) Any person who unauthorizedly fells and appropriates any tree or any portion thereof, or removes any other natural product which is the property of the Government, shall be liable to the Government for the value thereof, and such value shall be recoverable from him as an arrear of land-revenue, in addition to any penalty to which he may be liable under the provisions of this Law for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property or forest produce.

Recovery of value of trees, etc., unauthorizedly appropriated.

(2) The decision of the Deputy Commissioner as to the value of any such tree, or portion thereof, or other natural product shall be conclusive.

47. In the case of trees, being the property of the Government and standing on alienated or occupied land, the holder or occupant shall, in the absence of any agreement to the contrary, be entitled to half the usufruct, including the loppings, of such trees :

Presumption as to Government trees standing on occupied lands.

Provided that the holder or occupant shall not be so entitled, where a remission of assessment has been granted in respect of the land occupied or injured by the trees, on account of such occupation or injury.

48. In the case of trees, being the property of individuals and standing on unoccupied Government land, the Government shall, in the absence of any agreement to the contrary, be entitled to half the usufruct, including the loppings, of such trees :

Presumption as to trees, the property of individuals, standing on Government lands.

Provided that nothing in this section shall prevent the Government from assessing the land occupied or injured by the trees and the recovery of the said assessment in lieu of the usufruct.

Land-revenue.

49. All land, whether applied to agricultural or other purposes and wherever situated, shall be liable to the payment of land-revenue to the Government according to the

All land liable to pay revenue unless specially exempted, and

Secs. 49—52.

special exemp-
tion liable to be
overruled tem-
porarily in case
of necessity.

Liability of
alluvial lands
to land-revenue.

Assessment of
land-revenue in
cases of dilu-
vion.

Description of
lands charge-
able with land-
revenue, and
effect, as regards
assessment, of
variation of
purpose to
which lands are
applied.

provisions hereafter contained in this Law, except such land as may be wholly exempted under the provisions of any special contract with the Government or of any law, rule or order for the time being in force.

50. All alluvial lands, newly-formed islands or abandoned river-beds, which vest, under any law, rule or order for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land-revenue, to the same privileges, conditions or restrictions as are applicable to the original holding in virtue of which such lands, islands or river-beds so vest in the said holder; but no revenue shall be leviable in respect of any such lands, islands or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

51. Every holder of land paying revenue in respect thereof shall be entitled, subject to such instructions as may be from time to time given in this behalf by the Chief Commissioner, to a decrease of assessment if any portion thereof, not being less than half an acre in extent nor less than one-tenth of the holding, is lost by diluvion.

52. (1) The land-revenue leviable under the provisions of this Law shall be chargeable—

- (a) upon land appropriated for agricultural purposes;
- (b) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;
- (c) upon land appropriated for building-sites.

(2) The assessment fixed under the provisions of this Law upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed, may not have expired; and any land allowed by the Government to be held free of assessment on condition of its being appropriated to one purpose shall become liable to assessment if at any time it is devoted to any other purpose.

(3) The Deputy Commissioner may also, subject to any instructions given under section 216, prohibit the appropriation for certain purposes of any unalienated land liable to the payment of land-revenue, and may summarily

evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

53. On all lands not wholly exempt from payment of land-revenue, and not within the local operation of an order made under section 83, the assessment of the amount to be paid as land-revenue shall be fixed at the discretion of the Deputy Commissioner, subject to the control of the Chief Commissioner, and the amounts due according to such assessment shall be levied on all such lands :

Assessment by whom to be fixed.

Provided that in the case of lands partially exempt from land-revenue, or the liability of which to payment of land-revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.

54. (1) The settlement of the assessment to land-revenue of each portion of land or survey-number shall be made with the person who, under section 105, is primarily responsible to the Government for the same:

Settlement of assessment to be made with the holder directly from the Government, or, in his absence, with the next holder.

(2) If the said person is absent and has left no known authorized agent in the district, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him or in occupation of the land.

55. The Chief Commissioner may, with the previous sanction of the Governor General in Council, authorize the Deputy Commissioner, or such other officer as the Chief Commissioner deems fit, to fix such rates as he may from time to time think proper for the use by landholders and other persons of water the right to which vests in the Government, or which has been made available in consequence of the construction, improvement or repair of any irrigation or other work by the Government. Such rates shall be liable to revision at such periods as the Chief Commissioner shall from time to time determine, and shall be recoverable as land-revenue.

Rates for use of water.

56. Arrears of land-revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable

Land-revenue to be a paramount charge on the land.

to forfeiture; and on such forfeiture the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in anywise subsisting as against such occupant or holder, or may otherwise dispose of such occupancy or alienated holding in accordance with any instructions given under section 216.

Forfeited holding may be taken possession of.

57. The Deputy Commissioner may, in the event of the forfeiture of a holding under the last section or under any other law, rule or order for the time being in force, take immediate possession of the land embraced within such holding and dispose of the same, by placing it in the possession of the purchaser or other person entitled to hold it, according to the provisions of this Law or of any law, rule or order for the time being in force.

CHAPTER VI.

OCCUPATION OF UNALIENATED LAND.

Occupation.

Written permission of Tahsildar required previous to taking up unoccupied land.

58. (1) Any person desirous of taking up unoccupied land which has not been alienated, shall, previously to entering upon occupation, obtain the permission in writing of the Tahsildar.

(2) Such person shall also execute an agreement to become the registered occupant in such form as the Deputy Commissioner may from time to time prescribe, and the right of occupancy in the land shall not pass till such agreement shall have been accepted by the Deputy Commissioner.

Penalties for unauthorized occupation of land.

59. (1) Any person who unauthorizedly occupies any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall be liable to pay,—

(a) if the land which he unauthorizedly occupies, forms part of an assessed survey-number, the assessment of the entire number for the whole period of his occupation, and

(b) if the land so occupied by him has not been assessed, such amount of assessment as would

be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose,

and shall also be liable, at the discretion of the Deputy Commissioner, to a penalty not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he has taken up the land for purposes of cultivation, and not exceeding such limit as may be fixed in any instructions given in this behalf under section 216, if he has appropriated it to any non-agricultural purpose.

(2) The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and, in the determination of its amount, occupation for an incomplete portion of a year shall be counted as for a whole year.

(3) Any person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crop which he may have raised on the land, shall be liable to forfeiture, and any building or other construction which he may have erected thereon, shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

(4) Forfeitures under this section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

60. (1) The Deputy Commissioner may, subject to such orders as may from time to time be made by the Chief Commissioner, before accepting an agreement under section 58, require the payment of a certain price for the occupancy or sell that right by auction or annex such conditions, not inconsistent with this Law or any law, rule or order for the time being in force, to the occupancy as may seem fit.

Occupancy-right to be paid for and to be liable to certain conditions.

(2) The price of an occupancy shall include the price of the Government right to all trees not specially reserved under the provisions of section 43.

61. (1) When it appears to the Deputy Commissioner that the occupancy of any alluvial land which vests, under any law, rule or order for the time being in force, in the Government, may, with due regard to the interests

Occupancy of alluvial land which vests in Government.

of the public revenue, be disposed of in perpetuity, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

(2) The price of an occupancy so offered shall not exceed three times the annual assessment of the land of which the occupancy is offered.

(3) If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last foregoing section without any restrictions as to the price thereof.

Temporary
right to alluvial
lands of small
extent.

62. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre and also exceeds one-tenth of the area of his holding. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last foregoing section.

Occupants' rights.

Uses to which
occupant of
land for agricul-
tural purposes
may put his
land.

63. (1) An occupant of land appropriated for agricultural purposes is entitled by himself, his servants, tenants, agents or other legal representatives, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient occupation for the purposes aforesaid.

(2) If any occupant wishes to appropriate his holding or any part thereof to any other purpose, he shall apply to the Deputy Commissioner for permission. The Deputy Commissioner on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and after inquiry may either grant or refuse the same. Unless the Deputy Commissioner shall in a particular instance otherwise direct, no such application shall be recognized except it be made by the registered occupant.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture, the Deputy Commissioner may, subject to any instructions given under section 216, require the payment of a premium in addition to any new assessment which may be leviable under the provisions of section 52.

64. If any such land be so appropriated without the permission of the Deputy Commissioner first obtained, the occupant and any tenant, or any other person holding under or through him, shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated and from the entire field or survey-number of which it may form a part, and the occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 52 for the period during which the said land has been so appropriated, such penalty as the Deputy Commissioner may, subject to any instructions given under section 216, impose.

Penalty for appropriating land without permission.

65. Nothing in the two last foregoing sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between the Government and the occupant.

Permission may be granted on terms.

66. An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or, if the period be unlimited or a survey settlement has been extended to the land, in perpetuity, conditionally on the payment of the amounts due on account of the land-revenue for the same according to the provisions of this Law, or of any rules made under this Law, or of any law, rule or order for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy.

Occupant's rights are conditional.

67. The right of the Government to mines and mineral products in all unalienated land is, and is hereby declared to be, expressly reserved :

Reservation of right of Government to mines and minerals.

Provided that nothing in this section shall be deemed to affect any subsisting rights of any occupant of such land in respect of such mines or mineral products.

68. If an occupant dies intestate and without known heirs, the Deputy Commissioner shall, subject to the provisions of this Law or of any law, rule or order for the time being in force for the sale of forfeited occupancies in realization of the land revenue, dispose of his interest in the occupancy by sale, and the law for the time being in force concerning property left by such occupant dying intestate and without known heirs shall not be deemed to apply to the said interest, but only to

Intestate occupancy or holding to be sold.

the proceeds of such sale after deducting all arrears of land revenue due by the deceased to the Government and all the expenses of the said sale.

Relinquishment of occupancy.

Occupant may relinquish his occupancy.

69. (1) A registered occupant may, by giving a notice in writing to the Tahsildar, relinquish the occupancy either absolutely or in favour of a specified person :

Provided that such relinquishment shall include all rights in whole survey-numbers or in whole recognized divisions of survey-numbers.

(2) An absolute relinquishment shall be deemed to have effect from the close of the current revenue year, and notice thereof shall be given before the thirty-first day of March in such year or before such other date as may be from time to time prescribed in this behalf for each district by the Chief Commissioner. A relinquishment in favour of a specified person may be made at any time if no arrears of land-revenue are due in respect of the land.

Right of way to relinquished land.

70. If any person relinquishes land the way to which lies through other land retained by him, the right of way through the land so retained shall continue to the future holder of the land relinquished.

The registered occupant.

Registered occupants and their liabilities.

71. The person who has last executed an agreement in respect of any land under section 58, section 72 or section 73, is the registered occupant of that land, and shall, as such, be liable for the land-revenue and other demands of the Government in respect of the land until such time as the occupancy is relinquished absolutely under section 69, or until some other person is recognized as the registered occupant under the provisions of section 72 or section 73.

Transfers of their rights are to be recognized by the Deputy Commissioner, otherwise than on decree or order of a civil court.

72. The Deputy Commissioner may, subject to the provisions of section 73, recognize another person as the registered occupant in the following cases :—

(1) where the registered occupant has died, the Deputy Commissioner may recognize the person who appears to him to be the heir, or, where there are more heirs than one, the principal heir, of the deceased registered occupant :

- (2) where an occupancy has been relinquished in favour of a specified person, the Deputy Commissioner may recognize the person in whose favour the occupancy has been relinquished;
- (3) where an occupancy has been taken possession of under section 57, the Deputy Commissioner may recognize the purchaser or other person placed in possession;
- (4) where the interests of a registered occupant have been sold under section 68 or under the provisions of chapter XI, the Deputy Commissioner may recognize the purchaser;
- (5) where the registered occupant consents that another person shall be recognized as registered occupant in his stead, the Deputy Commissioner may recognize such person;

and the Deputy Commissioner shall, subject to the provisions of section 73, recognize the person who appears to be the heir or principal heir, the person placed in possession, the purchaser or the person in whose favour the occupancy has been relinquished, or to whose recognition the registered occupant consents, as the case may be, on his executing an agreement to become the registered occupant in such form as may be prescribed by the Deputy Commissioner.

73. If, by the decree or order of a competent court, it is adjudged that the registered occupant is an inferior holder under another person, or that another person is entitled to be the registered occupant, or if, in execution of such decree or order, the interests of a registered occupant have been transferred by sale or otherwise to another person, the Deputy Commissioner may recognize such other person, and he shall recognize such other person on his producing a certified copy of the decree or order of the court's certificate of the sale or transfer and on his executing an agreement to be such occupant in such form as the Deputy Commissioner may prescribe.

Transfers to be recognized on decree or order of the civil court.

74. Save as provided in sections 69, 71, 72, and 73, the Deputy Commissioner shall not be bound to recognize any person to whom any interest in any portion of an occupancy has been assigned.

Other transfers need not be recognized.

Secs. 75—78.

Presumption from registration.

75. In the absence of proof to the contrary, it shall be presumed that every person shown in a settlement-register or in village records as the registered occupant did execute an agreement to become the registered occupant at some time before the preparation of the register or record and that he was the last person who had executed such an agreement at the time when the register or record was prepared.

Remedies against forfeiture of occupancies.

To prevent forfeiture of occupancy, certain persons other than the registered occupant may pay the land-revenue.

76. In order to prevent the forfeiture of an occupancy, under the provisions of section 56 or of any other law for the time being in force, through non-payment by the registered occupant of the land-revenue due on account thereof, any co-occupant, tenant, mortgagee or other person interested in the continuance of the occupancy, may pay, on behalf of such registered occupant, all sums due on account of the land-revenue, and the Deputy Commissioner may receive the same.

Suspension of certain provisions of this chapter.

Chief Commissioner empowered to suspend operation of section 58 or 69.

77. (1) The Chief Commissioner may, by notification, from time to time,—

(a) suspend the operation of section 58 or of section 69 or of both within any prescribed local area, either generally or in respect of cultivators or occupants of a particular class or classes; and

(b) cancel any such notification.

(2) During the period for which any notification under clause (a) is in force within any local area, such rules shall be substituted for the provisions of which the operation is suspended, as the Commissioner shall from time to time direct.

CHAPTER VII.

SUPERIOR AND INFERIOR HOLDERS AND GRANT OF RECEIPTS.

Tenants' rights.

Rent, duration of tenancy and presumption as to tenure.

78. (1) A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking or retaining possession of land permissively from, or by

sufferance of, another, shall be regarded as holding the same at the rent, or for the services, agreed upon between them, or, in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there is no such agreement or usage, shall be presumed to hold at such rent as, regard being had to all the circumstances of the case, shall seem just and reasonable.

(2) Where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement and of the period agreed upon between the landlord and tenant, or those under whom they respectively claim, for its duration, is forthcoming, and there is no usage of the locality as to its duration, the period of its intended duration shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and those who derive title under him.

(3) Where there is no satisfactory evidence of the capacity in which a person in possession of land, in respect of which he renders service or pays rent to the landlord, received, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

(4) Nothing contained in this section shall affect the right of the landlord (if he has the same by virtue of agreement, usage or otherwise) to enhance the rent payable or services renderable by the tenant up to a degree which shall, in the judgment of the court, be just and reasonable and to sue for the eviction of the tenant for non-payment of the rent or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

(5) The rent for the time being payable or the service for the time being renderable by a tenant shall, for the purposes of this section, be presumed to be just and reasonable till the contrary is proved.

(6) In determining what shall be considered a reasonable rent, the court shall not take into consideration as against the tenant the enhanced value of the property due to improvements effected by the tenant.

(7) In the case of a court decreeing the ejection of a tenant, holding otherwise than under an express agreement, on the ground of non-payment of rent, the court

may consider whether the tenant has made improvements, and may pass a decree for ejection, subject to the payment by the landlord of such sum as may be considered just and reasonable compensation for the unexhausted improvements.

(8) The rent of a tenant holding otherwise than under an express agreement shall not be enhanced without notice in writing served by the landlord upon the tenant at least six months before the commencement of the agricultural year from which the enhancement is to take effect, through a Revenue Officer and in accordance with instructions to be given by the Chief Commissioner in this behalf.

Termination of annual tenancy and notice of such termination.

79. (1) An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one agricultural year to the end of the next.

(2) An annual tenancy shall, in the absence of any special agreement to the contrary, require for its termination a notice in writing, in the form contained in the fifth schedule or in a form to the like effect, given by the landlord to the tenant, or by the tenant to the landlord, at least three months before the end of the agricultural year of tenancy at the end of which it is intimated that the tenancy is to cease.

Grants of receipts.

Receipts to be granted by Revenue Officers for payments of land revenue.

80. (1) Every Revenue Officer receiving any money on account of land-revenue or recoverable as land-revenue shall, on demand by the person paying or delivering such money, grant a receipt for the same:

Provided that, when such payment or delivery is made by a registered occupant or his servant or agent, the Revenue Officer may refuse to grant a receipt unless a receipt book, in such form as the Commissioner may from time to time prescribe, is produced for the record of the payment.

(2) Every patel or patwari refusing to grant a receipt under the proviso to sub-section (1) shall report to the Tahsildar the fact of such refusal within twenty-four hours.

Penalty for failure to grant receipts or report refusal.

81. Whoever, in contravention of the provision of the last foregoing section, refuses or neglects to grant a receipt, or, having refused to grant a receipt, neglects to

report the fact of such refusal, shall, on conviction by the Deputy Commissioner, be liable to a fine not exceeding three times the amount received or refused.

82. (1) Any landholder receiving any payment, whether in money or in kind, on account of revenue or rent from an inferior holder or tenant shall give to the payer a written receipt for the payment, which receipt shall be signed by the landholder and shall specify such particulars as may be prescribed by the Chief Commissioner. Landholders to grant receipts.

(2) If such receipt does not contain substantially the particulars prescribed by the Chief Commissioner, it shall be presumed, till the contrary is shown, to be an acquittance in full of all demands for revenue or rent up to the date on which it was given.

CHAPTER VIII.

SURVEY SELLEMENTS.

83. (1) The Chief Commissioner may, with the previous sanction of the Governor General in Council, whenever it may seem expedient, direct the survey of any land in any part of Berar, with a view to the settlement of the land revenue and to the ascertainment and record-of-rights and liabilities of every description connected with the land, or for any other similar purpose, and such survey shall be called a revenue survey. Such survey may extend to all lands generally in a specified area or to such land only as the Chief Commissioner may direct; and, subject to the orders of the Chief Commissioner, the officers conducting any such survey may exempt from the survey settlement any land to which it may not seem expedient that such settlement should be applied. Power to introduce revenue-survey.

(2) Every revenue survey and every operation in connection with a revenue survey shall be conducted in accordance with any instructions for the administration thereof given under section 216.

(3) Subject to any instructions given under section 216, the control of every revenue survey shall vest in and be exercised by the Commissioner, subject to the general orders of the Chief Commissioner.

Secs. 84—86.

The Deputy Commissioner or other officer may require service from holders of land and others.

84. (1) The Deputy Commissioner and any officer deputed to conduct or take part in any revenue survey may require, by general notice or by summons, the attendance of holders of land and of others interested therein, in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of ex-pargana and village officers who in their several stations and capacities are, legally or by usage, bound to perform service in virtue of their respective offices, and require from them such assistance in the operations of the survey and such service in connection therewith as may, in each case, not be inconsistent with the position of the individual so called on.

(2) The Deputy Commissioner or other officer aforesaid may also call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag-holders, and, in the event of a necessity for employing hired labour for this or other similar objects incidental to the survey operations, may assess the cost thereof, with all contingent expenses, on the lands surveyed, for collection as a revenue demand.

Survey-number.

85. (1) In order to facilitate the work of classification, assessment and record, the Deputy Commissioner or other officer aforesaid shall divide the lands to which the survey extends, into portions of a convenient size and shape to be called survey numbers, and group the survey numbers in villages. In forming survey numbers and grouping them in villages, regard shall be paid to existing divisions, to departmental orders and to the orders of the Chief Commissioner.

(2) At the time of the revision of a survey the Deputy Commissioner or other officer aforesaid may, subject to the above considerations, recognize existing survey numbers, join distinct survey numbers so as to form a single survey number or sub-divide survey numbers so as to form distinct survey numbers.

Recognized share of survey-number.

86. (1) When two or more holdings are included in a single survey number, the Deputy Commissioner or other officer aforesaid may recognize such holdings without forming separate survey numbers. Holdings so recognized shall be called recognized divisions of survey numbers.

(2) The provisions of this Law relating to survey numbers shall be applicable, so far as may be, to recognized divisions of survey numbers.

87. (1) Except as hereinafter provided, no survey number comprising land used for agricultural purposes only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner, with the sanction of the Chief Commissioner. A record of the minima so fixed shall be kept in the Tahsildar's office in each taluq, and shall be open to the inspection of the public at reasonable times.

Survey-numbers not ordinarily to be of less than a certain extent.

(2) The provisions of sub-section (1) shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Commissioner given either generally or in any particular instance in this behalf; and any survey number separately recognized in the survey records shall be deemed to have been authorizly made whatever be its extent.

88. (1) Subject to the control of the Chief Commissioner, the Deputy Commissioner or other officer in charge of a survey shall have authority to fix the assessment of land revenue at his discretion on all lands within the local operation of an order made under section 83, which are not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of section 90, be levied on all such lands.

Deputy Commissioner or other officer in charge of survey to fix assessments.

(2) In fixing such assessment regard shall be had to the requirements of the proviso to section 53.

(3) But nothing in this section shall be deemed to prevent the officer aforesaid from determining and registering on lands wholly or partially exempt from payment of land revenue or on lands specially excepted under section 83, from the survey settlement, the proper full assessment which would be payable but for such exemption or exception, or from dividing all such lands to which the survey extends, into survey numbers.

89. The power to assess under the last foregoing section shall, in the case of lands used for agricultural purposes only, include power to assess, whether directly on the land or in the form of a rate or cess upon any means of irrigation or in any other manner whatsoever that may be sanctioned by the Chief Commissioner.

The assessments so made may be on land, or on means of irrigation, or in other sanctioned manner.

Secs. 90—92.

Assessments so made not leviable without the sanction of the Chief Commissioner; but may be fixed, with or without modification, by the Chief Commissioner for a term of years.

Introduction of survey-settlement how to be made.

90. (1) The assessment fixed by the Deputy Commissioner or other officer in charge of a survey shall not be levied without the sanction of the Chief Commissioner or of such other officer as the Governor General in Council may from time to time direct.

(2) The Chief Commissioner may, with the previous sanction of the Governor General in Council, declare such assessment, with any modifications that may be deemed necessary, fixed for a term of years not exceeding thirty in the case of lands used for agricultural purposes only and not exceeding ninety in any other case.

91. (1) When the Chief Commissioner or other officer aforesaid shall have sanctioned the levy of the assessments fixed by the officer in charge of the survey, the Deputy Commissioner, or other officer in charge of the survey, or such other officer not below the rank of an Extra-Assistant Commissioner as may be specially appointed for the purpose by the Deputy Commissioner, shall publicly announce or cause to be announced the assessment fixed on each survey-number.

(2) The Deputy Commissioner, or other officer in charge of the survey, or the specially appointed officer, shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

(3) If the holder or other person interested in any holding does not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

(4) When the assessments have been announced in the manner provided in sub-section (1), the survey-settlement shall be held to have been introduced.

Excess assessment not to be levied in the year in which a survey-settlement is introduced; nor in the following year if the number is resigned that year:

92. (1) In the revenue year in the course of which a survey-settlement, whether original or revised, is introduced under the last foregoing section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former, shall be remitted, and the revised assessment shall be levied only from the next following revenue year.

(2) In the revenue year next following that in which any original or revised survey settlement has been introduced, any occupant who is dissatisfied with the increased

rate imposed by such new assessment on any of the survey numbers held by him shall, on resigning such number in the manner prescribed by section 69 on or before the thirty-first day of March, receive a remission of the increase so imposed.

93. The fixing of the assessment under the provisions of section 90 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which the Governor General in Council may impose or sanction, under the provisions of this Law or of any law, rule or order for the time being in force, for purposes of local improvement, such as schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or for the support of the jaglia force, or as a bar to the levy of any rate for the use of water which may be imposed under the provisions of section 55.

The fixing of assessment under section 90 limited to ordinary land-revenue.

94. (1) The Chief Commissioner may, with the previous sanction of the Governor General in Council, at any time direct a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 90.

The Chief Commissioner, with the previous sanction of the Governor General in Council, may direct a fresh survey and revision of assessment; but improvements made from private capital and resources not to be assessed.

(2) In revising assessments of land revenue regard shall be had to the value of land, and, in the case of land used for agricultural purposes, to the profits of agriculture:

Provided that, if any improvement has been effected in any land during the currency of a settlement by, or at the cost of, the holder thereof, the increase in the value of such land or in the profit of cultivating the same due to the said improvement shall not be taken into account in fixing the revised assessment thereof at the next subsequent settlement:

Provided, also, that nothing in this section shall affect the provisions of the first proviso to section 11 of the Land Improvement Loans Act, 1883.

XIX of 1883.

Explanation.—The word “improvement” in this section includes wells and works of surface and subsoil drainage, if any, made by, or at the cost of, the holder.

95. In the event of any alienated village coming under the temporary management of the Government,

Revenue management of villages not

Secs. 95—96-B.

belonging to Government that may be temporarily under Government management.

the Deputy Commissioner may let out the lands thereof at rates determined by means of a survey settlement or at such other fixed rates as he may deem to be reasonable, and sell the occupancy of unoccupied lands by auction, and otherwise conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village shall be under the management of the Government officers :

Provided that any written agreements relating to the land made by the superior holder of such village shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of the Government on the land.

Separate demarcation of land appropriated under section 63 or 65.

96. When any portion of cultivable land is appropriated under the provisions of section 63 or 65 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated and made into a separate survey number at any time, not withstanding the provisions of section 87.

CHAPTER VIII-A.¹

THE PREPARATION AND MAINTENANCE OF A RECORD-OF-RIGHTS IN LAND.

Power to introduce a record-of-rights.

96-A. The Chief Commissioner may, whenever it may seem expedient, direct the preparation and maintenance of a record-of-rights in land, in addition to any registers prescribed by or under this Code, in any part of Berar. Such record may extend to all lands generally in a specified area or to such land only as the Chief Commissioner may direct, and shall be prepared and maintained in accordance with the rules issued from time to time by the Chief Commissioner and published in the official Gazette; and when so published such rules shall, until cancelled or amended, have the force of law.

The record-of-rights.

96-B. (1) The record-of-rights shall include the following particulars :—

- (a) the names of all persons (other than tenants) who are holders, occupants, owners or

†See footnote 1 on page 3 *supra*.

mortgagees of the land, or assignees of the rent or revenue thereof, in the whole or part of any survey number or other holding in the village :

- (b) the nature and extent of the respective interest of such persons and the conditions or liabilities (if any) attaching thereto :
- (c) the rent or revenue (if any) payable by or to any of such persons :
- (d) such other particulars as the Chief Commissioner may prescribe by rules made in this behalf.

(2) Provided that the said particulars shall be entered in the record-of-rights with respect to tenancies of such class or classes to which the Chief Commissioner may, by notification in the official Gazette, direct that the provisions of this section shall apply in any local area or generally.

96-C. (1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, tenant of any class which may be notified under sub-section (2) of section 96-B, or assignee of the rent or revenue thereof, in the whole or part of any survey number or other holding in the village, shall report orally or in writing his acquisition of such right to the village patwari within three months from the date of such acquisition. The patwari shall give a receipt for such report in a form to be prescribed by the Chief Commissioner.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or a lease determines, acquires a right within the meaning of this section.

(2) Where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the village patwari.

Secs.
96-C-96-D.

(3) Provided that any person acquiring a right by virtue of a registered document or under a decree of a civil court shall be exempted from the obligation to report to the village patwari.

Register of mutations and register of disputed cases.

96-D. (1) The village patwari shall enter in a register of mutations every acquisition of right reported to him under section 96-C, and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (1) of section 96-C, which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(2) Whenever the village patwari makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in the chauri or some other public place, if any, in the village and shall give written intimation to all persons appearing from the report or record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to an entry made under sub-section (1) in the register of mutations be made either orally or in writing to the village patwari, it shall be the duty of the village patwari to enter the particulars of the objection in a register of disputed cases. The patwari shall give a receipt for the objection to the person making it in a form to be prescribed by the Chief Commissioner.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded by such officers and in such manner as may be prescribed by rules made by the Chief Commissioner in this behalf.

(5) The transfer of entries from the register of mutations to the record-of-rights shall be effected subject to such rules as may be made by the Chief Commissioner in this behalf: Provided that an entry in the register of mutations shall not be transferred to the record-of-rights until such entry has been duly certified.

Entries in register of mutations how to be certified.

(6) Entries in the register of mutations shall be tested, and if found correct, or after correction, as the case may be, shall be certified by a Revenue Officer of rank not lower than that of a Naib-Tahsildar.

Tenancies.

(7) The provisions of this section shall apply in respect of any tenancies mentioned in a notification under

sub-section (2) of section 96-B, but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies in such manner and under such procedure as the Chief Commissioner may prescribe by rules made in this behalf.

96-E. (1) Any person whose rights, interests or liabilities are required to be, or have been, entered in any record or register under this chapter shall be bound, on the requisition of any Revenue Officer or village patwari engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

Obligation to furnish information.

(2) A Revenue Officer or village patwari to whom any information is furnished, or before whom any document is produced under sub-section (1), shall at once, if required, give a written acknowledgment thereof to the person furnishing or producing the same, and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

96-F. Any person neglecting to make the report or furnish the information or produce the documents required by section 96-C, or section 96-E, within the prescribed period shall be liable, at the discretion of the Deputy Commissioner, to be charged a fee not exceeding twenty-five rupees which shall be leviable as an arrear of land revenue.

Penalty for neglect to afford information.

96-G. (1) Subject to rules made in this behalf by the Chief Commissioner—

Requisition of assistance in preparation of maps and record-of-rights.

(a) any Revenue Officer, revenue inspector, measurer or village patwari may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this chapter, exercise any of the powers of a Revenue Officer or Survey Officer especially employed on this behalf under section 84, provided that a village patwari shall not assess the cost of hired labour;

- (b) in addition to the cost of hired labour, if any assessed under clause (a), any Revenue Officer of a rank not lower than that of an Assistant Commissioner or of a Survey Officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand;
- (c) in addition to such measurement fee a separate fee may be charged for each entry in the record-of-rights, in return for which a certified copy of the entry shall be given.

(2) In fixing such fees regard shall be had to the actual cost of the preparation of the record-of-rights and of the measurement work. Such fees shall be recoverable as a revenue demand.

Certified copy of record to be annexed to plaint or application.

96-H. (1) The plaintiff or applicant in every suit or application as hereinafter defined relating to land shall annex to the plaint or application a certified copy of any entry in the record-of-rights, register of mutations or register of tenancies relevant to such land.

Explanation.—“Certified copy” means a copy certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872.

(2) If the plaintiff or applicant fails so to do for any cause which the court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the court, and if such certified copy is not so annexed or produced the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order and a copy of such communication shall be kept with the

record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the court so far as it adjudicates upon any right required to be entered in the record-of-rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional court: provided that in the case of an appellate or revisional decree or order passed by the court of the Judicial Commissioner, the communication shall be made by the court from which the appeal lay or the record was called for.

(4) In this section—

(a) "Suit" means a suit to which the provisions of the Code of Civil Procedure, 1908, apply;

(b) "Application" means an application—

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the court under the Code of Civil Procedure, 1908;

(iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the second schedule to the said Code;

(iv) for the filing of an award under paragraph 20 of the said schedule;

(v) of any other kind to which the Chief Commissioner may, by notification in the official Gazette, direct that this section shall apply;

(c) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;

(d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

96-I. An entry in the record-of-rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Presumption of correctness of entries in record-of-rights and register of mutations.

Secs. 96-J—97.

Saving of liability to pay land-revenue.

96-J. No entry or entries made in the record-of-rights or register of mutations shall affect the liability of any person to pay the land revenue of alienated or unalienated land under the provisions of this Code or other law for the time being in force relating to the recovery of land revenue.

Correction of clerical errors.

96-K. The Deputy Commissioner shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights.

Bar of suits and exclusion of chapter XVII.

96-L. No suit shall lie against the Secretary of State or Government or any officer of Government in respect of a claim to have an entry made in any record or register that is maintained under this chapter, or to have any such entry omitted or amended.

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

Determination of village boundaries.

97. The boundaries of villages situated in Berar shall be fixed, and all disputes relating thereto shall be determined, by the Deputy Commissioner or by such other officer as may be nominated by the Chief Commissioner for the purpose, and every such officer shall be guided by the following rules.

Village boundaries may be settled by agreement.

Rule 1.—If the patels and other village officers of any two or more adjoining villages and, in the case of an alienated village, the holder thereof, or his duly constituted agent voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. Every village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means :

Provided that, if the Commissioner is satisfied that the agreement was arrived at under a *bona fide* mistake as to a matter of fact essential to the agreement, he may,

on application made to him at any time within one year of the date of the agreement, sanction its revision.

Rule 2.—If the patels and other village officers and, in the case of an alienated village, the holder thereof or his duly constituted agent do not agree to fix the boundaries of their respective villages in the manner prescribed in the last foregoing rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there is any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties and all particulars relating thereto, and shall hold an inquiry into the claims of the said parties and thereafter make an award in the case. If either of the villages concerned is alienated, the award shall be subject to confirmation by the Commissioner.

Procedure in case of disagreement or dispute.

98. (1) If, at the time of a survey, the boundary of a field or holding is undisputed and its correctness is affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if it be disputed, or if the said holder or person in occupation be not present, it shall be fixed by the Deputy Commissioner or other officer deputed to conduct or take part in the survey according to the village records and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the Deputy Commissioner or such other officer may be able to procure.

Determination of field boundaries.

(2) If any dispute arises concerning the boundary of a field or holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any survey-number, it shall be determined by the Deputy Commissioner, who shall be guided in the case of survey-numbers by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

99. (1) If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary, shall require the said parties to nominate a committee of not less than three persons, within a specified time, and, if, within a period to be fixed

Settlement of boundary disputes by arbitration.

Secs. 99—101.

by the said officer, the committee so nominated, or a majority of the members thereof, arrive at a decision, such decision, when confirmed by the said officer, or, if the said officer be lower in rank than the Deputy Commissioner, by the Deputy Commissioner, shall be final :

When award may be remitted for reconsideration.

Provided that the said officer or Deputy Commissioner shall have power to remit the award or any of the matters referred to arbitration to the reconsideration of the same committee for any of the causes set forth in section 520 of the Code of Civil Procedure.

XIV of 1882.

If arbitration fails, Survey Officers to settle the dispute.

(2) If the committee appointed in the manner aforesaid fails to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he or, if the said officer is lower in rank than the Deputy Commissioner, the Deputy Commissioner sees fit to extend the time, to settle the same as otherwise provided in this Law.

Effect of the settlement of a boundary.

100. The settlement of a boundary under any of the foregoing provisions of this chapter shall, subject to the provisions of chapter XVII, be conclusive of the proper position of the boundary-line or boundary-marks.

Boundary-marks.

Construction and repair of boundary-marks of survey-numbers and villages.

101. (1) Every Revenue Officer authorized by the Deputy Commissioner shall have power to have boundary-marks of villages or survey-numbers, whether cultivated or uncultivated, constructed or repaired and to assess all charges incurred thereby on the holders or others having an interest therein.

(2) Every such officer shall, by a notification posted in the chauri or some other public place in the village to which the lands concerned belong, require the holders of survey-numbers to construct or repair, within a specified time, the boundary-marks of their respective survey-numbers, and, on their failure to comply with the requisition so made, may construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

(3) A general notification issued in the manner aforesaid shall be held to be good and sufficient notice to each and every person having any interest in any survey-numbers in lands within the local operation of an order under section 83.

(4) The size, material and description of boundary-marks shall be such as the Commissioner, having regard

¹See now paragraph 14 of the second schedule of the Code of Civil Procedure, 1908 (V of 1908).

to the requirements of soil and climate, may deem necessary.

(5) The Commissioner may direct that a vacant strip of ground, of such width as he may think fit, shall be reserved as a boundary-mark.

102. (1) If any person wilfully destroys or injures or without lawful authority removes a boundary-mark lawfully erected, or commits mischief in respect of, or takes possession of, any strip of land reserved as a boundary-mark under section 101, sub-section (5), he may be ordered by the Tahsildar to pay such fine not exceeding fifty rupees for each mark so destroyed, injured or removed, or a strip of land so injuriously affected, as may, in the opinion of the Tahsildar, be necessary to defray the expense of restoring the same and of rewarding the informant, if any.

Penalty for destruction, injury or removal of boundary marks.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code.

XIV of
1860.

CHAPTER X.

LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Fixing of sites.

103. The Deputy Commissioner or other officer in charge of a survey acting under the general or special orders of the Chief Commissioner may determine what lands are included within the site of any village, town or city, and may fix and from time to time may vary the limits of the same, regard being had to all subsisting rights of landholders.

Limits of sites of villages, towns and cities how to be fixed.

Miscellaneous.

104. If the Chief Commissioner at any time deems it expedient to direct a survey of the lands, other than those used ordinarily for agricultural purposes only, within the site of any village, town or city, under the provisions of section 83, or a fresh survey thereof under the provisions of section 94, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of chapters VIII and IX :

Survey of lands in such sites how to be conducted.

Provided that nothing containing in sections 84, 89, 91, 92 and 97 shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants:

CHAPTER XI.

REALIZATION OF LAND-REVENUE AND OTHER REVENUE DEMANDS.

Responsibility for land-revenue.

Primary and secondary responsibility for land-revenue and allowance of credit for payments made by person not primarily responsible.

105. (1) The registered occupant shall be primarily responsible to the Government for the land-revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land-revenue of alienated land.

(2) On failure of the person primarily responsible to the Government for the land-revenue to pay the same according to any law, rule or order for the time being in force in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder, tenant or other person in actual occupation of the land.

(3) When land-revenue is recovered from any such co-occupant, co-sharer, inferior holder, tenant or other person, he shall be allowed credit for all payments which he may have made to the registered occupant or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder, or with his landlord, for the amount recovered from him.

Priority of Government claim for land-revenue.

Claims of the Government to have priority over all others.

106. The claim of the Government to any moneys recoverable under the provisions of this chapter shall have priority over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment or otherwise, against any land or the holder thereof.

The liability of the crop for the revenue of the land.

107. In all cases the land-revenue for the current revenue year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference

to all other claims, from the crop of the land subject to the same.

Land-revenue when leviable.

108. The land-revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 109 to 113 (both inclusive), payment shall be required only on the dates to be fixed under the provisions hereinafter contained.

Land-revenue may be levied at any time during the revenue years.

Precautionary measures for the security of the land revenue.

109. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a civil court or other public authority, or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the revenue of the said land for the current revenue year has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than one year's revenue.

Removal of crop which has been sold, etc., may be prevented until the revenue is paid.

110. In order to secure the payment of the land-revenue by enforcement of the lien of the Government on the crop, the Deputy Commissioner may—

To secure land-revenue the Deputy Commissioner may prevent reaping or removal of crop, appointing watchman if necessary.

- (a) require that the crop growing on any land liable to the payment of land-revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;
- (b) direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid;
- (c) cause watchmen to be placed over any such crop to prevent the unlawful reaping or

removal of the same, and realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land-revenue due in respect of the land to which such crop belongs.

Notification and enforcement of Deputy Commissioner's orders under last section.

111. (1) The Deputy Commissioner's orders under either clause (a) or clause (b) of the last foregoing section may be issued generally to all the holders of land paying revenue to the Government in a village, or to individual holders only.

(2) If the order is general, it shall be made known by public proclamation, to be made by beat of drum in the village and by affixing a copy of the order in the chauri or some other public place in the village. If it is to individual holders, a notice thereof shall be served on each holder concerned.

(3) Whoever disobeys any such order after the same has been so proclaimed or a notice thereof has been served upon him, or abets, within the meaning of the Indian Penal Code, the disobedience of any such order, shall be liable, on conviction by the Deputy Commissioner, to fine not exceeding double the amount of the land-revenue due on the land to which the crop belongs in respect of which the offence is committed.

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of
1890.

Reaping and harvesting of crop and release of the same in whole or in part.

112. The Deputy Commissioner shall not defer the reaping of the crop nor prolong its deposit unduly so as to damage the produce, and, if within two months after the crop has been deposited the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this chapter, or take such portion thereof as he may deem fit for sale, under the provisions of this chapter applicable to sales of movable property, in realization of the revenue due and of all legal costs, and release the rest.

Temporary attachment and management of a village or share of a village.

113. (1) If, owing to disputes among the sharers or for any other cause the Deputy Commissioner considers that there is reason to apprehend that the land-revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he may appoint in this behalf.

(2) The provisions of section 129 shall apply to any village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the cost of the introduction of a revenue-survey, if the same is introduced under the provisions of section 95, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time as the Deputy Commissioner, subject to the orders of the Commissioner, may direct.

114. The precautionary measures authorized by the last five foregoing sections shall be relinquished, if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, pays the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and furnishes security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which it is payable under the provisions hereinafter contained.

Precautionary measures to be relinquished on security being furnished.

Regulation of payment of land-revenue.

115. The land-revenue, except when it is recovered under the provisions of sections 109 to 113 (both inclusive), shall be payable at such times, in such instalments, to such persons, and at such places, as may from time to time be determined under the orders of the Chief Commissioner.

The Chief Commissioner to determine the dates, etc., on which land-revenue shall be payable.

Defaulters.

116. Any sum not so paid becomes thereupon an arrear of land-revenue, and the persons responsible for it, whether under the provisions of section 105 or of any other section, become defaulters.

Definitions of "arrears" and "defaulter."

117. If any land-revenue is not fully paid within the prescribed time, the Deputy Commissioner may proceed to levy at once the entire balance of land-revenue due by the defaulter for the current revenue-year, in addition to such charge as a penalty, or by way of interest, as may be authorized according to a scale to be from time to time fixed under the orders of the Chief Commissioner.

Liabilities incurred by default.

Secs.
118—121.

Certified
account to be
evidence as
to arrears.

118. A statement of account, certified by the Deputy Commissioner or by the Tahsildar, shall, for the purposes of this chapter, be conclusive evidence of the existence of the arrear, of the amount of land-revenue due and of the person who is the defaulter.

Recovery of arrears.

Process for
recovery of
arrears.

119. Every arrear of land-revenue may be recovered by any one or more of the following processes, namely :—

- (a) by service of written notice of demand on the defaulter, under section 121 ;
- (b) by distraint and sale of the defaulter's movable property, under section 122 ;
- (c) by sale of the defaulter's immovable property, under section 123 ;
- (d) by arrest and imprisonment of the defaulter, under sections 125 and 126 ;
- (e) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due, under section 127 ;
- (f) in the case of alienated holdings consisting of entire villages or shares of villages, by attachment of the said villages, under sections 128 to 132.

Revenue
demands of
former years
how recover-
able.

120. All or any of the processes specified in the last foregoing section may be employed for the recovery of arrears of former revenue years as well as of the current revenue-year, but the preferences given by sections 106 and 107 shall apply only to demands for the current revenue-year :

Provided that any process commenced in the current revenue year shall be entitled to the said preference notwithstanding that it may not be fully executed within that revenue year.

Notice of demand.

Issue of
notice of
demand.

121. (1) A notice of demand may be issued on or after the day following that on which the arrear accrues.

(2) The Commissioner may from time to time frame rules for the issue of such notices, and with the sanction of the Chief Commissioner shall fix the costs recoverable from the defaulter as an arrear of land-revenue and direct by what officer such notices shall be issued.

*Sale of defaulter's property.*Secs.
122-126.

122. (1) The Deputy Commissioner may also cause the defaulter's movable property to be distrained and sold. Distrain sale of defaulter's movable property.

(2) Such distraint shall be made by such officers or class of officers as the Commissioner, under the orders of the Chief Commissioner, may from time to time direct.

123. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immovable property, other than the land on which the arrear is due, to be sold. Sale of defaulter's immovable property.

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of
1882.

124. (1) All such property as is by the Code of Civil Procedure exempted from attachment or sale in execution of a decree shall also be exempt from distraint or sale under either of the two last foregoing sections. Exemption from distraint and sale.

(2) The decision of the Deputy Commissioner as to what property is so entitled to exemption shall be conclusive.

Arrest and imprisonment.

125. (1) At any time after an arrear becomes due the defaulter may be arrested and detained in custody for ten days in the office of the Deputy Commissioner or of the Tahsildar, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any has issued, and the cost of the defaulter's subsistence during detention, is sooner paid. Arrest and detention of defaulter.

(2) If, on the expiry of ten days, the amount due by the defaulter is not paid, then, or, if the Deputy Commissioner deems fit, on any earlier day, the defaulter may be sent by the Deputy Commissioner with a warrant, in the form contained in the third schedule, for imprisonment in the civil jail of the district :

Provided that no defaulter shall be detained in imprisonment for a longer period than one month.

126. The Commissioner may, with the sanction of the Chief Commissioner, from time to time, declare by what officers the powers of arrest conferred by section 125 may be exercised, and may also fix the costs of arrest and the amount of subsistence money to be paid by the Government to any defaulter under detention or imprisonment. Power of arrest by whom to be exercised.

¹See now the Code of Civil Procedure, 1908 (V of 1908).

Forfeiture of occupancy or alienated holding.

Forfeiture of occupancy or alienated holding for which arrear is due.

127. The Deputy Commissioner may also at his discretion declare the occupancy or alienated holding in respect of which an arrear of land-revenue is due, to be forfeited, either wholly or partially, and may dispose of the same as provided in section 56.

Attachment of alienated holdings consisting of entire villages or shares of villages.

Power to attach defaulter's village and take it under management.

128. If the alienated holding in respect of which an arrear is due consists of an entire village or of a share of a village, and the adoption of any of the other processes hereinbefore specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the Commissioner, cause such village or share of a village to be attached and taken under the management of himself or any agent whom he may appoint in this behalf.

Lands of such village to revert free of incumbrances.

129. (1) The lands of any village or share of a village so attached shall revert to the Government unaffected by any acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals.

(2) The Deputy Commissioner or the agent appointed as aforesaid shall be entitled to manage the lands attached and to receive all rents and profits accruing therefrom, to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof.

Application of surplus profits.

130. All surplus profits of the land so attached, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue-survey, if the same is introduced under the provisions of section 95, shall be applied in defraying the said arrear.

Restoration of village so attached and disposal of surplus receipts.

131. (1) The village or share of a village so attached shall be released from attachment and the management thereof shall be restored to the superior holder on the said superior holders making an application to the Deputy Commissioner for such restoration at any time within

twelve years from the fifteenth day of June next after the attachment,—

- (a) if at the time that such application is made it appears that the arrear has been liquidated, or,
- (b) if the said superior holder is willing to pay the balance, if any, still due by him, and does so within such period as the Deputy Commissioner may prescribe in this behalf.

(2) The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying arrears and costs; but such surplus receipts, if any, of previous years shall be at the disposal of the Government.

132. If no application is made for the restoration of a village or share of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder fails to pay the balance, if any, still due by him within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title, or in anywise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of proceedings.

133. (1) Any defaulter detained in custody or imprisoned shall forthwith be set at liberty, and the execution of any process shall at any time be stayed, on the defaulter's giving before the Deputy Commissioner or other person nominated by him in this behalf, or if the defaulter is in jail, before the officer in charge of such jail, security in the form contained in the fourth schedule, satisfactory to the Deputy Commissioner or to such other person or officer.

(2) Any person against whom proceedings are taken under this chapter, may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed.

Procedure in respect of sales.

Procedure in
effecting sales.

134. (1) When any sale of either movable or immovable property is ordered under the provisions of this chapter or of section 56 or section 68, the Deputy Commissioner shall issue a proclamation, in the vernacular language of the district, of the intended sale specifying the date, time and place of sale, the property to be sold, the amount for the recovery of which the sale is ordered, and, in the case of movable property, whether the sale is subject to confirmation or not, and, when land paying revenue to the Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

(2) When the property to be sold is immovable property other than the land in respect of which the arrear is due, or when the property is sold under section 68, the proclamation shall state that the right, title and interest of the defaulter or person dying intestate and without known heirs is alone to be sold under the provisions of section 123 or section 68, as the case may be, and shall specify the rights of other persons in the property so far as those rights are known, and, when the property to be sold is an occupancy or alienated holding in respect of which the arrear is due, shall recite the fact that the occupancy or alienated holding has been forfeited under section 56, and that it is sold freed from all tenures, incumbrances and rights created by the occupant or holder as provided by that section.

(3) When the property to be sold is an interest in a survey-number, other than the survey-number in respect of which the arrear is due, the proclamation shall also state that any occupant intending to claim a right of pre-emption must, on pain of forfeiting such right, give notice of his intention to the Deputy Commissioner on an office day before that fixed for the sale.

Proclamation
of sales.

135. The proclamation shall, if the sale is of immovable property, be made by beat of drum at the headquarters of the taluq and in the village in which the immovable property is situated; and, if the sale is of movable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

Secs.
136—140.

136. (1) A copy of the proclamation of the intended sale of immovable property and of the time and place thereof shall be affixed in each of the following places, namely, the office of the Deputy Commissioner, the office of the Tahsildar of the taluq in which the immovable property is situated, the chauri or some other public place, if any, in the village in which it is situated, and the defaulter's dwelling place.

Notification
of sales.

(2) In the case of movable property, a copy of the proclamation shall be affixed in the Tahsildar's office and in the chauri or some other public place in the village in which such property was seized.

(3) The Deputy Commissioner may also cause notice of any sale, whether of movable or immovable property, to be published in any other manner that he may deem fit.

137. (1) Sale shall be made by auction by such persons as the Deputy Commissioner may appoint in this behalf.

Conduct of
sales, time
for the same
and postpone-
ment thereof.

(2) No such sale shall take place on a Sunday or other general holiday nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of movable property, from the latest date on which any of the said copies shall have been affixed as required by the last foregoing section.

(3) Any such sale may from time to time be postponed for any sufficient reason.

138. Notwithstanding anything contained in the three last foregoing sections, perishable articles shall be sold by auction with the least possible delay, in accordance with such orders as may from time to time be made by the Deputy Commissioner, either generally or specially, in that behalf.

Sale of perish-
able articles.

139. If, at any time before the bidding at the auction is completed, the defaulter pays the arrear in respect of which the property has been proclaimed for sale, or proves to the satisfaction of the officer conducting the sale that he has already paid the same either to the person appointed under section 115 to receive payment of the land-revenue due or into the Government treasury, or furnishes security under section 133, the sale shall be stayed.

When sale may
be stayed.

140. (1) Sales of perishable articles shall be at once finally concluded by the officers conducting such sales.

Sale of mov-
able property
when liable
to confirmation,

Secs.
140-145.

(2) All other sales of movable property shall be finally concluded by the officers conducting such sales, or shall be subject to confirmation by such other officer as may be appointed in this behalf by general or special order of the Deputy Commissioner.

Mode of payment for movable property when sale is concluded at once.

141. When the sale of any movable property is finally concluded by the officer conducting the same, the price of every lot shall be paid at the time of sale or as soon thereafter as the said officer shall direct, and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase-money the officer conducting the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Mode of payment for movable property when sale is subject to confirmation.

142. When the sale of any movable property is subject confirmation, the party declared to be the purchaser shall be required to deposit immediately twenty-five per centum of the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase-money shall be paid by the purchaser before sunset of the first office day after that on which he is informed of the sale having been confirmed. On payment of such full amount of the purchase-money the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immovable property.

143. (1) In all cases of sale of immovable property, the party declared to be the purchaser shall be required to deposit immediately twenty-five per centum of the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

(2) In the case of a survey-number or an interest in a survey-number, other than the survey-number in respect of which the arrear is due, the declaration shall be made subject to the provisions of section 214.

Purchase-money when to be paid.

144. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immovable property took place, or, if the said fifteenth day be a Sunday or other general holiday, then before sunset of the first office day after such fifteenth day.

Effect of default.

145. In default of payment within the prescribed period of the full amount of purchase-money, whether of

movable or immovable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to the Government, and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

146. (1) If the proceeds of the re-sale amount to less than the price bid by the defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land-revenue. Liability of purchaser for loss by re-sale.

(2) In case the difference is not recovered, the loss may, if the Deputy Commissioner, with the previous sanction of the Commissioner, so directs, be made good to the owner of the property sold out of the deposit forfeited to the Government under the provisions of the last foregoing section.

147. Every re-sale of property in default of payment of the purchase-money or after postponement of the first sale shall, except when such re-sale takes place forthwith, be made after the issue of a fresh proclamation in the manner prescribed for original sales. Notification before re-sale.

148. (1) At any time within thirty days from the date of the sale of immovable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity or mistake or fraud in publishing or conducting the same; but, except as is otherwise in the next following section provided, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof. Application to set aside sale of immovable property.

(2) If the application is allowed, the Deputy Commissioner shall set aside the sale and direct a re-sale.

149. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last foregoing section has been made or if such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale: Order confirming or setting aside sale.

Provided that, if the Deputy Commissioner has reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been

Secs.
149—154.

made and rejected, he may, after recording his reasons in writing, set aside the sale.

Refund of
deposit or
purchase-
money when
sale set aside.

150. Whenever the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be.

On con-
firmation
of sale,
purchaser
to be put
in possession;
certificate of
purchaser.

151. (1) After a sale of immovable property has been confirmed in manner aforesaid; the Deputy Commissioner shall put the person declared to be the purchaser into possession and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(2) The certificate shall be deemed to be a valid transfer of property, but need not be registered as a conveyance.

Bar of suit
against
certified
purchaser.

152. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and no suit shall be brought in a civil court against the certified purchaser on the ground that the purchase was made on behalf of a person other than the certificate purchaser, though by agreement the name of the certified purchaser was used.

Certificate
to contain
certain
particulars.

153. The certificate shall state whether the property was forfeited under section 56 and sold for the recovery of an arrear due in respect thereof and freed of tenures, incumbrances and rights, or whether the right, title and interest of the defaulter or person dying intestate and without known heirs was alone sold under the provisions of section 68 or section 123, as the case may be.

Application
of proceeds
of sale.

154. (1) When any sale of movable property under this chapter has become absolute, and when any sale of immovable property has been confirmed, the proceeds of the sale, including any sums realized under section 146, shall be applied to defraying the expenses of the sale, and to the payment of any arrears due to the Government by the defaulter on the date on which the sale became absolute or was confirmed, as the case may be, and recoverable under the provisions of this chapter, whether the arrears are arrears of land-revenue or of sums recoverable as arrears of land-revenue, and the surplus, if any, shall be paid to the person whose property has been sold.

(2) The expenses of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by the Commissioner under the orders of the Chief Commissioner.

155. The said surplus shall not, except under an order of a civil court, be payable to any creditor of the person whose property has been sold.

Surplus not to be paid to creditors except under orders of court.

156. The certified purchaser of any immovable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all instalments of land-revenue falling due in respect thereof after that date.

Title and liabilities of purchaser.

157. If any claim is set up by a third person to movable property attached under the provisions of this chapter, the Deputy Commissioner shall admit or reject the claim on an inquiry held after reasonable notice. If the claim be admitted, wholly or partially, the property shall be dealt with accordingly. Except in so far as the claim is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore provided.

Claims to attached movable property how to be disposed of.

Application of the provisions of this chapter.

158. (1) All sums due on account of land-revenue, all quit-rents, nazaranas, succession duties, transfer duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, premia, penalties, fines and costs payable or leviable under this Law or under any law, rule or order for the time being in force relating to land-revenue;

Levy of miscellaneous revenue and of sums due from contractors and sureties as arrears of land-revenue.

and all moneys due by any contractor for the farm of abkari duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

and also all sums declared by this Law or by any law, rule or order for the time being in force to be leviable as an assessment, or as a revenue demand, or as an arrear of land-revenue;

shall be recovered under the foregoing provision of this chapter.

(2) Every person who may have become a surety under any of the provisions of this Law, or for any such contractor as aforesaid, for any sum of money, shall, on failure to pay the amount, or any portion thereof for which he may have become liable under the terms of his security bond, be liable to be proceeded against under the provisions of this chapter as if he were a defaulter in respect of an arrear of land-revenue.

(3) In the event of the resumption of any such farm as aforesaid, no person shall be entitled to credit for any payment which he may have advanced to the contractor.

Recovery of certain sums falling due under Act II of 1912.

¹158-A. Any sum ordered by a liquidator appointed under sub-section (1) of section 42 of the Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the cost of liquidation may be recovered under the foregoing provisions of this chapter.

Provided that no action shall be taken on an application for recovery of any such sum, unless such application is accompanied under section 3 of the Co-operative Societies Act, 1912, that the sum should be recovered as an arrear of land-revenue.

CHAPTER XII.

CESSES.

Govt. of India, Foreign and Pol. Deptt. Notification 69-Int., Delhi, the 15th Jan. 1913.

159. (1) To provide for the remuneration of jaglias and village mahars the local Government may levy a cess at such rate as it may by notification prescribe :

Provided that such rate shall not exceed, in the Melghat taluq twelve, and elsewhere twenty-seven, pies on each rupee of the amount on which the cess is to be calculated under this section.

(2) In an unalienated village such cess shall be payable by the occupants, or, in the case of alienated plots, by the holders thereof, and shall be calculated on the total assessment of each survey-number ; and where a survey-number contains sub-divisions the total amount of the cess in respect thereof shall be distributed among the sub-divisions in accordance with rules made by the local Government in this behalf.

¹Inserted by the Government of India, Foreign and Political Department Notification No. 658-I-B, dated the 20th February 1919.

(3) In a village in which the proprietary title has been conferred under the Waste Land Rules of 1865, such cess shall be payable by the proprietor and shall be calculated on double the amount payable by him as revenue demand :

Provided—

(i) that the proprietor may recover a share of such cess from his tenants in accordance with the following provisions :—

(a) the total amount so recoverable shall bear the same proportion to the total cess demand as the total amount of the tenants' rents bears to the aggregate amount of those rents and of the rental value of the land in the occupation of sharers in the proprietary right ; such rental value shall be calculated at an amount per acre equal to the average rent per acre paid by tenants in the village in which the land is situated ;

(b) the total amount recoverable shall be distributed among the tenants in proportion to the rent paid by each ; and

(c) any sum recoverable from a tenant under the foregoing provisions shall be recoverable as if it were part of the rent payable by him ;

(ii) that if the difference between the total cess demand and the amount thereof which is recoverable from the tenants exceeds the total amount of cess which would have been payable if the cess had been calculated on the revenue demand and not on double the amount thereof, the amount of such excess shall be remitted.

(4) In any other alienated village such cess shall be payable by the superior holder and shall be calculated on the total of the determined assessments of all the survey-numbers in the village :

Provided that the superior holder may recover a share of such cess from his inferior holders and tenants in accordance with the provisions of proviso (i) to sub-section (3).

Explanation.—For the purposes of this proviso a superior holder shall be deemed to be a proprietor and an inferior holder to be a tenant.

160. (1) In areas to which the Berar Municipal Law, 1886, has not been applied, the local Government may, to provide for the remuneration of jaglias and village mahars, in addition to any cess levied under section 159, levy a cess on income derived from non-agricultural sources in accordance with the following scale, namely :—

- (i) from artisans, shop-keepers and money-lenders in receipt of an annual income from non-agricultural sources not exceeding two thousand rupees— a cess not exceeding 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—a cess not exceeding five rupees per annum ; and
- (iii) from all persons in receipt of an annual income from such sources exceeding five thousand rupees—a cess not exceeding ten rupees per annum.

(2) Where a person is in receipt of income from non-agricultural sources which arises in two or more places, he shall be assessed once only on his total income from such sources.

(3) The local Government may make rules regulating the assessment and collection of cesses under this section.

CHAPTER XIII.

REGISTRATION AND RECORD.

Preparation of statistical and fiscal records.

161. The officer in charge of a survey shall, on the occasion of making or revising a settlement of land-revenue, prepare a register, to be called "the settlement-register," showing the area and assessment of each survey-number, together with the name of the registered occupant of such survey-number, and such other records containing such other information as may from time to time be prescribed in this behalf by the Chief Commissioner. He shall also record similar particulars in regard to recognized divisions of survey-numbers.

Deputy Commissioner to keep the survey records.

162. The Deputy Commissioner shall keep the settlement-register and the other records (if any) as aforesaid, which register and other records (if any) shall, where the

officer in charge of the survey is not the Deputy Commissioner, be transferred by such officer to the Deputy Commissioner on the completion of the settlement of the district, or at such other time as the Chief Commissioner may direct. The Deputy Commissioner shall cause the village records and accounts to be prepared in accordance with the settlement-register and the other records (if any) as aforesaid. He shall not make in the settlement-register or in the other records (if any) as aforesaid any alterations or corrections other than those provided for by the next following section, but shall cause all changes that may take place in respect of the entries and anything that may affect the rights or interests (if any) therein recorded, together with such other information as may from time to time be prescribed by the Chief Commissioner to be registered in the village records and accounts.

163. (1) The officer in charge of a survey or, if the records have been transferred to the Deputy Commissioner, the Deputy Commissioner shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the settlement or other records so prepared.

Survey officer or Deputy Commissioner to correct clerical and admitted errors in the settlement-register, and inquire into, and pass orders on, certain applications for mutation of names.

(2) He shall also receive and inquire into all applications, made to him at any time within two years after the introduction of the survey-settlement, for the correction of any wrong entry of the name of the registered occupant of any portion of land in the said register, and, if satisfied that an error has been made, whether through fraud, collusion, oversight or otherwise, shall correct, or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey-settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made after the said period of two years, except with the previous sanction of the Chief Commissioner.

164. A register shall also be kept by the Deputy Commissioner, in such form as may from time to time be prescribed by the Chief Commissioner, of all lands, the alienated of which has been established, or recognized under the provisions of any law for the time being in force;

Register of alienated land.

Secs.
164—169

and, when it is shown to the satisfaction of the Deputy Commissioner that any sanad relating to such alienated lands has been permanently lost or destroyed, he may, subject to any rules and the payment of any fees prescribed by the Chief Commissioner under section 215, grant to any person whom he may deem entitled to the same, a certified extract from the said register, which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed, and shall be deemed to be a valid proof of title as the said sanad.

Certain superior holders to keep record, etc.

165. Superior holders of alienated villages which have been surveyed shall be bound to keep village records and accounts in such form as may be from time to time prescribed by instructions given under section 216 and to furnish correct copies thereof to the Deputy Commissioner periodically on such dates as may be fixed in this behalf.

CHAPTER XIV.

VILLAGE CESSES.

Unauthorized cesses not to be levied.

166. No village cess shall be collected without the express permission of the Chief Commissioner.

Chief Commissioner may impose conditions on the levy.

167. The Chief Commissioner, in granting permission for the collection of any village cess, may impose on the collection such conditions as to police and other establishments connected with the village market or fair in, or on account of, which the cess is levied, as he thinks fit.

The Chief Commissioner's decision to be conclusive in certain cases.

168. In the case of a question arising as to whether any cess, contribution or due levied in a village is or is not a village cess, the Chief Commissioner may decide the question, and his decision shall be conclusive.

CHAPTER XV.

JURISDICTION OF CIVIL COURTS IN MATTERS CONNECTED WITH THE LAND REVENUE.

Application of this chapter.

169. Nothing in this chapter shall affect any of the provisions of the Pensions Act, 1871, or any suit instituted before the commencement of this Law. ^{XXIII} of 1871.

170. All suits in regard to tenures and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land is claimed, shall be brought in the civil courts.

Secs.
170-171.

Suits for land
to be brought
in civil courts.

171. Subject to the exceptions hereinafter appearing, no suit shall be brought in any civil court in respect of any of the following matters, namely :—

Bar of certain
suits.

- (a) claims against the Government relating to any property or emoluments appertaining to the office of any hereditary officer or servant ;
- (b) claims against the Government to perform the duties of any such officer or servant or in respect of any injury caused by exclusion from such office or service ;
- (c) objections to any order passed under rules made under section 217 ;
- (d) claims against the Government relating to lands held under treaty, or to lands granted or held on political tenure, or to lands declared by the Government, or by any officer duly authorized in that behalf, to be held for service ;
- (e) objections—
 - (1) to the amount or incidence of any assessment of land-revenue authorized by the Government, or
 - (2) to the mode of assessment or the principle on which such assessment is fixed, or
 - (3) to the validity effected of the notification of survey or settlement, or of any notification determining the period of settlement ;
- (f) claims connected with, or arising out of, any proceedings for the realization of land-revenue, or to set aside, on account of irregularity or mistake or on any other ground except fraud, sales for arrears of land-revenue ;
- (g) claims against the Government—
 - (1) to be entered in the survey, settlement or revenue records or village-papers as liable for land-revenue, or as superior holder, inferior holder, occupant or tenant, or

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- (2) to have any entry made in any survey, settlement or revenue record, or
- (3) to have any such entry omitted or amended ;
- (h) the distribution of land or the allotment of land-revenue on the partition of any land under the provisions of this Law or of any law, rule or order for the time being in force ;
- (i) claims against the Government—
 - (1) to hold land wholly or partially free from payment of land-revenue, or
 - (2) to receive payments charged on or payable out of the land-revenue, or
 - (3) to set aside any cess or rate authorized by the Government under the provisions of this Law or of any law, rule or order for the time being in force, or
 - (4) respecting the occupation of waste or vacant land belonging to the Government ;
- (j) claims regarding boundaries fixed under the provisions of this Law or of any law, rule or order for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks :

Provided that, if any person claims to hold land wholly or in part exempt from payment of land-revenue under—

- (1) any law, rule or order for the time being in force expressly creating an exemption in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or
- (2) any written grant by the British Government expressly creating or confirming such exemption, or
- (3) a judgment of a court of law, or an adjudication duly passed by a competent officer under the ¹Inam Rules, 1879, declaring the particular property in dispute to be exempt,

a suit in respect of such claim may be brought in any civil court of competent jurisdiction.

¹Originally sanctioned by the Government of India, in Foreign Department letter No. 6679, dated the 25th November 1859.

Illustrations to clause (1) of proviso.

(1) It is enacted that, in the event of the proprietary right in lands, the property of the Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of one hundred rupees. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the civil court against over-assessment.

(2) It is enacted that, when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth one hundred rupees for assessment. He claims to be assessed at fifty rupees only on the strength of a course of dealing with him and his predecessor under which his land has been more highly assessed. There is no exemption not before existing created by enactment, and A cannot bring a suit to enforce his claim in a civil court.

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A may bring a suit to enforce his claim in a civil court.

(4) It is enacted that the Deputy Commissioner shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A may bring a suit to enforce his claim in a civil court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no suit in respect of any objection to an assessment under such an enactment may be brought in a civil court.

172. Nothing in the last foregoing section shall be held to prevent the following suits from being brought in the civil courts, namely:—

Saving of certain suits.

- (a) suits against the Government to contest the amount claimed, or paid under protest or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by the Government, or that such amount had previous to such claim, payment or recovery, been satisfied in whole or in part, or that the plaintiff or the person whom he represents is not the person liable for such amount;
 - (b) suits between private parties for the purpose of establishing any private right although it may be affected by any entry in any survey, settlement or revenue record, or in any village papers;
 - (c) suits between superior holders, or occupants and inferior holders, or tenants, regarding the dues claimed or recovered from the latter;
- and nothing in clause (j) of the said section shall be held to prevent suits, other than suits against the Government,

Secs.
172-177.

for possession of land from being brought in the civil courts.

Bar of certain suits against Revenue Officers.

173. No Revenue Officer shall be liable to be sued in any civil court for any act done, or ordered to be done, by him as such in pursuance, or execution, or intended execution, of the provisions of this Law or of any law, rule or order for the time being in force.

Punishment or prosecution of Revenue Officers no bar to civil remedies.

174. Nothing in this Law or in any law, rule or order for the time being in force which authorizes the punishment departmentally of any Revenue Officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the civil courts against such officer.

Suits not to be entertained unless plaintiff has exhausted right of appeal.

175. No suit shall be brought in any civil court against the Government on account of any act or omission of any Revenue Officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

Meaning to be assigned to the word "conclusive."

176. No suit shall be brought in any civil court regarding a matter in respect of which the decision of the Deputy Commissioner or Chief Commissioner [or the Financial Commissioner acting in exercise of any power assigned to him by the Chief Commissioner under paragraph II of the notification of the Government of India in the Foreign Department, No. 2800-G., dated the 9th November 1908] is declared to be conclusive under any of the provisions of this Law.

Power of civil judge to refer questions of jurisdiction to the Judicial Commissioner.

177. (1) If in any suit instituted, or in any appeal presented, in a civil court the judge doubts whether he is precluded by this Law from taking cognizance of the suit or appeal, he may refer the matter to the Judicial Commissioner.

(2) The Judicial Commissioner may order the judge making the reference to proceed with the suit or appeal or may make such other order as may appear proper in the circumstances.

CHAPTER XVI.

PROCEDURE OF REVENUE OFFICERS.

178. (1) The Chief Commissioner may from time to time make, and from time to time vary or rescind, rules, consistent with this Law, for regulating the procedure of Revenue Officers under this Law in cases in which a procedure is not prescribed by this Law, and for otherwise carrying into effect the objects of this Law.

Power to make rules as to procedure.

(2) In particular the rules may provide, among other matters, for—

- (a) the mode of enforcing orders for the delievery of possession of immovable property, and the eviction of persons wrongfully in possession of land ;
- (b) the rates at which diet-money should be paid in cases in which the attendance of witnesses is desired by a party ;
- (c) the payment of diet-money on behalf of the Government in cases in which such payment may appear advisable ;
- (d) the classes of cases in which costs may be given and apportioned, and the scale on which they may be allowed ;
- (e) the levy of process-fees in cases in which the attendance of witnesses is desired by a party, the rates at which such fees are to be levied, and the service of processes ;
- (f) the inspection of cases decided by and pending before Revenue Officers, and the grant of copies in such cases, and the fees to be levied for inspections, searches and copies ;
- (g) the seals to be used by Revenue Officers ;
- (h) the mode, form and manner in which appeals shall be drawn up and presented ; and
- (i) the licensing of petition-writers and the regulation of their conduct.

(3) Rules made under clause (a) of sub-section (2) may confer on Revenue Officers all or any of the powers in regard to contempts, resistance and the like, which a civil court may exercise in the execution of a decree whereby it has adjudged delivery of possession of immovable property.

Secs.
179—185.

Reference
for report.

179. Subject to the rules under section 178, a Revenue Officer may refer any case which he is empowered to dispose of under this Law, to another Revenue Officer, for investigation and report, and may decide the case upon the report of such other Revenue Officer.

Costs.

180. Subject to any rules made under section 178, a Revenue Officer may give and apportion the costs of any proceeding in any manner he may think fit; but, if he orders that the costs of any proceeding shall not follow the event, he shall record his reasons for such order.

Persons by
whom
appearances
and applica-
tions may be
made before
and to Revenue
Officers.

181. Subject to any rules made under section 178, appearances before a Revenue Officer and applications to, and acts to be done before him, under this Law may be made or done—

- (a) by the parties themselves, or
- (b) by their recognized agents, or
- (c) with the permission of such officer, by any legal practitioner :

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of such officer.

Recognized
agents.

182. For the purposes of the last foregoing section, recognized agents shall be such persons as the Chief Commissioner may, by notification, declare in this behalf.

Fees of legal
practitioner
not to be
allowed.

183. Subject to any rules made under section 178, the fees of a legal practitioner shall not be allowed as costs in any proceeding before a Revenue Officer under this Law, unless that officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

Subordination
of Revenue
Officers.

184. In all official acts and proceedings a Revenue Officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

Holidays.

185. (1) The Commissioner, with the approval of the Chief Commissioner, shall publish in the *Central Provinces Gazette* before the commencement of each calendar year, a list of days to be observed as holidays by all or any Revenue Officers.

(2) A proceeding had before a Revenue Officer on a day specified in a list published under sub-section (1) as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

186. (1) Subject to any rules made under section 178, every Revenue Officer, not being lower in rank than a Tahsildar's chief subordinate, shall have power to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make.

Power to
summon
persons to
give evidence
and produce
documents.

(2) For the purpose of enforcing the attendance of persons summoned, or of compelling the production of documents ordered to be produced, every such officer shall have the same powers as are conferred upon a civil court by the ¹Code of Civil Procedure.

XIV
of
1882.

(3) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession of the person summoned.

(4) Every person summoned under sub-section (1) shall be bound to attend, either in person or by an authorized agent, as the officer summoning him may direct :

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of
1882.

Provided that the exemptions provided for by ²sections 640 and 641 of the Code of Civil Procedure shall be applicable to requisitions for attendance under this section.

(5) Every person summoned under sub-section (1) shall be bound to state the truth upon any subject respecting which he is examined and to make statements and produce such documents and other things as may be required.

187. (1) Subject to any rules made under section 178, every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he has a seal, shall also bear his seal.

Summons
how to be
prepared and
how served.

(2) Every such summons shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

¹See footnote on page 51 *supra*.

²See now sections 132 and 133 of the Code of Civil Procedure, V of 1908.

(3) If the usual residence of a person so summoned is in another district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (2).

Notice how to be served.

188. (1) Subject to any rules made under section 178, every notice under this Law, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served or to his agent, if any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless such error has produced substantial injustice.

Procedure for procuring attendance of witnesses.

189. If any party desires the attendance of a witness, he shall follow the procedure prescribed by section 160 of the Code of Civil Procedure.

Inquiries how to be conducted.

190. Every inquiry which this Law requires to be made, or which any Revenue Officer may on any occasion deem it necessary to make in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Chief Commissioner or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem to him best calculated for the ascertainment of all essential facts and the furtherance of the public good.

XIV
of
1882.

Copies and translations, etc., how to be obtained.

191. Subject to any rules made under section 178, authenticated copies and translations of decisions, orders, and the reasons therefor, and of exhibits, shall in all cases be furnished to the parties, and original documents used as evidence shall, unless impounded under the provisions of any law, rule or order for the time being in force or detained for reasons to be recorded in writing, be restored to the persons who produced them, or to persons claiming under them, on due application being made for the same, subject to the payment of court-fee (if any) leviable and of such charges for paper, copying and examination as may, from time to time, be authorized by the Chief Commissioner.

¹See now rule 2, order XVI, first schedule of the Code of Civil Procedure, V of 1908.

192. Whenever it is provided by this Law that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by an officer competent to direct the arrest.

Secs.
192—195,
Arrest of a defaulter to be made upon a warrant.

193. Subject to any rules made under section 178, any Revenue Officer may at any time, and from time to time, when necessary, for the purposes of measurement, the fixing for inspecting of boundaries, the classification of land or its assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this law or of any other law, rule or order for the time being in force relating to land-revenue, enter lands or premises, whether belonging to the Government or to private individuals and whether fully assessed to the land-revenue or wholly or partially exempt from the same :

Power of Revenue Officer to enter upon any lands or premises for purposes of measurement, etc.

Provided that no building used as a human dwelling and no private enclosure appertaining thereto shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than twenty-four hours before such entry ; and

Provided, also that, in the case of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

CHAPTER XVII.

APPEALS AND REVISION.

194. [Repealed.]¹

²[195. Save as otherwise provided by this Law, an appeal shall lie against every decision or order, original or appellate, of a Revenue Officer,—

- (a) when such decision or order is passed by any Revenue Officer subordinate to any Deputy Commissioner—to the Deputy Commissioner—
Commissioner—to the Deputy Commissioner ;
- (b) when such decision or order is passed by a Deputy Commissioner—to the Commissioner ;

¹Repealed by Notification No. 2800-G, dated the 9th November 1908, Gazette of India, 1908, part I, page 1002.

²Substituted by Notification No. 2800-G, dated the 9th November 1908, Gazette of India, 1908, part I, page 1002.

(c) when such decision or order is passed by the Commissioner—to the Financial Commissioner ;

Provided that—

- (i) when an original order is confirmed on first appeal, a further appeal shall not lie ;
- (ii) when any such order is modified or reversed on appeal by the Deputy Commissioner, the order made by the Commissioner on further appeal, if any, shall be final ;
- (iii) all decisions and orders of the Financial Commissioner shall be final.]

Periods within which appeals must be brought.

196. (1) No appeal shall be brought after the expiration of forty-five days after the date of the decision or order complained of, if such decision or order has been passed by an officer inferior in rank to a Deputy Commissioner, or after the expiration of ninety days in any other case.

(2) In computing the above periods the time required to obtain a copy of the decision or order appealed against shall be excluded.

Admission of appeal after period of limitation.

197. (1) Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, if the appellant satisfies the officer, * * * to whom he appeals, that he had sufficient cause for not presenting the appeal within such period.

(2) No appeal shall lie against an order passed under this section admitting an appeal.

Provision where last day for appeal falls on a Sunday or holiday.

198. Whenever the last day of any period, provided in this chapter for the presentation of an appeal, falls on a Sunday or other holiday, the day next following such holiday shall be deemed to be such last day.

Copy of order to accompany petition of appeal.

199. Every petition of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Powers of appellate authority.

200. The appellate authority may reverse, modify or confirm the decision or order appealed against, or may direct the officer who gave the decision or passed the order, to make such further investigation, or to take such

¹Deleted by Notification No. 2800-G. of the 9th November 1908, Gazette of India, 1908, part I, page 1002.

authority may think necessary, or may itself take such additional evidence. Secs.
200—205.

201. In any case in which an appeal from a decision or order lies, the appellate authority may, pending the disposal of the appeal (if any) preferred, direct the execution of the decision or order to be suspended. Power to suspend execution pending appeal.

202. (1) The Chief Commissioner and every Revenue Officer not inferior in rank to the Deputy Commissioner, may call for and examine the record of any case pending before or disposed of by any Revenue Officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer. Power of the Chief Commissioner and of certain Revenue officers to call for and examine records and proceedings and pass orders thereon.

(2) If in any case it appears to the Chief Commissioner, or to such officer aforesaid, that the proceeding taken, decision passed or order made should be modified or reversed, he may pass such order thereon as he deems fit :

Provided that no order shall be passed under this section modifying or reversing any proceeding, decision or order of a Revenue Officer affecting any question of right between private persons without an opportunity of being heard being given to those persons.

203. Wherever in this Law it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal shall lie from such decision or order. Rules as to decisions or orders expressly made final.

CHAPTER XVIII.

OF PRE-EMPTION.

204. Nothing in this chapter shall apply to land appropriated for building-sites. Application of chapter.

205. When the interest, or any part of the interest, of a co-occupant in any survey-number is transferred by sale, foreclosure of mortgage or relinquishment in favour of a specified person for valuable consideration, every other co-occupant in the same survey-number shall have a right of pre-emption. The right of pre-emption.

Secs.
206—209.

Notice to be given by co-occupant proposing to sell or relinquish.

206. (1) Whenever a co-occupant in any survey-number proposes to sell or to relinquish in favour of a specified person for valuable consideration, the whole or any portion of his interest in the survey-number, or when a mortgagee forecloses a mortgage upon the whole or any portion of the interest of a co-occupant in any survey-number, the co-occupant or mortgagee, as the case may be, shall give notice to all other co-occupants of the survey-number of the price at which he is willing to sell, or the amount due, as the case may be.

(2) Such notice shall be given through the Tahsildar, and shall be deemed to have been sufficiently served if it be posted at the chauri or some other public place, and proclaimed by beat of drum, in the village in which the survey-number is situated.

Loss of right in case of sale or relinquishment.

207. Every co-occupant having a right of pre-emption in respect of any interest in a survey-number to be sold or to be relinquished in favour of a specified person for valuable consideration shall lose such right, unless within two months from the date of the service of the notice he or his agent deposits the price aforesaid with the Tahsildar for payment to the person so proposing to sell or relinquish.

Loss of right in case of foreclosure.

208. (1) When the right of pre-emption arises in respect of the foreclosure of a mortgage, any co-occupant entitled to such right may, at any time within two months after the service of the notice required by section 206, deposit with the Tahsildar the amount specified in such notice for payment to the mortgagee or his successor in title, and shall thereupon acquire a right to purchase the property.

(2) On completion of the purchase, the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title.

Priorities in pre-emption.

209. (1) When the right of pre-emption is claimed by more than one co-occupant, the prior right to purchase, redeem or obtain by relinquishment belongs,—

(a) if the interest sold, mortgaged or relinquished is a portion of a recognized division of a survey-

number, to the co-occupant in the recognized division who is most nearly related to the vendor, mortgagor or transferor, or, if no co-occupant is related to him, to the co-occupant who has the largest interest in the recognized division ;

- (b) if the interest sold, mortgaged or relinquished is not a portion of a recognized division of a survey-number, to the co-occupant in the survey-number who is most nearly related to the vendor, mortgagor or transfer, or, if no co-occupant is related to him, to the co-occupant who has the largest interest in the survey-number.

(2) If two or more co-occupants are equally entitled to the right, the person to exercise it shall be determined by lot.

210. Nothing contained in section 205 shall be held to give a right of pre-emption to other co-occupants when a co-occupant sells, transfers or mortgages his interest or any portion of his interest in the occupancy to any person who is already a co-occupant in the survey-number.

No pre-emption against co-occupants.

211. (1) Every co-occupant having a right of pre-emption may bring a suit in the civil court to enforce such right on any of the following grounds, namely :—

Mode of enforcing the right.

- (a) that no due notice was given as required by section 206 ;
- (b) that deposit has been made in the manner required by section 207 or section 208 as the case may be ;
- (c) in the case of a sale or relinquishment for valuable consideration, that the price stated in the notice was not fixed in good faith ;
- (d) in the case of a mortgage, that the amount claimed by the mortgage was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged.

(2) If, in the case of a sale or relinquishment for valuable consideration, the court finds that the price was not fixed in good faith, the court shall fix such price as appears

Secs.
211-214.

to it to be the fair market-value of the interest sold or relinquished.

(3) If, in the case of a mortgage, the court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, that it was not claimed in good faith and that it exceeds the fair market-value of the property mortgaged, the amount to be paid to the mortgagee shall not exceed what the court finds to be such market-value.

Tahsildar to offer a recognized division relinquished to the other co-occupants in the survey-number.

212. When a recognized division of a survey-number is absolutely relinquished under the provisions of section 69, the Tahsildar shall offer the occupancy so relinquished to the other occupants of the survey-number, and for this purpose shall issue a notice to such co-occupants. Such notice shall be deemed to be sufficiently served if it be posted at the chauri or some other public place in the village in which the survey-number is situated. In the case of competition among such co-occupants, the Tahsildar shall sell the right of occupation to the highest bidder amongst them.

Loss of right in regard to property sold for arrears or under section 68.

213. Every co-occupant having a right of pre-emption in respect of any interest in a survey-number which it is proposed to sell for the realization of arrears of revenue, or under the provisions of section 68, shall forfeit such right, unless he gives notice to the Deputy Commissioner of his intention to exercise the right on an office day before that fixed for the sale.

Exercise of right of pre-emption at such sales.

214. (1) At any time before the close of the day on which the sale of the interest in respect of which the notice required by the last foregoing section has been given, takes place, the co-occupant who has given the notice may, on payment to the officer conducting the sale of a deposit of twenty-five per centum on the highest bid made at the sale, claim to take the property at that bid.

(2) If notice has been given, and deposit and claim are made by more than one co-occupant, their priority shall be decided in the manner prescribed by section 209.

(3) If the right is not disputed and there is only one claimant, that claimant shall be declared purchaser.

(4) If the right is disputed or if there is more than one claimant, the Deputy Commissioner shall inquire into and decide the dispute and declare the purchaser, and his decision and declaration shall be final.

CHAPTER XIX.

Secs.
215-216.

MISCELLANEOUS.

Maps, land registers and village accounts open to inspection.

215. Subject to such rules and the payment of such fees as the Chief Commissioner may from time to time prescribe in this behalf, all registers, maps, survey-records, village records and village accounts which have been prepared or are required to be prepared or kept by this Law or any rule thereunder or by any law, rule or order for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts from such registers, maps, records and accounts, or certified copies thereof, shall be given to all persons applying for the same.

216. (1) Subject to any express provision in this Law, the Chief Commissioner may give instructions, which shall be either general or applicable to any particular case,—

Matters to be dealt with by executive instructions of Chief Commissioner.

- (a) determining the qualifications to be required of all members of establishments appointed under section 20 ;
- (b) regulating the power of fining, reducing, suspending and dismissing Revenue Officers, under section 32 ;
- (c) prescribing the purposes to which land liable to the payment of land-revenue may be appropriated, under section 52 ;
- (d) for the disposal of forfeited occupancies or alienated holdings, under section 56 ;
- (e) regulating the system and manner of occupying unalienated land, under chapter VI ;
- (f) fixing the maximum amount of penalty leviable under section 59 when land which has been unauthorizedly occupied is appropriated to any non-agricultural purpose, and regulating the levy of premia under section 63 and the levy of penalties under section 64 ;
- (g) regulating the preparation of revenue, survey and settlement records and the form of the settlement registers and other records prescribed in section 161 ;
- (h) regulating the forms and preparation of village records and accounts, and the registration therein of such changes as are referred to in section 162 ;

- (i) permitting and regulating the partition of interest in land, carrying out such partition and giving any directions consequent thereon;
 - (j) regulating the appointment, dismissal, pay and employment of jaglias and village-mahars; and
 - (k) generally for the guidance and control of Revenue Officers and for the guidance of all persons in matters connected with the enforcement of this Law, or in cases not expressly provided for therein.
- (2) Instructions under clause (h) of sub-section (1) may provide among other matters for—
- (i) the information to be furnished and the assistance to be rendered in order to facilitate the collection of information for the preparation of village records and accounts by persons acquiring rights in land, by superior holders of alienated villages and by the public generally;
 - (ii) the penalties for neglect to furnish and render such information and assistance;
 - (iii) the fees to be charged on entries in such records and the persons by whom they are to be paid; and
 - (iv) the recovery of the penalties and fees last aforesaid.

Power to make rules for settlement of disputes regarding mahars' dues.

217. [Cancelled.]

Publication of certain rules.

218. All rules made under section 159, section 160 or section 178 shall be published in the *Central Provinces Gazette*, and when so published shall, until cancelled or amended, have the force of law.

Control by the Governor General in Council.

219. The Chief Commissioner shall, in all matters connected with land revenue, be subject to the control of the Governor General in Council, and shall be bound to obey the instructions and orders of the Governor General in Council in all cases whatsoever.

Chapters VIII to X how far applicable to alienated village.

220. (1) Save as is otherwise provided in section 95 and hereinafter in this section, the provisions of chapters VIII to X shall not be applied to any alienated village, except for the purpose of fixing the boundaries of any such

village, of deciding any disputes relating thereto and of determining and registering the proper full assessment on all lands included therein, as provided in section 88, sub-section (3).

(2) But the provisions of the said chapters shall be applicable to—

- (a) all unalienated lands situated within the limits of an alienated village;
- (b) villages of which a definite share is alienated, but of which the remaining share is unalienated;
- (c) alienated villages, in which the holders are entitled to a certain amount of the revenue and the Government to the rest.

(3) And the Chief Commissioner may, on an application in writing being made by the holder of any alienated village to that effect, authorize the extension of all or any of the provisions of the said chapters to such village.

221. When a survey-settlement has been introduced, under the provisions of the last foregoing section or of any law, rule or order for the time being in force, into an alienated village, the holders of all lands to which such settlement extends, shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have, or are affected by, under the provisions of this Law, and all the provisions of this Law relating to occupants and registered occupants shall be applicable, so far as may be, to them.

Occupants in
alienated
villages.

222. Nothing in this Law which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed, save in so far as may be expressly provided to the contrary, to affect alienated land or the rights of holders of alienated land or of the Government in respect of any such land, and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Law in terms relating to unalienated land only.

Construction
of the Law.

223. An inferior holder or tenant who has personally or through his predecessors in title held land in an alienated village or holding from a period anterior to the alienation, shall be entitled to hold that land subject to the payment of the assessment on the land determined and registered under section 88, sub-section (3), and free of any other charge on account of rent,

Title of certain
classes of
inferior holders
and tenants
to hold at
favourable
rates.

Secs.
224—226.
Section 69 and
71 to 75 to apply
to holders of
alienated lands.

224. The provisions of sections 69, 71, 72, 73, 74 and 75 shall apply, as far as may be, to holders of alienated lands.

¹[Villages leased] under Waste Land Rules not partible during currency of lease.

225. ¹[Villages leased] under the Waste Land Rules of 1865, 1876, 1879 or 1880 shall not be partible during the currency of the lease.

G. of I. (R. & A. Dept.)
rotn. no.
432—116-2,
dated the
28th Feb.
1907.

²[226. (1) In the case of any land wherein the right to minerals is reserved to or otherwise belongs to Government, the Government shall have all powers necessary for the proper enjoyment of its rights thereto and may transfer any such rights and powers to any persons in such manner as to it may seem fit.

(2) Whenever in the exercise of any such rights and powers by the Government, or by any person to whom the Government may have transferred such rights and powers, the rights of any owner or occupier of any such land are infringed by the occupation or disturbance of the surface of such land, the Government shall pay, or cause to be paid, to such owner or occupier compensation for the infringement. The compensation shall be determined, as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894, as applied to Berar.]

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject.	Extent of repeal.
PART I.		
<i>Acts of the Governor General in Council.</i>		
X of 1859, sections 32 to 36 (both inclusive), 38 to 75 (both inclusive), 78, 82 to 104 (both inclusive) 112 to 152 (both inclusive), 155 to 162 (both inclusive), as applied to Berar by the notification of the Government of India in the Foreign Department no. 212, dated the 24th October 1873.	Rent	... The whole.

¹ See footnote on page 13 *supra*.

² Inserted by Notification No. 432—116-2, dated the 28th February 1907, *Gazette of India*, 1907, part I, page 175.

THE FIRST SCHEDULE—(contd.)

ENACTMENTS REPEALED —(contd.)

Number of year.	Subject.	Extent of repeal.
VII of 1870, as applied to Berar by the notification of the Government of India in the Foreign Department no. 212, dated the 24th October 1873.	Court-fees ...	Section 20 so far as it relates to revenue Courts, and the whole of section 23.
III of 1846, sections 1, 5 and 6 as applied to Berar by the notification of the Government of India in the Foreign Department no. 212, dated the 24th October 1873.	Boundary-marks ...	The whole.
XII of 1850, as applied to Berar by the notification of the Government of India in the Foreign Department no. 212, dated the 24th October 1873.	Public Accountants	The whole so far as it relates to Revenue Officers.

PART II.

Acts of the Governor of Bombay in Council.

I of 1865, sections 2, 10 to 14 (both inclusive), 16 to 24 (both inclusive), 46 and 47, as applied to Berar by the notification of the Government of India in the Foreign Department no. 212, dated the 24th October 1873.	Survey and Demarcation.	The whole.
I of 1865, section 35, as applied to Berar by the notification of the Government of India in the Foreign Department no. 49-J, dated the 7th March 1879.	Survey and Demarcation.	Ditto.
IV of 1868, section 16, 17, 19 and 20, as applied to Berar by the notification of the Government of India in the Foreign Department no. 99-R., dated the 17th October 1877.	Survey and Settlement.	Ditto.
V of 1879, sections 188 to 192 (both inclusive), as applied to Berar by the notification of the Government of India in the Foreign Department no. 4402-J, dated the 22nd December 1886.	Bombay Land Revenue Code.	Ditto.

THE FIRST SCHEDULE —(concl'd.)

ENACTMENTS REPEALED —(concl'd.)

Number of year.	Subject.	Extent of repeal.
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PART III.

Local rules and orders having the force of law.

Government of India letter no. 407, dated the 10th December 1866, and Secretary of State's despatch no. 23, dated the 16th March 1867, as altered by Government of India letter no. 97-R, dated the 17th October 1877.	Berar Sub-Tenancy Rules.	The whole, subject to the provisions of section 2.
Secretary of State's despatch no. 23, dated the 16th April 1867, and the new rule substituted for Rule XIX of the Berar Settlement Rules by the notification of the Government of India in the Foreign Department no. 118, dated the 4th December 1877.	Berar Settlement Rules.	The whole, subject to the provisions of section 2.
Government of India letter no. 4771, dated the 23rd February 1883.	Rules regarding the levy of the jaglia and local cess.	Ditto.
Government of India letter no. 3662-I dated the 11th December 1883.	Rules about the constitution and pay of jaglias.	Ditto.
Government of India letter no. 1403-J, dated the 19th April 1884.	Rules regarding the admission of pleaders and authorized agents in revenue cases.	Ditto.
Government of India letter no. 369-R., dated the 23rd May 1884.	Rules regarding the levy of process-fees by Revenue Officers.	Ditto.
Government of India letter no. 940-I., dated the 18th March 1886.	Exempting the jagir villages of ¹ [Akoli and Balgaon] from the operation of clause 2 of rule 19 of the Berar Settlement Rules.	Ditto.

¹ See footnote on page 13 *supra*.

THE SECOND SCHEDULE.

FORM OF BOND TO BE REQUIRED UNDER SECTION 21.

(See section 21.)

WHEREAS I _____ have been
appointed _____ in Berar and whereas I

have been required to furnish security under the provisions of section 21 of the Berar Land Revenue Code for the due discharge of the trusts of the said office, or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of such office ;

Now, therefore, I _____, son of _____,
residing at _____, in taluq _____,
district _____, do hereby furnish security to the
extent of Rupees _____, and do hereby
declare that if at any time, either during my tenure of office
or after, it shall appear to the Government through its
constituted officers that I have failed to produce or account
for any moneys, property, stores, accounts, books, papers,
and the like, placed by Government under my care, or
that I have falsified or made away with such accounts,
books, papers, and the like, or that I have embezzled,
stolen or misappropriated any such moneys, property,
stores, and the like, or that through my carelessness or
negligence any such moneys, property, stores, and the like,
or accounts, books, papers, and the like, have been em-
bezzled, stolen, misappropriated or otherwise made away
with, out of my custody or charge, or that through my
neglect the Government is subjected to any loss, I bind
myself to forfeit to the Government the sum of Rs.

I further agree to the retention of this bond by
Government during its pleasure.

Dated

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF
THE PRINCIPAL.

WHEREAS _____ has been appointed
in Berar and whereas the said _____ has
been required to furnish security under the provisions of
section 21 of the Berar Land Revenue Code, for the due
discharge of the trusts of the said office or of any other
office to which he may be hereafter appointed, and for
the due account of all moneys, papers, and other property,
which come into his possession or control by reason of any
such office ;

Now, therefore, we
residing at _____, in taluq
district _____, do hereby become security
for the said _____ to the extent of Rs.
_____, and we hereby declare that if at
any time, either during the tenure of office of the said
_____ or after it shall appear to
the Government through its constituted officers that during
the period of our suretyship the said _____ has
failed to produce or account for any moneys, property,
stores, accounts, books, papers, and the like, placed by
Government under his care, or that the said _____
has falsified or made away with any such accounts, books,
papers, and the like, or that the said _____
has embezzled, stolen or misappropriated any such
moneys, property, stores, and the like, or that through the
carelessness or negligence of the said _____
any such moneys, property, stores, and the like, or
accounts, books, papers, and the like, have been em-
bezzled, stolen, misappropriated or otherwise made away
with through the neglect of the said _____
the Government is subjected to any loss, we bind ourselves
jointly and severally to forfeit to the Government the sum
of Rs. _____.

We further agree to the retention of this bond by
Government during its pleasure. Provided always that
we, the said _____ and _____, or either of us, shall
be at liberty to terminate our or his suretyship upon
giving to the Deputy Commissioner for the time being of
the _____ district six calendar months' notice in
writing of our or his intention so to do.

Accepted.

(Signature of sureties.)

THE THIRD SCHEDULE.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY
COMMISSIONER UNDER SECTION 23 AND
SECTION 125.

Seal.

To

The Officer in charge of the civil jail at
WHEREAS A B of was on the
day of ordered by to
(*here state the substance of the demand made*);
and whereas the said A B has neglected to comply with
the said order, and it has therefore been directed under
the provisions of section of the Berar
Land Revenue Code that he be imprisoned in the civil jail
until he obey the said order or until he obtain his discharge
under the provisions of section of the said
Code; you are hereby required to receive the said A B
into the jail under your charge, and to carry the aforesaid
order into execution according to law.

Dated this day of 19 .

(*Signature of Deputy Commissioner.*)

THE FOURTH SCHEDULE.

FORM OF BOND TO BE REQUIRED UNDER SECTIONS 26
AND 133.

WHEREAS I,
have been ordered by ;
to (*here state the nature of the demand*); and whereas
I dispute the right of the said to make the said
order, I hereby bind myself to file a suit within fifteen
days from the date of this bond in the district court of
to contest the justice of the demand, and to
agree that, in the event of a decree being passed against
me, I will fulfil the same, and will pay all amounts, includ-
ing costs and interest, that may be due by me, or that, if
I fail to institute a suit as aforesaid, I will, when required,
pay the above-mentioned amount of
rupees (or will deliver up the above-mentioned papers or
property, as the case may be), and, in the case of my
making default therein, I hereby bind myself to forfeit to

Fifth Schedule. the Secretary of State for India in Council the sum of
rupees.

Dated this _____ day of _____ 19 .
(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF
THE PRINCIPAL.

WE,
hereby declare ourselves securities for the abovesaid
, that he shall do and perform all that he
has above undertaken to do and perform, and in case of
his making default therein we hereby bind ourselves to
forfeit to the Secretary of State for India in Council the
sum of _____ rupees.

Dated this _____ day of _____ 19 .
(Signature.)

THE FIFTH SCHEDULE.

(See section 79.)

I.—FORM OF NOTICE TO BE GIVEN BY LANDLORD TO
QUIT.

To

A B.

I DO hereby give you notice that I do intend to enter
upon and take possession of the land (*here give the
description*) which you now hold as tenant under me, and
you are therefore required to quit and deliver up posses-
sion of the same at the end of this current year, termi-
nating on the _____ of _____ 19 .

Dated this _____ day of _____ 19 .
(Signature, C D.)

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LAND-
LORD OF HIS INTENTION TO QUIT.

To

C D.

I DO hereby give you notice that I shall quit and
deliver up to you, at the end of this current year, termi-
nating on the _____ of _____ 19 ,
the land (*here give the description*) which I hold from
you

Dated this _____ day of _____ 19 .
(Signature, A B.)

RULES UNDER THE BERAR LAND REVENUE CODE, 1896.

AGRICULTURAL AND REVENUE YEAR.

[Section 4 (18).]

1. The "agricultural year" shall be deemed to commence on the 1st day of April and the "revenue year" on the 1st day of August.

POWERS OF ASSISTANTS.

[Section 12 (1).]

2. An assistant may be placed in charge of the revenue administration of one or more taluqs after he has fully passed the prescribed departmental examination by the higher standard, and with the previous sanction of the Commissioner, but not otherwise.

3. An assistant placed in charge of the revenue administration of one or more taluqs shall be styled a "Sub-Divisional Officer," and his charge shall be termed a "sub-division".

[Section 12 (2) & (3).]

4. An assistant, after he has passed the prescribed departmental examination by the higher standard, may be invested by the Commissioner with all or any of the following powers of the Deputy Commissioner, whether he is placed in charge of the revenue administration of one or more taluqs or not:—

- (1) Power to grant sites for building purposes, to grant permission to remove earth, stone, kankar, sand, muram or other material from unoccupied unculturable land not set apart for any special purpose.—Section 38.
- (2) Power to dispose of trees, the property of Government, standing on *gaothans* (village sites), *gothans* (standing ground for cattle), *khalwads* (threshing floors), along-side district and village roads, and on other Government lands which are not State forests.—Section 44.
- (3) Power to recover the value of any Government tree or portion thereof unauthorisedly felled and appropriated.—Section 46 (1) and (2).
- (4) Power to evict a holder who appropriates or attempts to appropriate land to a purpose which has been prohibited.—Section 52 (3).

Rule 4.

- (5) Power to dispose of a forfeited occupancy or alienated holding.—Sections 56 and 57.
- (6) Power to levy assessment and penalty for unauthorized occupation or appropriation of Government land, summarily to evict the trespasser, to order forfeiture and disposal of crops on the land unauthorizedly occupied or appropriated, and to order forfeiture and disposal of and building or other construction on such land after due notice.—Section 59.
- (7) Power to grant applications for appropriation of occupied land to any non-agricultural purpose and to order the payment of premium and fix a new assessment.—Section 63.
- (8) Power summarily to evict persons from agricultural land appropriated to other purpose without permission and to levy penalty and fix a new assessment.—Section 64.
- (9) Power to inflict a fine on failure to grant a receipt.—Section 81.
- (9-A) Power to inflict a fine for not reporting acquisition of right or for failing to supply information.—Section 96-F.
- (9-B) Power to correct errors in the record-of-rights and mutation register admitted by the parties.—Section 96-K.
- (10) Power to fix boundaries of villages and settle village boundary disputes.—Section 97.
- (11) In cases of anticipated default, power to order holders generally or particular holders in a village (a) not to reap their crops without giving notice and (b) not to remove their crops without permission; (c) power to appoint watchmen to be placed over such crops and to realize the amount required for their remuneration; and (d) power to levy a fine for disobedience of such order.—Section 110 (a) (b) and (c) and section 111 (3).
- (12) Power to release the crop detained, if such detention has been ordered by the Assistant, and power to sell such crop for recovery of land revenue.—Section 112.
- (13) Power to levy a penalty on account of willful default.—Section 117.
- (14) Power to cause a defaulter's attached movable property to be sold.—Section 122.
- (15) Power to cause the right, title and interest of a defaulter in immovable property to be attached and sold.—Section 123.
- (16) Power to decide in particular cases what property is entitled to exemption from attachment.—Section 124 (2).

- (17) Power to order the arrest of a defaulter and to detain him in imprisonment.—Section 125 (1) and (2).
- (18) Power to declare an occupancy forfeited on account of default.—Section 127.
- (19) Power to release a defaulter in custody or imprisonment, and to stay execution of any other process.—Section 133.
- (20) Power to issue a proclamation of sale in the case of immovable property.—Section 134.
- (21) Power to issue a notice of sale in the case of immovable property.—Section 136 (3).
- (22) Power to recover the difference between the proceeds of a re-sale and the price bid by the criminal defaulting purchaser of immovable property.—Section 146 (1).
- (23) Power to set aside the sale of immovable property on the ground of some material irregularity, mistake or fraud, and to order a fresh sale.—Section 148.
- (24) Power to set aside the sale of immovable property on other grounds, and power to confirm the sale.—Section 149.
- (25) Power to put the purchaser in possession of immovable property and to grant a certificate.—Section 151.
- (26) Power to dispose of claims to attached movable property.—Section 157.
- (27) Power to settle disputes between co-occupants as regards the right of pre-emption.—Section 209.
- (28) Power to settle disputes in regard to pre-emption in cases of land ordered to be sold for arrears of land revenue.—Section 214.
- (29) Power to settle disputes between village mahars and cultivators in respect of the rate at which the mahars' *huqs* are payable.—Section 217.

5. The power specified in the preceding rule shall be exercised subject to the rules hereinafter prescribed.

6. In a district where there are one or more Sub-Divisional Officers and also one or more other Assistants invested with any of the powers of the Deputy Commissioner, the Deputy Commissioner will, under the general control of the Commissioner, determine what powers or duties the Sub-Divisional Officer or Officers and the other Assistant or Assistants respectively shall exercise or perform.

7. Assistants who have not passed the prescribed departmental examination by the higher standard may investigate and report on such cases as the Deputy Commissioner may by general or special order refer to them, final orders in such cases being passed either by the Deputy Commissioner or Sub-Divisional Officer, as the Deputy Commissioner may direct.

POWERS OF TAHSILDARS.

8. Tahsildars will exercise the following powers in addition to those expressly assigned by the Code :—

[Section 14.]

- (1) (a) Power to grant sites not exceeding 5 *guntas* in each case in villages with a population not exceeding 5,000, and (b) power to grant permission to remove earth, stone, kankar, sand, muram or other material from unoccupied unculturable land not set apart for any special purpose.—Section 38.
- (2) Power to grant permission to cut and remove trees in occupied land.—Section 41.
- (3) Power to dispose of dead trees, the property of Government.—Section 44.
- (4) Power to grant permission to lop trees, the property of Government or any local body situate in occupied land.—Section 45 (1).
- (4-A) Power to determine and recover the value of any Government tree or portion thereof unauthorizely felled and appropriated.—Section 46 (1) and (2).
- (5) Power to dispose of applications and settle disputes regarding usufruct of trees.—Sections 47 and 48.
- (6) Power to accept an agreement to become the registered occupant of a field.—Section 58 (2).
- (7) Power to require payment of a price for occupancy of land, and to sell the occupancy right and to annex the prescribed conditions to such right.—Section 60.
- (8) Power to grant permission to remove earth, stone, kankar, sand, muram or other material from the unculturable portions of occupied fields.—Section 63.
- (9) Cancelled.
- (10) Power to receive land revenue from persons other than the registered occupants.—Section 76.
- (11) Power to serve notice of a landlord to his tenant for enhancement or rent.—Section 78 (8).
- (11-A) Power to certify mutations of entries in the record-of-rights and dispose of objections.—Section 96-D.
- (11-B) Power to charge a fee not exceeding Rs. 25 for neglecting to report acquisitions of rights or to furnish the information or produce the document required by section 96-C or section 96-E.—Section 96-F.
- (11-C) Power to correct purely clerical errors in the record-of-rights.—Section 96-K.
- (12) Power to determine field boundaries and settle field boundary disputes.—Sections 98 and 99.

- (13) Power to have boundary marks constructed or repaired and to assess all charges incurred thereby.—Section 101.
- (14) Power to prevent removal of crop in cases of anticipated default.—Section 109.
- (15) In individual cases of anticipated default, power to (a) require notice being given to the Tahsildar before the standing crop on land is reaped; (b) give order not to remove the crop without permission; and (c) appoint a watchman and realize the amount required for his remuneration.—Section 110.
- (16) Power to release the crop detained, if such detention has been ordered by the Tahsildar.—Section 112.
- (17) Power to realize land revenue in case of default.—Section 117.
- (18) Power to issue a notice of demand.—Section 121.
- (19) Power to distrain a defaulter's movable property.—Section 122.
- (20) Power to arrest or cause to be arrested a defaulter under the express authority in each case of the Deputy Commissioner or an Assistant.—Section 125 (1).
- (21) Power to issue a proclamation of sale in the case of movable or immovable property.—Sections 134 and 135.
- (22) Power to issue a notice of sale in the case of movable or immovable property.—Section 136 (3).
- (23) Power to appoint, dismiss and punish jaglias.—Section 216 (j).
- (24) Power to appoint, dismiss and punish village mahars, and to decide disputes between cultivators and village mahars.—Sections 215 (j) and 217 (1) and (2): provided that, where the rate at which *huqs* are payable is in dispute the Tahsildar will apply to the Sub-Divisional Officer for orders.
- (25) Power to cause a defaulter's attached movable property to be sold for the recovery of arrears of land revenue under section 122 (1) by such Tahsildars as may specially be selected by the Deputy Commissioner.
- (26) Power to demand the production of records which have been declared to be the property of Government.—Section 29.
- (27) Power to dispose of the temporary right of occupancy of alluvial lands of small extent.—Section 62.
- (28) Power to inflict a fine, on conviction, on a patel or patwari for refusal or failure to grant receipt in respect of the land revenue received by him, or for failure to report refusal.—Section 81.

Rules 9—13.

- (29) Power to relinquish the precautionary measures taken under sections 109, 110, 111, 112 and 113 of the Code on security for payment of revenue being furnished.—Section 114.
- (30) Power to conduct sale of movable or immovable property.—Section 137.
- (31) Power to auction sale of perishable articles.—Section 138.
- (32) Power to recover loss in the resale of the immovable property from the defaulting purchaser as an arrear of land revenue and to make good to the owner of the property the loss from the deposit forfeited to Government—Section 146.
- (33) Power to put the purchaser in possession of the property after confirmation of sale.—Section 151.
- (34) Power to dispose of claims to the movable property attached.—Section 157.
- (35) Power to cause summons received by post from the Deputy Commissioner of other district to be served on the person summoned.—Section 187 (3).

9. The powers set forth in the preceding rule shall be exercised subject to the rules hereinafter prescribed.

10. Tahsildars may also dispose of such miscellaneous cases as the Commissioner may from time to time direct.

NAIB-TAHSILDARS—THEIR DUTIES.

[Section 17.]

11. Naib-Tahsildars are appointed to be "Revenue Officers".

12. Every Naib-Tahsildar shall be directly and entirely subordinate to the Tahsildar of the taluq in which he is serving, and shall be deemed to be the subordinate of highest rank under the Tahsildar.

13. Every Naib-Tahsildar shall discharge such duties as may from time to time be assigned to him consistently with the Code by the Tahsildar, the Deputy Commissioner, the Commissioner or the Chief Commissioner. The principal duties to be performed by him are the following:—

- (1) To attend to treasury work and dispose of all treasury matters under the Tahsildar's supervision.
- (2) To make inquiries and submit reports in cases when required by the Tahsildar.
- (3) To supervise all the registers maintained in the tahsil.
- (4) To examine the village officers' daftars, raiyats' receipt books, cattle-pounds, abkari shops, vital statistics registers, and to inspect crops and boundary marks when on duty in the taluq.

- (5) To pay particular attention to the jamabandi work.
- (6) To check the periodical returns and see that they are submitted correctly and punctually.
- (7) To pay special attention to the preparation of all wasulbakis and put up memos. for the orders of the Tahsildar whenever a payment becomes overdue.
- (8) To sell property in cases when ordered by the Tahsildar.
- (9) To receive village post, and during the absence of the Tahsildar, all other post.
- (10) To compare *adhavas* (village balances) and to examine pound registers.
- (11) To deal with such of the miscellaneous class cases (*khatewari* cases) as the Commissioner may from time to time determine.
- (12) To hold charge of the tahsil during the absence of the Tahsildar on leave or on duty.
- (13) To supervise the work of the tahsil establishment generally and to assist the Tahsildar in all matters except magisterial work.
- (13-A) Under section 17, sub-section (1), of the Berar Land Revenue Code, all Naib-Tahsildars who are at present substantive or officiating Naib-Tahsildars drawing Rs. 100 or more per mensem and who may hereafter be appointed as such in any of the districts in Berar are invested with all the powers of a Tahsildar as defined in rule 8.

APPOINTMENTS, QUALIFICATIONS, ETC., OF REVENUE ESTABLISHMENTS.

[Sections 20, 32 and 216 (a), (b) and (k).]

14. The general rules framed by the Chief Commissioner regarding the appointment, dismissal and punishment of ministerial and menial officials will regulate the appointment, dismissal and punishment of all members of revenue establishments.

15—45. [Cancelled.]

DISPOSAL OF GOVERNMENT BUILDING SITES.

[Sections 38 and 52.]

PART II.—RULES FOR THE DISPOSAL OF GOVERNMENT LAND AND THE ASSIGNMENT OF BUILDING SITES NEAR RAILWAY STATIONS.

46. Waste land within half a mile of a railway station should not be given out for cultivation,

Rules 47—49-A

47. A strip of land one hundred yards broad should be reserved round each railway station for possible extensions of the stations. The occupancy right in all building sites in towns or villages containing railway stations beyond this limit will be leased by the Sub-Divisional Officer for the term of settlement with right to renewal in perpetuity at a fair rate of ground rent on the expiry of each succeeding settlement. The lease hold right will be auctioned at the upset price shown below, and the annual ground rent will be one anna per rupee of the premium bid at auction. In the low caste quarters of towns and villages containing the railway stations shown in list A and in all parts of other towns and villages containing railway stations in list B, plots not exceeding 400 square feet in area may be leased without premium, at an annual ground rent of one anna per 100 square feet or part thereof. In other cases the sanction of the Deputy Commissioner must be taken to lease without auction or premium.

	Names of railway stations.	Rates.
	1. Nandura ...	
	2. Paras ...	
	3. Badnera ...	
	4. Anjangaon ...	
	5. Chandur ...	
List A	... 6. Dhamangaon ...	Re. 1 per 100 square feet.
	7. Banosa ...	
	8. Surji ...	
	9. Daryapur ...	
	10. Babbili ...	
	11. Darwha ...	
List B	... All others ...	Re. 0-8-0 per 100 square feet.

48. The land set apart for building purposes near railway stations should in the first instance be marked out in convenient plots and mapped in such a manner that persons desirous of becoming occupants may clearly know what plots are available.

Due provision should be made in the plan for roads and approaches and access of air and light, and careful regard should be had to sanitary requirements.

49. Rule 47 applies to all railway stations both existing and to be constructed in future which are not situate within the limits of a Municipality. Building sites within a Municipality are governed by Revenue Book Circular X-6.

49-A. Whenever an occupant of land lying within 100 yards of the limits of a railway station applies for permission to use that land for any purpose other than that of agriculture, notice of such application shall be given to the railway District Engineer in order to enable the railway administration concerned to decide whether it is likely to require the land for railway purposes.

In the event of the railway administration deciding that it requires the land the occupant will be informed accordingly,

and steps will be taken to acquire the land on behalf of the said railway administration, which must within a reasonable time, pay the compensation fixed and take possession of the land.

What is a reasonable time will be decided by the Deputy Commissioner, and should the railway administration fail to acquire within the time the original application of the occupant will be taken into consideration and disposed of.

PART III.—RULES REGARDING ASSIGNMENT OF BUILDING SITES IN VILLAGES.

50. The duty of assigning ground in village sites (“goathan”) for building and other similar purposes shall ordinarily rest with the patel, or, if there is a revenue as well as a police patel, with the revenue patel. He should maintain a register of waste sites in the village in Appendix XLVIII with a rough map attached to it. All assignments should be noted in the remark column of the register under his signature and a copy of each entry should be sent to the Tahsildar.

51. In granting sites patels must be careful not to infringe the rights of Government by assigning lands which, as having been occupied by Government buildings (e.g., *garies*, old tahsil buildings, etc.), whether ruined or otherwise, or for any other reason, are regarded as specially the property of Government, and not as part of the general village *gaathan*.

52. No encroachments on public lands or any area used for any common village purpose should be allowed by the patel. No land should be assigned within 30 cubits of any well or stream or the boundary of a tank. Every encroachment on the public street, lane and Government waste sites should be reported to the Tahsildar as soon as it is made.

53. Patels should not assign more than one *gunta* of land, to any person or allow any extension of site so as to exceed one *gunta*, and within this limit land according to actual requirements should be assigned. A dakhala should be issued, in writing to the applicant and report of the grant be made to the Tahsildar for note in his copy of register.

54. Patels must not assign sites regarding which there is dispute. An infringement of this rule may involve them in litigation for which they will be personally responsible.

55. When any person wants land for an extension which would make the site of more than one *gunta* in extent, or there is dispute about the site, or for any other reason the patel is in doubt whether the land should be given, he should make each of the persons requiring the land give him a written application, which he should forward with his remarks for the orders of the Tahsildar.

56. Patels should not assign or give away land in—

- (a) towns or villages which have a population of 2,000 persons or more;

- (b) bazar towns or villages;
- (c) towns or villages close to railway stations;
- (d) any place where the ground is likely to be required by Government;
- (e) any place where it possesses a clear marketable value.

57. When a Tahsildar receives an application under rule 55 he shall proceed as follows:—

- (a) If the land asked for is specially Government property as defined in rule 51, or specially valuable, he shall, after such enquiry as may be necessary, refer the matter for the orders of the Sub-Divisional Officer.
- (b) In other cases he should pass suitable orders after necessary inquiry. He should reject an application where there is a dispute as to ownership, unless it is clearly proved, after inquiry, that the site belongs to Government.
- (c) When there are more applicants than one for a site which is available for building purposes, the Tahsildar will either put up the occupancy right to auction, or assign the land to one of the parties, if he thinks that such party should be given the preference either because the land adjoins a plot already in the party's possession or for any similar reason.

When a Tahsildar directs that a site be put up to auction, he will cause a plan to be prepared by the patwari or some other person specially deputed for the purpose. This should be done in other cases also where disputes are likely to arise. No ground-rent should be reserved except under special circumstances and with the sanction of the Sub-Divisional Officer. When ground-rent is reserved it should be subject to revision at each subsequent settlement.

The fact that ground rent has not been reserved however does not affect the liability to assessment at a future date under section 49 of the Code.

58. When auction sale is resorted to, the following procedure shall be observed:—

- (a) A notice specifying the date fixed for the sale and the area and boundaries of the site to be sold shall be stuck up at some place close to the site, and also at the village chauri, at least a week before the sale is held.
- (b) The sale shall be held on the spot by some tahsil official above the rank of peon, deputed for the purpose.
- (c) The officer who holds the sale shall, on arriving at the village, cause the sale to be announced by beat of drum for an hour before commencing the auction

59. No assignment or sale of the occupancy right of any area exceeding five *guntas* to one person should be made by a Tahsildar except with the previous sanction of an Assistant Commissioner.

60. No assignment of any area whatsoever, by sale or otherwise, in villages with a population exceeding 5,000 shall be made by the Tahsildar without the sanction of the Assistant Commissioner.

61. The Deputy Commissioner may at any time withdraw, for special reasons, the powers of the patel or the Tahsildar to grant sites in any village, in which case applications for sites must be submitted through the patel to the Tahsildar, who will, after necessary inquiry, refer them to the Assistant Commissioner for orders.

PART IV.—GENERAL.

62. The foregoing rules 46 to 61 inclusive do not apply to unoccupied and unassessed waste lands in such villages lying beyond the authorized village site (*gaothan*). Any application for permission to build on such land must be dealt with on its own merits and be submitted for the orders of the Commissioner.

63. In every case of the disposal of a building site the occupancy only, and not the full proprietary right in the soil, is to be granted.

64. If in any case it should be thought desirable for special reasons to confer the full proprietary right, the matter should be referred to the Chief Commissioner for orders.

65. A register in form XLIX shall be maintained by the village officials for all Government sites assigned in a village. It should be presented at the tahsili for comparison at the annual Jamabandi by the village officials.

66. The rules regulating to the relinquishment of occupancy right in fields shall, *mutatis mutandis*, also apply to assigned building sites paying rent to Government.

67. No land, except in rural areas, may be sold revenue free in perpetuity or for a term of years. Any special cases, where it is proposed to sell land revenue free, should be referred to the Chief Commissioner for orders.

68. No revenue free grant of land and no right of any description over land belonging to Government may be made to, or exercised by a Municipality or a District Board without the previous sanction of the Chief Commissioner. When any such transfer or exercise of right is sanctioned, it will be made subject to such conditions as the Chief Commissioner thinks fit. But nothing in this rule shall be deemed to prevent the grant of occupancies to Municipalities or District Boards on the same terms as are applicable to such grant to other persons.

69. Unless otherwise ordered in any particular case, annual rents on building sites shall be payable on the 1st April. Unless the Deputy Commissioner directs otherwise in any special case, fractions of a year will be considered to be a whole year for the purposes of collecting rent.

DISPOSAL OF LAND TO WHICH SURVEY SETTLEMENT HAS NOT BEEN EXTENDED.

[Sections 38 and 60.]

70. The occupancy of culturable land in beds of rivers and streams (commonly used for the cultivation of melons) may be sold annually by auction under the orders of the Deputy Commissioner for the term of one year, or for such period not exceeding three years as the Deputy Commissioner thinks fit. The Chief Commissioner is pleased to exempt such land from payment of assessment under section 49 of the Land Revenue Code.

Disposal of minor rights.

71. The Deputy Commissioner may, at his discretion, sell by public auction, or otherwise dispose of the right to remove earth, stone, kankar, sand, muram or any other material which is the property of Government for such period not exceeding five years, in such quantities and on such terms as he thinks fit. Provided that such sale or other disposal be made subject to the privileges conceded by the two next following rules. The rate charged by the Deputy Commissioner under this rule, when the right in question is not put up for sale by auction, may be either a lump sum, or so much per cubic foot of excavation, or, in the case of a railway company requiring land for excavating ballast, so much per mile of the railway line for which ballast is obtained, or otherwise as the Deputy Commissioner thinks fit.

72. Any person may, within the limits of the village in which he resides, remove earth, stone, kankar, sand, muram or other material from the beds of rivers and nalas, or from any unassessed waste land not assigned for special purposes, for his own *bonâ fide* domestic or agricultural purposes, without payment of fee, on obtaining the written permission of the revenue patel.

Potters and brick and tile makers shall be entitled to the same privilege for the *bonâ fide* purposes of their trade, but they must first obtain the permission of the Tahsildar.

If the patel refuses permission when it is applied for under this rule the applicant should apply to the Tahsildar. But the Deputy Commissioner, in such cases as he thinks fit, may prohibit the Tahsildar or the patel from giving permission without obtaining his or the Assistant Commissioner's previous sanction.

73. Any person may, with the sanction of the revenue patel, take free of all charge from village tanks as much earth, stone, kankar, sand, muram or other material as he requires, provided

that no stones shall be removed that may have fallen in from the banks of built tanks and that no excavation shall be made within ten cubits of the foot of the embankment of any such tank.

74. The Public Works Department, the District Boards and Municipalities and other public departments may, with the permission of the Deputy Commissioner, and subject to his supervision, remove earth, stone, kankar, sand, muram and any other material from the beds of rivers, nalas or public tanks, or from any unassessed land other than forest, or any unoccupied assessed land not set apart for special purposes, for works of public utility without payment, whether such works be constructed departmentally or by contract.

Grazing.

[Section 40.]

75. Persons who have taken out a licence to graze their cattle in any State forest lands will be entitled, without additional payment, to graze such cattle in any unoccupied Government waste lands in the district.

Trees.

[Section 44.]

76. The produce of trees belonging to Government shall be sold annually by auction under the orders of the Deputy Commissioner.

77. Trees, brushwood, jungle and other natural products shall be disposed of from time to time under the orders of the Deputy Commissioner by public auction.

Explanation.—The foregoing rules do not apply to land to which the Berar Forest Law or the rules framed thereunder relate.

78. There has been diversity of practice in respect of the protection and sale proceeds of trees situate—

- (i) alongside district and village roads;
- (ii) in Government lands, other than forests, which are assigned for special purposes, such as village sites, *gaothan* and *khalwadi*;
- (iii) in Government unoccupied lands, other than forests, which are not assigned for special purposes, *e.g.*, *nadi nala*.

The general rule is that in all the three instances mentioned above the trees should be looked after under the orders of the Deputy Commissioner and their sale-proceeds should be credited as "fluctuating" land revenue receipts.

Rules 79-79-B

79. The position of District Boards in respect of all the trees referred to above is regulated by the Rural Boards Law, especially clause (h) of sub-section 1 of section 22. Any claim put forward by a District Board in connection with such trees should be examined accordingly, and should not be allowed without the Commissioner's sanction. The question of fact to be considered is what "roads and other grounds" are to be regarded as "under the control and administration of the District Board".

79-A. (1) Any resident of a village in which an E class number is situated, or with the previous sanction of the Deputy Commissioner, any resident of any other village may—

(a) graze cattle :

(b) collect and remove for his personal use such forest produce, leaves and fruits as are not liable to be auctioned by the Deputy Commissioner under rule 79-B :

Provided that the Deputy Commissioner may prohibit removal of leaves of Sindi palms, if he is satisfied that the palm trees have been damaged by their removal. The Deputy Commissioner may also permit removal under reasonable conditions to be approved by the Commissioner :

(c) remove for his personal use in head-loads any dead wood :

(d) fell, cut or remove only for repairs to carts, agricultural implements and petty repairs to houses and cattle sheds any tree other than the mango, pipal, gular, pakhar, banyan, tamarind, sindhi, mohwa, teñdu, jaman and anjan :

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

(e) remove stones from E class fields for his own *bonâ fide* domestic or agricultural purposes without payment of fee, on obtaining written permission of the revenue patel.

(2) Nothing in sub-rule (1) shall prevent the Deputy Commissioner preserving from felling, cutting or removal such trees as may in his opinion be necessary to provide shade for cattle.

79-B. Notwithstanding anything contained in rule 79-A, the Deputy Commissioner, if he is satisfied that any such land has become so overgrown with trees as to affect prejudicially its value for grazing purposes, may auction any such trees to the highest bidder reserving from sale only the trees mentioned in rule 79-A (1), sub-section (d) and proviso thereto, or, in their absence, so many other trees as may be necessary to provide shade for cattle. The conditions of sale should require the purchaser to cut and remove the material before a fixed date.

79-C. After the 1st July 1916 any cattle belonging to persons not residing nor cultivating land in any village to which these rules apply, may be impounded if they are found grazing without permission of the Deputy Commissioner in an E class number.

Rules 79-C—
86.

ALLUVION AND DILUVION.

[Sections 51 and 216 (1) (k).]

80. Claims to decrease of assessment on account of diluvion, under section 51 of the Land Revenue Code, shall be heard and disposed of by the Deputy Commissioner.

81. In order to provide against undue loss of revenue, care must be taken, whenever such claims are allowed, to trace out and assess, if necessary, the corresponding accretions of alluvial land, if any, in the same or in some other village.

82. When a holding is bounded on any side by the bank of a river, stream or nala, the holder will be permitted, subject, in the case of unalienated holdings, to such orders as may be legally passed under rule 84, to occupy the land up to such bank, notwithstanding that its position may shift from time to time.

83. It shall be the duty of village officers, under the orders of the Tahsildar and of the Deputy Commissioner, to ascertain and record from time to time changes caused by alluvion and diluvion in every holding liable to such changes.

84. Village officers shall report to the Tahsildar when the area of any newly formed alluvial land or island or of any abandoned river bed to which the provisions of section 50 or 62 of the Code apply, exceeds the limits prescribed in those sections.

The Tahsildar will have such area measured, and if found to exceed the prescribed limit, it shall be assessed with land-revenue by the Deputy Commissioner at the rates placed on similar soil in the same or neighbouring villages.

85. Newly formed alluvial lands and islands and abandoned river beds to which the provisions of sections 50 and 62 of the Code do not apply, may be disposed of by the Deputy Commissioner under the rules and orders applicable to unoccupied land belonging to Government.

PURPOSES TO WHICH THE APPROPRIATION OF UNALIENATED LAND IS PROHIBITED.

[Section 52 (3) and 216 (1) (c).]

86. Land included as unculturable (*pot kharab*) in a survey number assessed for purposes of agriculture only may ordinarily be brought under cultivation without extra charge by the occupant or by any one claiming under him, but such cultivation is prohibited in the following case, *viz.* :—

(a) when the land is occupied by a road or a tank used for irrigation or for drinking or domestic purposes;

(b) when the land is used as a burial ground;

(c) when the land has been assigned for the use of the village-potters or for other public purposes;

Provided that this prohibition shall not apply in the case of a tank when such tank is used for irrigation only, and waters only land which is in the sole occupation of the occupant of the land to be cultivated, or when the privilege of cultivating the dry bed of the tank has been specially conceded to the occupant.

87. Compounds to bungalows and patches of open ground surrounding houses, not assessed for purposes of agriculture, shall not, if the Deputy Commissioner on sanitary grounds so directs, be appropriated to purposes of agriculture, but the grass shall be kept cut or grazed by cattle.

88. No unalienated or unoccupied land or land that has not been assigned under the rules within the site of any town or village or within any area set apart for any special purpose shall be excavated without the previous permission in writing of the Deputy Commissioner. If permission is granted by the Deputy Commissioner to excavate any such land, the excavation shall not be made otherwise than in accordance with the terms which the Deputy Commissioner may in each case prescribe.

89. No occupant of any land shall allow it to become overgrown with prickly pear or rank grass so as to be dangerous to the health or safety of the neighbourhood.

90. If in any unalienated occupied land such danger to the health or safety of the neighbourhood exists, the Deputy Commissioner may, by serving a notice, direct the occupant to remove the prickly pear or rank grass, as the case may be, within a fixed period.

91. No occupant of land assessed or held for purposes of agriculture only and no person claiming under such occupant, shall make any use of the land which in the opinion of the Deputy Commissioner will destroy or materially injure the land for cultivation. Subject to the provisions of this rule, the occupant or any other person lawfully in possession of any such land may remove earth, stone, kankar, sand, muram or any other material for his own *bonâ fide* domestic or agricultural purposes without permission and without payment of any fee, and he may also, subject to the Tahsildar's permission, allow potters and brick and tile makers to remove earth, etc., for the purposes of their trade from any *pot kharab* or unassessed portions of his land.

DISPOSAL OF FORFEITED HOLDINGS

[Section 56 and 216 (1) (d).]

92. Whenever it appears to the Deputy Commissioner that an arrear of land-revenue cannot be readily recovered by any of the means provided in chapter XI of the Land Revenue Code

other than the forfeiture of the holding in respect of which the arrear is due, he shall declare the holding to be forfeited to Government. But care should be taken that such declaration is not made except in cases of necessity.

93. If the land in respect of which the arrear is due consists of two or more survey numbers, or of two or more recognized divisions of a survey number and the Deputy Commissioner is of opinion that the whole amount of the arrear can be realized by the sale of one or more only of such numbers, or recognized divisions of such numbers, he may restrict the forfeiture to one or more of the said numbers or divisions.

94. The Deputy Commissioner shall treat the land comprised in any alienated holding forfeited under section 56 of the Land Revenue Code as unoccupied unalienated land, and may dispose of it forthwith, or at any subsequent time, in accordance with the rules and orders in force relating to the disposal of unoccupied unalienated land. If the forfeited alienated holding is held for service on payment of quit-rent, and the Deputy Commissioner is satisfied that the default occurred solely owing to the inability of the holder to meet the demand, he may, with the previous sanction of the Chief Commissioner, suspend or remit the arrears and deal with the land as the Chief Commissioner may direct.

95. If a defaulter desires that his forfeited occupancy be put up for sale on the ground—

- (a) that he obtained it on payment of consideration to Government or to the previous occupant; or
- (b) that the land comprised in the occupancy has been improved since the occupancy was last granted by Government;

the Deputy Commissioner shall inquire into the circumstances and, if the defaulter's request appears to him reasonable, shall put up the occupancy for sale:

Provided that the Deputy Commissioner shall not be bound to confirm the sale of any such occupancy if he has reason to believe that the bidding thereat has not been genuine, or that there has been collusion to recover the occupancy without payment in full of the arrears and charges due to the Government, or that there has been some material irregularity in publishing or conducting the sale which is likely to have affected the amount of the highest bid, or otherwise to have caused injury to the Government or any person.

96. If a forfeited occupancy which falls under the last preceding rule is a recognized share of a survey number, it shall first be offered by the Deputy Commissioner at such price as seems to him reasonable to the occupants of the other recognized shares in the survey number in the manner prescribed in section

212 of the Code. If none of them buys the occupancy, the Deputy Commissioner shall deal with it under the last preceding rule.

97. In cases not falling under the preceding rules forfeited occupancies shall be put up for sale for the recovery of the arrears due, except when the Deputy Commissioner thinks:—

- (a) that owing to the badness of the seasons, or to the absence of demand for land of the description comprised in the occupancy, or to a combination of the neighbouring land-holders, or for any other special cause, there will be no bidders at the sale, or that the highest amount bid will be considerably below the upset price of the occupancy; or
- (b) that the land comprised in the occupancy is likely to be required, either immediately or within a reasonable time, for any of the purposes mentioned in in section 39 of the Code.

98. Every sale of a forfeited occupancy shall be carried out in accordance with the orders made under clause (e) of section 216 of the Code relative to the sale of unalienated land.

99. If for any reason a forfeited occupancy is not sold, the Deputy Commissioner shall either cause the land comprised therein to be entered in the records as unoccupied, and to be dealt with under the rules and orders in force relating to such land, or take steps to have it assigned for some of the purposes mentioned in section 39 of the Code.

100. It shall be in the discretion of the Deputy Commissioner to restore to the defaulter any forfeited occupancy at any time before its sale is confirmed, on payment of the arrear in respect of which the forfeiture was incurred, together with all costs and charges due by the defaulter, or on satisfactory security being given for the payment of the arrear, cost and charges within a reasonable period.

101. A forfeited alienated holding shall not be restored to the holder without the previous orders of the Chief Commissioner.

102. When a holding which has been forfeited for default in payment of the land revenue due thereupon is not sold, the arrear payable by the defaulter shall ordinarily be remitted without having recourse to further compulsory process against him:

Provided that the right of recovering arrears from a defaulter by other means, notwithstanding that his holding has been forfeited and disposed of without being sold, shall not be deemed to be altogether relinquished, and in special cases the Deputy Commissioner may, with the sanction of the Commissioner, enforce that right.

GRANT OF OCCUPANCIES OF FIELDS.

[Sections 58, 60 and 216 (1) (e) and (k).]

103. [Cancelled.]

104. Every application for the occupancy of unalienated assessed land shall be made in writing to the patel of the village in which the land is situate. The patel shall forward the application to the Tahsildar, and shall report in the form prescribed in Appendix IX the number and description of trees growing on the land. He shall also report whether there is, or is likely to be, any competition for the land, and whether there is any reason why the application should not be granted :

Provided that the Tahsildar shall receive any such application tendered to him and forward it to the patel for report in accordance with the foregoing instructions.

105. On receipt of the patel's report, the Tahsildar, after satisfying himself that there is no objection to the land being given out for cultivation, will cause a notice of the application to be affixed in the chauri or other public place of the village in which the land is situate, and similar notices to be affixed in the neighbouring villages within a radius of 5 miles. The Tahsildar will also cause the contents of the notice to be proclaimed by beat of drum at the same time in the aforesaid villages. Intimation will be given in such notice and proclamation that persons wishing to take up the land should apply in writing to the patel of the village to which the land belongs within 15 days of the date of publication of the notice. The patel will forward without delay any application received with a report as to whether the applicant is a resident or landholder of the village.

106. The Tahsildar will meanwhile forward to the District Forest Officer the list in form prescribed in Appendix IX, received from the patel. The patel's enumeration of trees will be checked, and the trees will be classified, under the orders of the District Forest Officer. He shall also fix the value of the trees according to the standard scale prepared for the taluq in the manner prescribed in Appendix X. He shall then return the patel's list to the Tahsildar, and shall add his own opinion as to whether the upset price fixed for the trees should be in accordance with the standard scale or at any lower rate. The Tahsildar shall act in accordance with the District Forest Officer's opinion, and shall note that he has done so.

107. In villages transferred from the Melghat the Tahsildar, if there is no competition for the field, shall then pass an order in writing granting the application subject to payment within 15 days of the price, if any, fixed for the trees. The Tahsildar shall forthwith report every such order to the Deputy Commissioner.

108. In such villages if there is competition for the field the Tahsildar may, with the sanction of the Deputy Commissioner,

allot it to a resident or landholder of any of the castes enumerated in the note to rule 122-A. If there are more than one applicant from amongst these castes the field shall be disposed of by public auction. But the Deputy Commissioner shall not be bound to accept the highest bid if made by a person who is not a member of one of the aforesaid castes. The price at which a field may be allotted or auctioned under these rules shall not be less than the price, if any, fixed for the trees thereon.

109. In cases other than those specified in rules 107 and 108 the field shall be sold by auction in accordance with the provisions of the next following rules, to the person who bids the highest sum, or if there are trees on the land, the highest sum in excess of an upset price fixed by the Tahsildar, which shall be a sum not less than the aggregate value of all the trees determined as provided in rule 106.

110. Auctions shall ordinarily be held twice a year, namely, during the months of February and October, and with the sanction of the Deputy Commissioner, they may also be held at other times. Every sale by auction under these rules shall be held at midday by the Tahsildar or Naib-Tahsildar, or by some other person appointed by the Tahsildar with the special permission of the Deputy Commissioner, at a place to be fixed by the Tahsildar. A notice of the intended sale shall be affixed at the tahsil and at the chauri of the village in which the field is situate not less than 15 days before the date fixed for the sale. And for three consecutive days before it takes place the patel of the village in which the sale is to be held shall also proclaim the approach of the sale by beat of drum or by such other method as may be customary. The notice shall be in the form and shall contain the particulars specified in Appendix XI, and shall be read out by the person conducting the sale before the sale commences.

111. Before the sale begins, the person conducting it shall announce that every purchaser shall be bound by his bid if it is ultimately accepted.

112. On the 16th day after the sale, or as soon as may be thereafter, the sale shall be confirmed.

113. Every sale shall be confirmed by the Deputy Commissioner, or by the Sub-Divisional Officer if there is one, and no such sale shall be valid until it has been so confirmed; provided that no sale shall be confirmed at which the maximum price bid is less than the upset price fixed under rule 106. And the confirming officer shall satisfy himself that there has been no substantial irregularity in the sale.

114. All trees included in the upset price by the Tahsildar for any field shall, after they have been paid for as required by these rules, become the exclusive property of the purchaser.

115. The Deputy Commissioner may permit payment for the trees which have been valued to be made by instalments. If

he does so, no such trees shall be cut until the instalments have been paid, except with the previous sanction of the Tahsildar. That sanction shall not be given until the value of at least the particular trees which it is proposed to cut has been deposited in cash at the tahsili.

Explanation.—This rule does not apply to other trees, which may be cut at once, unless specially excluded under rule 117.

116. Notwithstanding anything contained in the foregoing rules if the Deputy Commissioner is satisfied that any *bonâ fide* applicant who is a resident or landholder of the village in which the field applied for is situated, is unable to pay the value of the trees, either in lump or in instalments, the Deputy Commissioner may order that the trees be sold separately by auction at an upset price not below the valuation by the Forest Department, on condition that they are cut and removed within a definite period. After such trees are removed the field may be disposed of in accordance with the foregoing rules.

117. The Deputy Commissioner may, in any case, exclude from sale any trees growing on the sides of any public road within the limits of the land sold, and may allow the purchaser of the land to have the usufruct of those trees upon such conditions as he thinks fit. All such trees shall be excluded from the price fixed by the Tahsildar, and the occupant shall not cut any of them without the sanction of the Deputy Commissioner. (*Vide* Appendix XII.)

118. Patels and patwaris shall attest by their signature all lists prepared by them under these rules.

119. An agreement in form prescribed in Appendix XIII shall be taken from the person who is to become the registered occupant, and every such agreement shall be endorsed by two respectable witnesses and by the patel and patwari of the village in which the land to which it relates is situate, to the effect prescribed below the said form. The Tahsildar who takes the said agreement will be held responsible for exercising due care in ascertaining the identity of the persons signing the same, and their fitness to be accepted as occupants responsible for the payment of land revenue, notwithstanding that the agreements have been duly endorsed as hereinbefore required.

119-A. Any breach of any of the conditions of the agreement referred to in rule 119 or 122-A, other than the failure to pay the land revenue, shall render the holding, in respect of the whole or part of which such breach has been committed, liable to forfeiture. All holdings forfeited under this rule shall be dealt with precisely as if the forfeiture had been made for arrears of land revenue.

120. It will be the duty of every village patwari, if so desired by any person about to become an occupant of land in his village, to prepare an agreement under rule 119 without fee or charge

Rules 120—
123.

of any kind. A patwari who prepares such an agreement will affix his signature beneath the words "written by" on the lower hand corner of the agreement.

121. The permission in writing to be given by a Tahsildar, under section 58 of the Code, to enable an intending occupant to enter upon occupation, will be in form Appendix XIV.

No such permission will be given until an agreement has been duly executed under section 58.

122. If there is demand for any unoccupied unalienated land available for cultivation which is unassessed, the Deputy Commissioner (after reference to the Survey Department, if survey operations are in progress in the district) will assess it at the rates placed on similar soils in the same or neighbouring villages. The assessment so fixed will hold good during the remaining period of the current settlement, and will be liable thereafter to revision at every general survey settlement of the village.

122-A.—In the villages transferred from the Melghat taluq to other taluqs of Berar, under notification No. 440, dated the 29th August 1912, the occupancy right in unalienated assessed land allotted to Gonds, Korkus and other aboriginal or backward castes or tribes will be subject to the following condition:—*viz.*, that neither the occupant, nor his heirs, executors, administrators and approved assigns shall at any time lease, mortgage, sell or otherwise howsoever encumber the said occupancy or any portion thereof without the previous sanction in writing of the Deputy Commissioner. Such occupant shall execute an agreement in form, Appendix XIII-A.

NOTE.—The following castes shall be deemed to be aboriginal and backward classes:—

(1) Korku; (2) Balai; (3) Mahar; (4) Gond; (5) Bhil; (6) Gaolan; (7) Niba, (8) Gaoli; (9) Banjari; (10) Pardhan; (11) Moghia; (12) Gosai; (13) Gowri; (14) Korku-Christians; (15) Chamar; (16) Bhuta; and (17) Mang.

APPROPRIATION OF LANDS TO PURPOSES OTHER THAN AGRICULTURE.

[Sections 52 (2), 59 (b), 63, 64 and 216 (f) and (k).]

123. For the purposes of determining the amounts of fines, premia and the new assessment leviable under sections 59, 63 and 64 of the Berar Land Revenue Code, Deputy Commissioners shall divide the villages and towns in their respective districts into five classes.

Lists shall be prepared for each taluq specifying by name the villages and towns placed in each of the first four classes; the fifth class shall comprise "all other villages in the taluq" not entered in the first four classes which need not be specified by name. Such lists, after approval by the Commissioner, shall be published by notification in the *Central Provinces Gazette*. The Commissioner may by similar notifications from time to time alter the said classification.

124. In villages and towns included in the five classes by the said notifications, the premia, penalties and assessments leviable shall be according to the following scale:—

A. *Penalties for unauthorized appropriation to any non-agricultural purposes of unalienated unoccupied land or any land set apart for any special purpose.—Section 59 (1).*

If the land belongs to a village or town falling under—

Class I, a fine not exceeding Rs. 2,500 per acre	} of the land actually appropriated to any purpose unconnected with agriculture, and at the same rate in proportion for fractions of an acre.
Class II, a fine not exceeding Rs. 1,500 per acre	
Class III, a fine not exceeding Rs. 1,000 per acre	
Class IV, a fine not exceeding Rs. 500 per acre	
Class V, a fine not exceeding Rs. 100 per acre	

If the unauthorized appropriation be within the residential portion of a village or town, the fine leviable shall be double the market value of the land, the market value to be determined by the Deputy Commissioner.

B. *Premium leviable under section 63 (3) of the Code.—*When any unalienated land assessed or held for purposes of agriculture only is appropriated *with* permission to any purpose unconnected with agriculture by the occupant of the land:—

If the village or town in which the land is situate falls under—

Class I, Rs. 500 per acre	...	} of the land actually appropriated to any purpose unconnected with agriculture, and at the same rate in proportion for fractions of an acre.
Class II, Rs. 300 per acre	...	
Class III, Rs. 150 per acre	...	
Class IV, Rs. 50 per acre	...	

In villages and towns included in class V no premium shall ordinarily be levied.

C. *Penalty leviable under section 64 of the Code.—*When any unalienated land assessed or held for purposes of agriculture only is appropriated *without* permission to any purpose unconnected with agriculture:—

If the village or town in which the land is situate falls under—

Class I, not exceeding Rs. 1,250 per acre	} of the land actually appropriated to any purpose unconnected with agriculture, and at the same rate in proportion for fractions of an acre.
Class II, not exceeding Rs. 750 per acre	
Class III, not exceeding Rs. 500 per acre	
Class IV, not exceeding Rs. 250 per acre	
Class V, not exceeding Rs. 50 per acre	

D. When unalienated land assessed or held for purposes of agriculture only is subsequently appropriated, *with* permission, to any purpose unconnected with agriculture, the assessment upon the land actually so appropriated shall be altered in accordance

Rules 124— with the provisions of paragraph 2 of section 52 of the Land
128. Revenue Code and fixed at the following rates:—

If the village or town in which the land is situate falls under—

Class I, Rs. 30-0-0 per acre or 15 times	} the assessment for agricultural purposes, whichever be the greater.
Class II, Rs. 15-0-0 per acre or 7½ times	
Class III, Rs. 7-8-0 per acre or 4½ times	
Class IV, Rs. 4-8-0 per acre or 3 times	

If the village or town in which the land is situated is classed in Class V, the assessment shall be Rs. 3 per acre or double the assessment for agricultural purposes, whichever be the greater.

E. When unalienated land assessed or held for purposes of agriculture only is subsequently appropriated, *without* permission, to any purpose unconnected with agriculture, the assessment upon the land actually so appropriated shall be altered in accordance with the provisions of paragraph 2 of section 52 of the Land Revenue Code and fixed at the following rates for the period during which the land was so appropriated without permission:—

For classes I, II, III and IV, double the amount of the assessment specified in paragraph D preceding. For class V Rs. 3 per acre or 3 times the assessment, whichever be the greater.

125. For the purposes of these rules fractions of a year shall be treated as a full year.

126. Notwithstanding anything contained in the foregoing rules—

- (a) with the sanction of the Chief Commissioner, in or near towns or in the neighbourhood of railway stations or in other localities where special facilities for building are considered advisable, the premium under section 63 may be abandoned and a special assessment under section 52 may be levied at rates which may be determined beforehand according to areas, and published for general information;
- (b) the Deputy Commissioner may, in any special case, require the payment of a fine or premium leviable under sections 59, 63 and 64 of the Code not exceeding the rates prescribed in the foregoing rules for class I in any village or town in any of the other classes.

127. In granting permission to open brick-fields, quarries, and the like, sanitary considerations must not be overlooked; excavations close to villages are not to be allowed.

128. All orders regarding appropriation of occupied and unoccupied lands to purposes other than agriculture will be communicated to the village officers, and where permission to appropriate land is granted the village officers must see that such permission is not exceeded.

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

RELINQUISHMENT AND TRANSFER OF OCCUPANCIES.

[Sections 69, 72 and 73 and section 216 (k).]

130. The written notice of relinquishment to be given by a registered occupant to the Tahsildar under section 69 of the Land Revenue Code will be in one or other of the forms in Appendix XV.

131. The written agreement to be entered into by the person in whose favour a registered occupancy is relinquished will be in form Appendix XVI.

The written agreement to be entered into by the person in whose favour a registered occupancy is relinquished with the sanction of the Deputy Commissioner, as required by rule 119, will be in form Appendix XIII.

132. Every notice and every agreement given under the last two rules will be endorsed by two respectable witnesses to the effect prescribed below each of the said forms, and the Tahsildar who receives any such notice or agreement will be held responsible for exercising due care in ascertaining the identity of the person who has signed the same, notwithstanding that such notice or agreement has been duly endorsed as hereinbefore required.

133. Such notices or agreements will be presented to the patel of the village in which the land is situate, and the village officials will without delay forward them to the Tahsildar.

134. It will be the duty of every village patwari, if so desired by any occupant in his village or by any person in whose favour land is about to be relinquished by any occupant in his village, to prepare any notice or any agreement that may be necessary under rule 130 or rule 131, without fee or charge of any kind.

A village patwari who prepares any such notice or agreement will affix his signature to the document as the writer thereof at the proper place.

NOTICE BY LANDLORD TO TENANT FOR ENHANCEMENT OF RENT.

[Section 78 (8).]

135. The notice of enhancement required by section 78 (8) of the Land Revenue Code shall be in the form given in Appendix XVII.

136. Applications for service of notice of enhancement of rent will be made to the Tahsildar of the taluq within which the land is situated. Such applications are exempted from court fees

Rules 136— stamp duty, but a process fee of 8 annas (court-fee stamp), to be
141. paid by the landlord, will be charged for the service of each such notice.

GRANT OF RECEIPT BY LANDHOLDERS FOR PAYMENT MADE.

[Section 82 (1).]

137. The written receipt required to be given by a landlord receiving payment on account of revenue or rent from an inferior holder or tenant under section 82 shall specify the following particulars :—

- (1) name of payer;
- (2) survey number with area and survey assessment, or if the land is only a portion of a survey number, its area and boundaries;
- (3) amount of rent or revenue in money or in kind fixed per annum;
- (4) amount and kind of cesses, if any, fixed with rates;
- (5) amount of rent or revenue in money or in kind and amount of cesses received by the landlord, and for what period;
- (6) balance, if any, due to landlord;
- (7) date of receipt of amount;
- (8) date of execution of receipt.

GENERAL INSTRUCTIONS REGARDING REVENUE SURVEY.

[Sections 83 and 216 (k).]

138. The survey settlement has been extended to all taluqs in Berar except the Melghat taluq, but the following general principles are laid down for guidance in the event of the survey settlement being extended to alienated villages which may be resumed, or to areas which are now forest but which may hereafter be made available for cultivation.

139. All measurements shall be recorded in a book to be kept in such form as shall be prescribed by the Commissioner of Settlements and Director of Land Records. The said books when prepared shall be preserved as a record of the survey.

140. The original measurements made by the subordinate survey officers employed for the purpose shall be tested by the officers in charge of measuring establishment in such manner and to such extent as the Commissioner of Settlements and Director of Land Records shall deem sufficient.

141. Village maps shall be prepared under the orders of the Commissioner of Settlements and Director of Land Records

showing each survey number. The position of the boundary marks of each survey number shall also be shown on the said map.

142. For the purposes of assessment all 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 Commissioner of Settlements and Director of Land Records with reference to the circumstances of the different tracts of country to which the survey extends and to the nature of the cultivation.

143. Every classer shall keep a field book and record therein the particulars of his classification of each survey number and recognized sub-division of a survey number and the reason which led him to place it in the particular class to which, in his estimation, it should be deemed to belong. Such field books shall be preserved as permanent records of the survey.

144. A test of the original classification made by the subordinate officers employed for this purpose shall be taken by the officers in charge of classing establishment, in such manner and to such extent as may be directed by the Commissioner of Settlements and Director of Land Records. The test shall be an independent test, that is to say, it shall be made by the testing officer in entire ignorance of the original classer's proceedings or records until it has been completed and its results have been finally determined, when only the original classing valuation and the test valuation shall be compared and their separate results recorded.

145. When rates of assessment have been sanctioned by the Government of India, the assessment to be imposed on each survey number or recognized sub-division of a survey number shall be determined according to the relative classification value of the land comprised therein.

146. Matters of detail not provided for in the foregoing survey rules shall be determined in accordance with such general or special orders as the Commissioner of Settlements and Director of Land Records acting under the general control of the Chief Commissioner shall from time to time deem fit to issue.

147. The Deputy Commissioner or other officer appointed by him for the purpose, when announcing the assessment or revised assessment, as required by section 91 of the Land Revenue Code, shall explain to the occupants that "if any improvement has been effected in any land during the currency of the settlement by, or at the cost of, the holder thereof, the increase in the value of such land or in the profit of cultivating the same due to the said improvement will not be taken into account in fixing the revised assessment thereof, at the next settlements" except in cases mentioned in the first proviso to section 11 of the Land Improvement Loans Act, 1883.

147-A. When a taluq is under settlement, the Settlement Officer should make it known that his staff are prepared to measure fields on application, for a fixed fee of Rs. 5 per survey number, provided the application is received before the settlement measurement work is done in the village, so that the measurer can do this special measurement work when he is in the village on settlement work.

REVISION SURVEY RULES.

[Sections 83 (2) and 216 (k).]

148. The old revenue survey numbers are to be retained as they now stand; they are not to be broken up or sub-divided according to occupancy of tenants.

Exception.—Where land has been taken up for public purposes since the original survey, it must be separately measured, deducted from the old survey number, and made into a number by itself; this is the only case in which new survey numbers will be formed.

148-A. When the actual boundary of a survey number does not coincide with the map, and inquiry shows that the present boundary of cultivation has been in existence for 12 years or more, the map and the record shall be corrected so as to bring them into accord with the facts:

Provided that when the discrepancy is due to an encroachment and the occupant of the survey number encroached on obtains a decree from a civil court ousting the encroacher on the ground that the encroachment has not continued for 12 years, the Deputy Commissioner shall revise his decision, and the boundary shown in the maps and records shall be corrected in accordance with the decision of the court.

149. All old survey numbers having a nala or river as a boundary on more than one side of them must be entirely re-measured.

150. The boundary of all old numbers, where formed by a nala or river, must be re-measured, but—

(a) if the old boundary marks still exist in more than one point of a nala boundary, a base line may be drawn between these points, and the nala boundary fixed by off-sets;

(b) the rocky or *barad* land nala boundaries need not be re-measured unless some change is apparent.

Rules for forming new survey numbers where land has been set apart for public purposes or taken up by Government and shown as such in the village papers.

151. (!) Land taken up for standing cattle, threshing floors, purposes of nature, burial grounds, and places whence potters

take clay, must be measured into separate survey numbers in accordance with the entries in the village papers. If an old survey number contains more than one of the above descriptions of land, then each kind of land must be separately measured and numbered.

(2) If a plot of land forming portions of two or more adjoining survey numbers should have been reserved for a public purpose, it may be measured into one new survey number.

152. All survey numbers in which the boundaries of actual cultivation differ greatly from those shown in the old books must be re-measured entirely. In all cases where stones or mounds are standing in the field, measurements should invariably be made in accordance with them; but where the "wahivat bandh" is undefined by stones or mounds, and is without dispute, measurements should be taken in accordance with the boundary of cultivation in the field. In all cases of dispute, the measurements must be laid down in accordance with the entries in the old records.

153. In the case of an old survey number containing mixed descriptions of cultivation, the rice and garden land only need be re-measured, and the area deducted from the original area. If the dry crop land be the smaller area, the operation should be reversed. All numbers containing rice and garden land must be re-measured in accordance with this rule.

154. It frequently happens that deposits of soil are thrown up by streams. If the land so formed has been assessed and the permanent right of separate occupancy granted to any person by the Deputy Commissioner and so recorded in the village accounts, the land must be made into a separate number, and the name of the occupant entered. If the right of cultivating the land is put up to annual auction, a remark should be entered to that effect in the measurers' books, but no name is to be entered and the land so sold by auction will be made into a separate new number.

155. If such alluvial land, whether waste or cultivated, adjoins a Government number and is not of the nature provided for by rule 154 above, it is not to be made into a separate number, but is to be included in the adjoining Government number.

156. When the area of an inam number bounded by a river or stream is found by revision measurement to exceed, owing to alluvial deposit, the recorded area of the inamdar's holding, a new number is to be made of such deposit when the increase exceeds 20 *guntas*, and also exceeds one-tenth of such recorded area, but not unless both these conditions are fulfilled. To any new number thus made, the cultivating inamdar's name is to be entered as occupant of the new number. But if the number is not cultivated, it should be entered as Government waste.

157. At the time of the original survey, land fit for cultivation but unoccupied was sometimes made into larger numbers

Rules 157--
161.

of 75 to 100 acres, and two or three survey numbers were assigned to each large number. Such large numbers must now be subdivided according to the survey numbers assigned to each. If the whole should be still uncultivated or cultivated by one person only, then numbers of fairly equal size should be made. If cultivated by two or more persons, then the new numbers should be made according to the boundaries of occupation, provided that no number of less than the minimum size, 6 acres, is formed, or substantially recognized by competent authority, the land found necessary; should the land be unoccupied, the boundary marks must be put up at Government expense.

158. All numbers made since the original survey and measured by tauka classers or others must now be re-measured.

Pardi numbers within the village sites.

159. Cultivation within the village site being, in the absence of special sanction, prohibited, the formation of cultivated portions of the site into new *pardi* numbers is not as a rule to be undertaken. Every case of such cultivation shall be brought to the notice of the officer in charge of the survey in order that inquiry into the circumstances may be made.

160. The officer in charge of the survey shall communicate with the Deputy Commissioner of the district, and ascertain whether the cultivation has been authorized or not. If the Deputy Commissioner finds and replies that possession of the cultivated land and permission to cultivate it have been granted or substantially recognized by competent authority, the land shall be excluded from the village site and measured as a new survey number, and assessed in the usual way: provided that the area of the land in question is not less than a quarter of an acre in the case of dry crop and an eighth of an acre in the case of garden or wet crop cultivation.

In all cases other than those treated as prescribed in this rule the land shall be left as included in the village site.

Rules regarding the measurement of garden lands.

161. All survey numbers recorded at the original survey as containing garden lands must now be examined in the field, and dealt with according to the following rules:—

- (1) If the old well is in repair, then the area previously recorded as *bagait* is to be confirmed, whether now cultivated as *bagait* or not.
- (2) If the old well should be slightly out of repair, but capable of being repaired at small expense, then the *bagait* area is to be confirmed as above.
- (3) Should the old well have fallen in, or become altogether useless, then only is the *bagait* area to be cancelled

and recorded as dry crop land. In this case the measurer must invariably enter a remark in his books stating for what reason the *bagait* area has been cancelled.

Rules 162--
171.

162. All *bagait* lands under wells that have been sunk since the last settlement must be measured and their area recorded.

Rules regarding the measurement of rice lands:

163. All old survey numbers shown as containing rice lands must be examined in the field, and the rice land measured; should the area, according to present measurements, be equal to or greater than the old recorded area, it should be confirmed.

164. Should the present area of rice land be less than that given in the old records, then the village *periwari patrak* for the last three years should be examined; if it be found that the area under rice has always been less than the old recorded area, then the present area should be confirmed.

165. Should there be now no rice cultivation, but the village papers show that rice has been grown during the last three seasons, then the average area of those seasons should be taken and confirmed.

166. In cases where rice is not grown and there has been no rice cultivation during the last three years, and it is obvious that a rice crop cannot be reared, the old rice area should be cancelled and included in the dry crop area of the number.

167. New rice lands should be measured according to the present cultivation in the field.

Rules regarding the measurement of patasthal bagait lands.

168. Rules 163 and 164 for the measurement of rice lands are applicable to *patasthal bagait* lands.

169. Should there be now no *patasthal bagait* cultivation, but the village *periwari patrak* shows that a *bagait* crop has been grown within the last three seasons, and the *pat* is still in good repair, then the average area of those seasons should be taken and confirmed.

170. Where there is now no *bagait* cultivation and there has been none for the last three years, and the *pat* is out of repair, or water cannot for some reason be now brought to the number, the old *patasthal bagait* area should be cancelled and included in the dry crop area of the number.

171. New *patasthal bagait* lands should be measured according to the present cultivation in the field.

Rules 172—
179.

172. Rule 169 above is also applicable to new *patasthal bagait* lands.

173. Where there has been no new *patasthal bagait* cultivation for the last three years, the area should be confirmed as dry crop land, the fact of the *pat* being in good condition or not should not be taken into consideration.

174. In many cases the boundary line of a number is shown by a straight line on the old village map, while according to existing boundary marks there are bends in the side of a field. Measurers are in the habit of ignoring these bends, and making the new boundary line straight in accordance with the old map; by doing this they break rule 152 above, which requires measurements to be made according to the boundaries shown by mounds and stones now in existence. The measurers must be ordered invariably to measure according to the boundary marks found in the field. The entire number is not to be re-measured unless necessary.

175. The boundaries of inam lands, of Government waste lands, of village sites, of land given for public purposes, and the boundary line of village lands, must not be corrected according to any changes in the line of cultivation; in all these cases the old boundaries must be confirmed.

Rules regarding "pot kharab".

176. The same area that has been deducted as *kharab* from a revenue survey number at original survey shall now be deducted from that number.

Exception.—Except when an area specifically recorded in the original survey books as deduction on account of a road, or an irrigation channel, is now found to be no longer so occupied, but to be available for cultivation, then such area shall be included in the arable area of the number at revision survey. Such lands require neither extra labour nor expense to make them fit for cultivation, and the orders of Government do not stand in the way of their being treated as culturable and assessed.

177. *Kharab* deductions shall be given for any roads, nalas or wells that have come into existence since the original survey.

178. If the villagers are in need of a new road not shown in the village map or in other papers, and not hitherto deducted as *kharab*, a report to that effect should be taken from the village officers, together with the agreements of the *khatedar*s through whose numbers the road will pass, and forwarded to the Survey Officer for orders.

179. If there be a house permanently built in a survey number occupied for agricultural purposes, the area covered by the house shall be deducted as *pot kharab*; but if the house belong to the *khatedar*, or if the householder pay rent to the *khatedar*, no deduction for *pot kharab* shall be made.

180. All survey numbers found available for occupation, but unoccupied at the time of revision, are to be exempt from the operation of these *pot kharab* rules.

Boundary marks.

181. The revision survey parties should inspect all the boundary marks of the field in which they work. The percentage of test to be performed by the Survey Officer in charge will be laid down by the Commissioner of Settlements and Director of Land Records, but should never be less than 10 per cent.

182. At the four corners of each survey number two mounds are required forming an angle (but open at the angular point), pointing in the direction of the field boundaries.

183. When the length of boundary between the corners of a survey number is less than 25 chains, no mound shall be retained in the interval, existing mounds being cancelled; but in case there are bends, a stone shall be fixed at each bend of more than four annas.

184. When the line of boundary between the corners of a survey number is more than 25 and within 50 chains in length, one intermediate mound shall be retained, all others being cancelled, and stones fixed at all bends. If the line of boundary be more than 50 chains in length, an intermediate mound shall be retained at about every 20 chains interval and all others cancelled.

185. When the corner of a number happens to fall on a water-course where a mound would be liable to be washed away, then one stone should be fixed at the corner and another in the direction of the boundary at a distance of 8 annas ($16\frac{1}{2}$ feet) from it.

186. When a river, large nalas or a made road is the boundary of a number, instead of two mounds at each corner on the river, nala, or made road, a stone should be fixed at each corner and one mound raised near the stone to show the direction of the line of the boundary which branches off from it, and as the bank of the river, nala, or made road is to be considered the line of boundary, no *pot bandh* should be raised between the corners on that side.

187. In the former survey, a survey number had some permanent well-defined boundary, such as a hedge, in consequence of which no boundary marks were erected; should the hedge no longer be in existence, then boundary marks must be erected according to the above rules.

188. Should a hedge or other well-defined boundary be now found where formerly it did not exist, then it should be shown in the books and on the map; mounds at the corners of the number and stones at bends should be retained, but the intermediate mounds should be cancelled.

Rules 189-
194.

189. The following are the dimensions of boundary marks:—

	Length.	Breadth at bottom.	Breadth at top.	Height.
Mounds ...	10 ft.	5 ft.	3 ft.	3 ft.

Stones: From 2½ to 3 feet in length and not less than six inches square; two-thirds of their length must be buried in the ground.

190. Mounds should be cancelled by being cut through to a length and depth of one anna; village officers and raiyats should be informed of mounds having been cancelled, and warned that such mounds are not to be repaired.

191. In the former survey in some cases stones were fixed in lieu of mounds; such stones should now be retained. Only in exceptional circumstances should the nature of the old boundary marks be altered.

192. At the time of boundary mark inspection some marks will be missing and others out of repair; a list of all such marks should be prepared in the following form:—

Survey no.	Name of khatedar.	Missing.		Unrepaired.		Remarks.
		Mounds.	Stones.	Mounds.	Stones.	
1	2	3	4	5	6	7

If an old mound be one anna in height, it should be considered as not requiring repair. Boundary marks once inspected need not be re-inspected; such re-inspection will be done by the revenue authorities, to whom the above forms will be forwarded.

Should any boundary mark be found missing, the survey karkun will fix the proper place for it with pegs and stones in the usual way and point out the spot to the village officers.

Should any boundary mark be found incorrectly placed, the survey karkun will mark the correct spot in the same way and point it out to the village officers.

In both these cases the village officers will get the marks correctly put up without delay.

193. If there be no record in the old books of an “adhar regh” or base line having been measured, it must now be taken in order to allow of the map being correctly plotted; the record of the “adhar regh” should be entered on the last page of the field book. Three hundred and fifty chains should be the minimum accepted as a day’s “work” of this description.

194. It is not permitted to measure two numbers on one and the same base line. If it should be necessary on account

Rules regarding *paiki* numbers.

202. All *paiki* numbers at present recognized and entered in the village papers are to be confirmed, but no new *paiki* numbers are to be made.

203. Where the boundaries of *paiki* numbers are not shown in the old books, they should now be roughly sketched in the old field book in dotted red ink lines, and a *pot* number should be assigned to each *paiki* number; the names of the holders of *paiki* numbers should be written in order in both the old field book and *pakka* book, and an entry of the area of each *paiki* number should be made in both books.

204. In a survey number containing *paiki* numbers where corrections on any account are necessary, such corrections will be made in the books and map in accordance with the measurements taken in the field. But at the time of measurement it must be ascertained which *paiki* number or numbers are affected by the change. The boundaries of the *paiki* numbers should be observed in the field, and measurements taken in such a manner that corrections in area may be made separately for each *paiki* number. The old entries of area of *paiki* numbers must then be corrected accordingly in all the books.

205. Should a survey number in which there are *paiki* numbers contain garden or rice land, then the *phod* must be measured separately for each *paiki* number.

206. It is possible that errors in the old measurement or in the old area calculation may be discovered and corrected in a survey number containing *paiki* numbers. In order to correct the areas of the *paiki* numbers it will be necessary to measure them separately in the field. Should the survey number contain only two *paiki* numbers, then one only need be measured; its area should be deducted from that of the survey number to give the area of the remaining *paiki* number. A similar process should be followed where there are more than two *paiki* numbers in a survey number, the last *paiki* number not requiring measurement.

207. If there be any increase or decrease in the *kharab* of a survey number, it will be made in the area of that number; but to which *paiki* number or numbers the increase or decrease is applicable should be ascertained in the field and corrections made accordingly.

208. Corrections under the above rules can be carried out where the boundaries of *paiki* numbers are distinct in the field, but in cases of disputed boundaries, or where the owners of *paiki* numbers do not hold separately but divide the crop, the corrections must be apportioned to each *paiki* number by rule of three according to the respective areas of the *paiki* numbers.

NOTE.—Before commencing survey operations in any taluq, it should be ascertained whether the old books containing the measurement of *paiki* numbers are available; if forthcoming, the corrections for *paiki* numbers should be made in those books, and it will then be unnecessary to make them in the survey field books,

Maps.

209. No alteration in the order of the old numbers on the maps should be made; newly made survey numbers should be numbered in succession to the last old number, and, in order that they may be readily found, a statement in the following form must be made on the map:—

Survey numbers.	Situation of the new numbers.
75	Old number confirmed.
76	To the east of survey no. 16.
77	In the middle of survey no. 66.

Should it be found absolutely necessary to alter the old numbering, owing to the reservation of a group of survey numbers for forest purposes or for the formation of a tank, then the case should be reported for orders.

210. All corrections on maps, either in boundaries of a survey number or in boundary marks, should be made in red ink. No erasure is permitted.

211. The boundary lines of adjoining villages must be examined according to each bend whilst the measurers are working in the villages, so that corrections, if necessary, may be made at once if the maps should not correspond. In a similar manner the names of the adjoining villages and the directions of roads should be compared and corrected if necessary. Measurers must enter and sign a remark on the map, stating that the boundary comparison has been made.

212. The "adhar regh" or base line must be shown by a red ink line on the map.

213. Forest demarcation marks should be entered in red ink on the map thus [.]. Trigonometrical stations, the preservation of which has been ordered by the Government of India, must be shown by a red ink triangle \triangle on the map, and village officers should be warned to protect them from injury.

214. A duplicate copy of the village map, showing all corrections in red ink, should be prepared whilst the measurer is in the village, and on completion handed over to the village patwari.

Rules for revision classification.

215. Unless orders to the contrary are issued, and except in cases dealt with in the following rules, the old classification of lands is to be confirmed.

216. All survey numbers formerly unassessed, either on account of their not having been classed or by reason of the large proportion of *kharab*, must now be classed.

217. *Parampok* numbers and lands set apart for public purposes are exempted from the operation of the above rule.

218. All newly formed survey numbers in the beds of rivers, or within unassessed numbers or in the village site, must now be classed.

219. The old classification of the soil of old *patasthal bagait* lands should be confirmed, but a re-classification of the water-supply must now be made. Classification of both soil and water-supply of new *patasthal bagait* lands must be carried out.

220. Where *patasthal bagait* has replaced either *motasthal bagait* or rice cultivation, the lands must now be considered as *patasthal bagait* and dealt with accordingly.

221. The old soil classification of land formerly *motasthal bagait*, but which has now become *patasthal*, should be confirmed, the water being valued according to the present supply. Should the present area of *patasthal* exceed that of the former *motasthal bagait*, then both the soil and water classification of the entire *patasthal bagait* land must be done.

222. If in carrying out the soil classification of *patasthal bagait* lands a narrow strip of dry crop land of less than two chains in width should be left between the boundaries of the survey number and the *patasthal bagait*, then it should be re-classed; this will be necessary for the correction of the bhag annas of the dry crop land.

223. Classification of *motasthal bagait* land is not to be undertaken. Should separate bhag annas for the *motasthal* area be required, they can be worked out from the old classification record.

224. Cases of increase or decrease in the area of numbers situated on river banks should be dealt with as follows:—The area of the old classer's share in the number should be ascertained from the old books; should the increase be greater than one share, then the classification of the increase area should be made and entered in red ink in the old book, the bhag anna of the number being re-calculated. Should there be a decrease of more than one share, the portion lost by diluvion should be excluded and the calculation of the bhag annas re-done. When the increase or decrease is less than one share, no alteration need be made in the old books.

N. B.—A "share" is one of the divisions into which the number was apportioned by the old classer for the convenience of soil classification.

225. New rice land must be classed both for soil and water-supply. The area and classification of the new rice land, which will formerly have been classed as dry crop land, must be excluded, and the bhag annas of the remaining dry crop land re-calculated. Where the area of the new rice land is less than a quarter of a share, no corrections in the bhag annas need be made.

226. Generally the rice cultivation of this province differs from that of the Konkan, in that as a rule embankments are not thrown up; great care is therefore necessary in valuing the water-supply. Whether the land is double cropped or not should be ascertained and taken into consideration.

227. The soil classification of old rice lands should be confirmed where the present area falls within 25 per cent of the old area. Should the present area differ by more than 25 per cent from the old area, then the soil classification must be done. In all cases the valuation of the water-supply must be done anew.

228. The areas of old and new rice lands, with their respective bhag annas and water classification, must be separately shown in the classification books.

229. Corrections of the old classification should, if possible, be entered on the blank pages of the old books; should there be no vacant pages in the old books, a new book must be used. In all cases references to the pages on which the corrections are to be found must be written.

230. Corrections for new rice or new *patasthal bagait* land should be made in the old classification sketch of the survey number.

231. All tracts of land in the neighbourhood of large rivers that are liable to deterioration from excessive floods must be re-classed.

232. The classer should examine all the old classification books to ascertain whether any "chad" was for any reason applied to any survey number; all such cases should be reported for orders.

NOTE.—All cases of every description not dealt with in the above rules must be reported to the officer in charge of the party for orders.

MINIMA FOR FIELDS.

[Section 87 (1).]

233. The following minima for different classes of land are prescribed, below which area (1) survey numbers comprising land used for agricultural purposes shall not be formed in future, and (2) survey numbers shall not be divided in execution of the decrees of the civil courts.

In the taluqs of the Buldana, Akola and Yeotmal districts, situated above the ghat:—

Dry crop land in not less than lots of 6 acres.	
Rice land	2 acres.
Garden land	1 acre.

In all other taluqs (exclusive of the Melghat, to which the survey has not been extended):—

Dry crop land in not less than lots of 5 acres.	
Rice land	1 acre.
Garden land	$\frac{1}{2}$ acre.

Rules 233-A—
233-F

RULES FOR THE PREPARATION OF A RECORD-OF-RIGHTS IN LAND IN ALL VILLAGES OF BERAR EXCEPT SUCH AS ARE HELD IN JAGIR OR PROPRIETARY RIGHTS.

[Sections 96-A, 96-B and 96-G.]

Notification no. 613, dated the 16th November 1912, as amended by notification no. 826, dated the 4th May 1915.

233-A. In these rules, unless there is anything repugnant in the subject or context,—

- (a) words or expressions which are defined in the Berar Land Revenue Code shall be deemed to have the same meaning as in that Code;
- (b) “section” and “sub-section” mean, respectively, a section and sub-section of the said Code.

233-B. The record-of-rights shall be prepared in form A appended, in each village by the patwari, or such other officer as may be appointed for this purpose under the supervision of such officers as may be appointed in this behalf.

NOTE.—Revenue Inspectors, Assistant Superintendents and Superintendents of the record-of-rights, and the Officer-in-charge have been appointed to supervise the preparation of the record-of-rights.

233-C. When the record-of-rights is about to be prepared in any village, the patwari shall cause notice thereof to be published by beat of drum throughout the village, and shall post up a copy of the notice in a conspicuous place in the village.

233-D. Prior to the preparation of a fair copy of the record-of-rights, there shall be prepared a rough copy of the record in which the patwari shall make, upon such information as he can collect or from such reports as he may receive under section 96-C and 96-E, all entries likely to be required for the fair copy.

233-E. Any changes occurring or reported during compilation will be recorded in the rough copy. All such changes will be checked by an Assistant Superintendent or officer of higher grade before entry in the fair copy.

233-F. 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 concerning such dispute in the register of disputed cases, which shall be prepared in form B appended. He shall also note in the remarks column of the record-of-rights the serial number of the entry made by him in the register of disputes. Disputes shall be inquired into and decided by a Revenue Officer not lower in rank than a Naib-Tahsildar or by such officers as may be specially authorized in this behalf by the Chief Commissioner.

NOTE.—The Superintendent and the Officer-in-charge have been authorized to decide disputes,

233-G. Every entry in the rough copy shall be examined by the revenue inspector, read out to all persons present, and explained to any person interested. The revenue inspector shall initial all entries so examined. If any person interested admits the entry to be correct, the revenue inspector shall note the admission. If such person disputes the correctness of the entry, the revenue inspector shall not alter or erase such entry, but shall make an entry in the Register of Disputes.

233-H. When the record in any village is reported to be complete, the Deputy Commissioner or Sub-Divisional Officer shall fix a date for its final approval, and shall issue a proclamation calling on all persons interested therein to appear on that date at a specified place in or near the village concerned, and notifying that any such person may, before that date, inspect the fair copy on application to the patwari.

233-I. On the date and at the place appointed, the Deputy Commissioner or Sub-Divisional Officer shall cause such portions of the record as any of the persons in attendance may desire to be read over in their presence and, after such further correction as may then be found necessary, the Deputy Commissioner or Sub-Divisional Officer shall sign the record and shall add at its foot an order declaring that it has been duly approved and promulgated.

233-J. The measurement of sub-divisions or survey numbers shall be carried out by a staff of trained measurers appointed by the Officer-in-charge. Such measurers shall make the necessary entries in column 7 of the record-of-rights.

233-K. A measurement fee according to the following rates shall be paid, in addition to the cost of flag-holders and other hired labour incidental to the measurement operation, by the occupant of each sub-division of a survey number which is separately measured :—

	Rs.	a.	p.
On sub-divisions on which the land revenue paid is less than Rs. 5	0 8 0
On sub-divisions on which the land revenue paid is Rs. 5 or more	1 0 0

233-L. A fee of 4 annas for each serial entry in the record-of-rights shall also be paid by the person whose name is entered in column 9, and such person shall be given a certified copy of the entry.

233-M. The fees leviable under rules 233-K and 233-L shall be remitted in respect of the property of any person subject to military law either under the Army Act (44 and 45 Vict., c. 58) or under the Indian Army Act, 1911 (VIII of 1911), who is killed or dies of wounds inflicted, accident occurring or disease contracted within twelve months before death, while on active service in the war.

Notification
No. 826, dated
the 4th May
1915.

RULES FOR THE MAINTENANCE OF A RECORD-OF-RIGHTS IN LAND IN ALL VILLAGES OF BERAR EXCEPT SUCH AS ARE HELD IN JAGIR OR PROPRIETARY RIGHTS.

[Sections 96-A, 96-B, 96-D, 96-G and 96-K.]

Notification no. 614, dated the 16th November 1912, as amended by Notification no. 685, dated the 20th November 1916.

233-N. In these rules, unless there is anything repugnant in the subject or context,—

- (a) words and expressions which are defined in the Land Revenue Code shall be deemed to have the same meaning as in that Code;
- (b) “section” and “sub-section” mean, respectively, a section and sub-section of the said Code.

233-O. The record-of-rights and register of mutations shall be maintained in each village by the patwari or such officer as may be specially appointed in this behalf, under the supervision of revenue inspectors, Assistant Superintendents and Superintendents of Land Records, and all Revenue Officers, and shall be re-written whenever the Deputy Commissioner considers that the number of corrections entered in it is so great as to render re-writing necessary.

233-P. Mutations which have been enquired into and certified by a Revenue Officer acting under section 96-D (6) shall be transferred by the patwari to the record-of-rights. The transfer shall be effected by a fresh entry in such columns of the record-of-rights as may be necessary, and the corrected entry shall be signed by the certifying Revenue Officer. An appeal shall lie to the Sub-Divisional Officer from orders passed under this rule by officers of lower rank.

NOTE.—Other appeals are governed by section 195 of the Land Revenue Code.

233-Q. The correctness of the entries in the record-of-rights shall, from time to time, be inquired into by Revenue Officers of the district staff of a rank not lower than Naib-Tahsildar. Such inquiries shall be made in or near the village where the land is situated. If it should appear that an acquisition of right which should have been reported under section 96-C has not been entered in the register of mutations, the Revenue Officer shall direct the patwari to follow in respect thereof the procedure by section 96-D. If in any other case it should appear to any officer of lower rank than Deputy Commissioner that an entry requires alteration, he shall bring the case to the notice of the Deputy Commissioner. The Deputy Commissioner on receipt of such a report or of his own motion may exercise his powers of revision under section 202 of the Code.

NOTE.—The power of the Deputy Commissioner to correct the record-of-rights, under section 96-K has been delegated to the tahsildar in respect of clerical errors. The latter is similarly empowered to make corrections at the time of re-writing the record in respect of mistakes of form and omissions of

details regarding trees and wells in villages in which the record was prepared before the season 1915-16, during which the order requiring rights in trees and wells to be recorded first came into force."

233-R. The record-of-rights, register of disputed cases and register of mutations shall be maintained in forms A, B and C appended.

233-S. The measurement of sub-divisions of survey numbers shall be carried out by measurers appointed in this behalf by the Deputy Commissioner; such measurers shall make the necessary entries in column 7 of the record-of-rights.

233-T. A measurement fee according to the following scale shall be paid, in addition to the cost of the flag-holders and other hired labour incidental to the measurement operation, by the occupant of each sub-division of a survey number which is separately measured :—

Rs.

- | | |
|---|---|
| (1) For sub-divisions of which the land revenue paid is less than Rs. 5 ... | 1 |
| (2) For sub-divisions of which the land revenue paid is Rs. 5 or more ... | 2 |

233-U. The patwari shall allow any person interested, to inspect free of charge the record-of-rights, register of disputed cases and register of mutations in his presence, and to take notes of the same, and he shall if required give an extract of any portion directly affecting his rights to any person whose name is therein recorded, on being provided by the applicant with paper for the purpose.

233-V. Any person requiring a certified copy of an entry in the record-of-rights, register of disputed cases or mutation register or of a map, shall apply to the Tahsildar, who shall grant a certified copy in accordance with the rules for the grant of copies of Revenue records.

The fees leviable for certified copies shall be as follows :—

- | | | |
|--|----|---|
| (1) For every certified copy of a serial number in the record-of-rights including entries cancelled by subsequent mutations, or of a special number in the register of mutations ... | .. | 8 annas. |
| (2) For every certified copy of an entry in the register of disputed cases ... | .. | A fee in accordance with the scale prescribed for copies of judicial proceedings. |
| (3) For every certified copy of a map of a survey number or a sub-division of a survey number ... | .. | 1 rupee. |

Notification no.
685, dated the
20th November
1916.

NOTE.—A complete copy of all the measurements should be given in all cases for the fee of rupee 1.

FORM A:

Serial no.	Survey no.	Area.	Assessment.	Judi.	Sub-division no.	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 no. in the mutation register.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM B.

Register of Disputed Cases

village

taluk

district.

Serial no. of dispute.	Serial no. in the record-of-rights.	Survey no.	Sub-division no.	Area entered in column 3 or 7 of the record-of-rights.	Date of complaint.	Names of the disputing parties.	Nature and particulars of dispute.	Order of officer.
1	2	3	4	5	6	7	8	9

FORM C.

Serial no. of mutation.	Date of entry in the mutation register.	Back reference.	Forward reference.	New entry.						Remarks and signature of officer.	
				Survey no. and sub-division no.	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.		
				Columns 2 and 6 in the record-of-rights.	Columns 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 FOR THE PREPARATION AND MAINTENANCE OF A RECORD-OF-RIGHTS AND REGISTERS OF MUTATIONS IN VILLAGES WHICH WERE LEASED UNDER THE WASTE LAND RULES OF 1865 AND IN WHICH PROPRIETARY RIGHTS OR PATELSHIP HAVE BEEN CONFERRED ON THE LESSEE SO FAR AS ONLY THE PROPRIETARY RIGHTS OF THE PATELSHIP ARE CONCERNED.

233-W. A record-of-rights and register of mutations shall be maintained in forms I and II respectively by the patwari in each village formerly leased under the Waste Land Rules of 1865 and now held in proprietary right or patelship. Notification No. 189-1115-E., dated the 18th April 1918, as amended by Notification No. 285-XVII, dated the 15th October 1927,

233-X. The record-of-rights shall show the names of all persons having proprietary right or a share in the patelship in the village or any interest or share in such rights and the nature and extent of such share or interest. It shall also show, in the case of villages held in patelship, the amount declared by the Deputy Commissioner to be a personal allowance payable to the member of the body of co-sharers performing the duties of a patel.

Explanation.—The names of plot-holders to whom full proprietary rights in any area have been transferred by the izardar without reserving the right to receive any rent should be entered in Form I. In such cases no fractional amount of share should be shown in column 3, but the area and assessment of the plot transferred should be shown in columns 4 and 5. The names of plot holders to whom such rights have been transferred but the right to receive rent has been reserved by the izardar should be entered in the form of record-of-rights (Form A) prescribed for ante-alienation and permanent tenants.

233-Y. The record-of-rights in each village shall be prepared by the patwari or such other officer as may be appointed for this purpose and under the supervision of such officers as may be appointed in this behalf.

233-Z. When the record-of-rights is about to be prepared in any village, the patwari shall cause notice thereof to be published by beat of drum throughout the village and shall post up a copy of the notice in a conspicuous part of the village. The patwari shall also issue a similar notice to all persons who, he has reason to believe, have proprietary rights in the village. The notice shall be in such form and shall contain such particulars as the Commissioner may prescribe.

233-AA. Mutations which are reported to the patwari under the provisions of section 96-C or otherwise come to his notice and which have been entered by him in the register of mutations, shall, after certification by a Revenue Officer under section 96-C, be transferred to the record-of-rights.

233-BB. The record-of-rights shall be re-written whenever the Deputy Commissioner considers it necessary.

FORM I.

[See rule 233-W.]

RECORD-OF-RIGHTS (FOR PROPRIETORS OR SHARERS IN PATELSHIP IN IZARA VILLAGES).

Taluq _____ *village* _____

Serial No.	Name of each proprietor or co-sharer or sharer in the patelship.	Details of share.			Nature and origin of title.	Other rights or encumbrances with name of the right-holder or encumbrancer.	Serial No. in the mutation register and year.	Remarks
		Fractional amount of share.	Area.	Revenue.				
1	2	3	4	5	6	7	8	9
		Rs. a. p.	Acres.					

FORM II.

[See rule 233-W.]

REGISTER OF MUTATIONS OF PROPRIETARY RIGHTS OR PATELSHIP IN IZARA VILLAGES.

Taluq _____, *village* _____

Serial No.	Date of entry in mutation register.	Serial No. in record-of-rights (column 1) to which the mutation relates.	New entry.				Nature and date of transfer and in case of sale, consideration paid.	Other rights or encumbrances with name of the right-holder or encumbrancer.	Remarks and signature of officer.
			Name of sharer in record of proprietary rights or sharer in the patelship.	Details of share.					
				Fractional amount of share.	Area.	Revenue.			
1	2	3	4	5	6	7	8	9	10
				Rs. a. p.	Acres.	Rs.			

RULES FOR THE PREPARATION AND MAINTENANCE OF A RECORD-OF-RIGHTS, REGISTERS OF DISPUTED CASES AND REGISTERS OF MUTATIONS IN RESPECT OF THE RIGHTS OF PLOT HOLDERS AND OF ANTE-ALIENATION AND PERMANENT TENANTS IN VILLAGES WHICH WERE LEASED UNDER THE WASTE LAND RULES OF 1865 AND IN WHICH PROPRIETARY RIGHTS HAVE BEEN CONFERRED ON THE LESSEE.

Notification
626-227
No. XII,
dated the 21st
March 1922, as
amended by
Notification
No. 286-XVII,
dated the 15th
October 1927.

233-CC. In these rules, unless there is anything repugnant in the subject or context.—

- (a) "Code" shall mean the Berar Land Revenue Code, 1896;
- (b) Words or expressions which are defined in the Code or in the Berar Alienated Villages Tenancy Law, 1921, shall have the same meanings as in that Code or Law, as the case may be.

233-DD. The record-of-rights shall be prepared in form A appended, in each village by the patwari, or such other officer as may be appointed for this purpose under the supervision of such officers as may be appointed in this behalf.

NOTE.—An officer in charge has been appointed to supervise the preparation of the record-of-rights assisted by the Land Record staff.

Explanation.—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 izardar should be entered in Form A. The names of plot-holders to whom such rights have been transferred without reserving the right to receive rent should be entered in the form of record-of-rights (Form I) prescribed for villages in which proprietary rights or patelship have been conferred on the lessee.

233-EE. When the record-of-rights is about to be prepared in any village, the patwari shall cause notice thereof to be published by beat of drum throughout the village, and shall post up a copy of the notice in a conspicuous place in the village.

233-FF. Prior to the preparation of a fair copy of the record-of-rights there shall be prepared a rough copy of the record in which the patwari under the supervision of revenue inspector shall make, upon such information as he can collect or from such reports as he may receive under sections 96-C and 96-E of the Code, all entries likely to be required for the fair copy.

233-GG. Any changes occurring or reported during compilation will be recorded in the rough copy. All such changes will be checked by an Assistant Superintendent or officer of higher grade before entry in the fair copy.

233-HH. If there is a dispute about any entry proposed to be made in the rough copy, the patwari shall leave such entry

Rules 233-II-
233-NN,

blank, and shall record the particulars concerning such dispute in the register of disputed cases, which shall be prepared in form B, appended. He shall also note in the remarks column of the record-of-rights the serial number of the entry made by him in the register of disputes. Disputes shall be inquired into and decided by a Revenue Officer not lower in rank than a Naib-Tahsildar or by such officers as may be specially authorized in this behalf by the Local Government.

NOTE.—The officer in charge has been authorized to decide disputes.

233-II. Every entry in the rough copy shall be examined by the Officer-in-charge, read out to all persons present and explained to any person interested. The Officer-in-charge shall initial all entries as examined. If any person interested admits the entry to be correct, the Officer-in-charge shall note the admission. If such person disputes the correctness of the entry, the Officer-in-charge shall decide the dispute.

233-JJ. When the record in any village is reported to be complete, the Deputy Commissioner or Sub-Divisional Officer shall fix a date for its final approval, and shall issue a proclamation calling on all persons interested therein to appear on that date at a specified place in or near the village concerned, and notifying that any such person may, before that date, inspect the fair copy on application to the patwari.

233-KK. On the date and at the place appointed, the Deputy Commissioner or Sub-Divisional Officer shall cause such portions of the record as any of the persons in attendance may desire to be read over in their presence and, after such further correction as may then be found necessary, the Deputy Commissioner or Sub-Divisional Officer shall sign the record and shall add at its foot an order declaring that it has been duly approved and promulgated.

233-LL. The measurement of sub-divisions or survey numbers shall be carried out by a staff of trained measurers appointed by the Officer-in-charge. Such measurers shall make the necessary entries in column 6 of the record-of-rights.

233-MM. A measurement fee according to the following rates shall be paid, in addition to the cost of flag-holders and other hired labour incidental to the measurement operation, by the ante-alienation tenant or permanent tenant of each sub-division of a survey number which is separately measured :—

Rs. a. p.

On sub-divisions on which the rent paid is less than Rs. 5	... 1 0 0
On sub-divisions on which the rent paid is Rs. 5 or more	... 2 0 0

233-NN. A fee of one rupee for each serial entry in the records-of-rights shall also be paid by the person whose name is entered in columns 8 and 9, and such person shall be given a certified copy of the entry.

233-OO. The fees leviable under rules 233-MM and 233-NN shall be remitted in respect of the property of any person subject to military law either under the Army Act (44 and 45 Vict., c. 58) or under the Indian Army Act, 1911 (VIII of 1911), who is killed or dies of wounds inflicted, accident occurring or disease contracted within twelve months before death, while on active service in the war.

233-PP. The record-of-rights and register of mutations shall be maintained in each village by the patwari or such officer as may be specially appointed in this behalf, under the supervision of revenue inspectors, Assistant Superintendents and Superintendents of Land Records, and all Revenue Officers, and shall be re-written whenever the Deputy Commissioner considers that the number of corrections entered in it is so great as to render re-writing necessary.

233-QQ. Mutations which have been inquired into and certified by a Revenue Officer acting under section 96-D (6) of the Code shall be transferred by the patwari to the Record-of-rights. The transfer shall be effected by a fresh entry in such columns of the record-of-rights as may be necessary, and the corrected entry shall be signed by the certifying Revenue Officer. An appeal shall lie to the Sub-Divisional Officer from orders passed under this rule by officers of lower rank.

NOTE.—Other appeals are governed by section 195 of the Land Revenue Code.

233-RR. The correctness of the entries in the record-of-rights shall, from time to time, be enquired into by Revenue Officers of the district staff of a rank not lower than Naib-Tahsildar. Such inquiries shall be made in or near the village where the land is situated. If it should appear that an acquisition of right which should have been reported under section 96-C of the Code has not been entered in the Register of Mutations, the Revenue Officer shall direct the patwari to follow in respect thereof the procedure prescribed by section 96-D of the Code. If in any other case it should appear to any officer of lower rank than Deputy Commissioner that an entry requires alteration, he shall bring the case to the notice of the Deputy Commissioner. The Deputy Commissioner on receipt of such a report or of his own motion may exercise his powers of revision under section 202 of the Code.

NOTE.—The power of the Deputy Commissioner to correct the record-of-rights under section 96-K of the Code has been delegated to the Tahsildar in respect of clerical errors.

233-SS. The Register of Mutations shall be maintained in form C appended.

233-TT. The measurement of sub-divisions of survey numbers shall be carried out by measurers appointed in this behalf by the Deputy Commissioner; such measurers shall make the necessary entries in column 6 of the record-of-rights.

Rules 233-UU-
233-YY.

233-UU. A measurement fee according to the following scale shall be paid, in addition to the cost of flag-holders and other hired labour incidental to the measurement operation, by the ante-alienation tenant or permanent tenant of each sub-division of a survey number which is separately measured :—

	Rs.
(1) For sub-divisions of which the rent paid is less than Rs. 5	... 1
(2) For sub-divisions of which the rent paid is Rs. 5 or more	... 2

233-VV. The patwari shall allow any person interested to inspect free of charge the record-of-rights, register of disputed cases and register of mutations in his presence, and to take notes of the same, and he shall, if required, give an extract of any portion directly affecting his rights to any person whose name is therein recorded, on being provided by the applicant with paper for the purpose.

233-WW. Any person requiring a certified copy of an entry in the record-of-rights, register of disputed cases, or mutation register or of a map, shall apply to the Tahsildar, who shall grant a certified copy in accordance with the rules for the grant of copies of Revenue records.

The fees leviable for certified copies shall be as follows :—

- (1) For every 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 ... 8 annas.
- (2) For every certified copy of an entry in the register of disputed cases. A fee in accordance with the scale prescribed for copies of Judicial proceedings.
- (3) For every certified copy of a map of a survey number or a sub-division of a survey number ... 1 rupee.

RULES FOR THE PREPARATION OF THE RECORD-OF-RIGHTS FOR NON-AGRICULTURAL LAND IN BERAR.

Notification
No. 981-XVI,
d. 22-10-25.

233-XX. In any town, for which the Governor in Council orders the preparation of a record-of-rights, the Settlement Officer shall prepare the record in form D appended.

233-YY. The Settlement Officer shall cause notice of the intention to prepare a record-of-rights to be published by beat

of drum throughout the town and shall post copies of the notice at his office and in conspicuous places in the town.

Rules 233-YY-
233-GGG.

233-ZZ. The Settlement Officer shall first prepare a preliminary record to be known as the "rough copy" which shall contain all the information required for form D and such other information as he may require for the purposes of his enquiry. The entries in the rough copy shall be based on such information as may be available and as the Settlement Officer may collect under rules 233-BBB and 233-CCC.

233-AAA. Any changes occurring during the compilation of the rough copy will be recorded in it.

233-BBB. The entries in the rough copy shall be made by the Settlement Officer after summary enquiry into the rights and liabilities of every description connected with every plot of land. All persons who appear to him to be in any way interested in the property shall be given a notice to appear in these enquiries or represent their respective rights and interests in it.

233-CCC. The Settlement Officer shall come to a decision on all disputes about entries which parties may raise after they have been heard either by himself or by an Assistant Settlement Officer.

233-DDD. If any party does not appear after being duly served, the Settlement Officer may proceed *ex-parte* against him.

233-EEE. When the rough copy of the record in any town is completed the Settlement Officer shall cause it to be copied in Form D and shall fix a date for its final approval. He shall issue a proclamation calling on all persons interested therein to appear on that date at a specified place in the town and stating that the record will be open to inspection free at that place for one week prior to that date.

233-FFF. On the date and at the place appointed the Settlement Officer shall cause such portions of the record, as any person present may desire, to be read over in his presence, and after such further correction as he may find necessary he shall sign the record and shall record at its foot an order declaring that it has been duly approved and promulgated.

233-GGG. The actual cost of the operations will be chargeable to the property owners in proportion to the value of their properties on a scale to be fixed by the local Government after their completion; and each owner so charged shall receive a sanad and plan showing his title and holding.

Rules for the maintenance of a record of rights for non-agricultural land in Berar.

233-HHH. In these rules, unless there is anything repugnant in the subject or context,

Notification No.
302-XVI, dated
20th October
1927.

(a) words and expressions which are defined in the Land Revenue Code shall be deemed to have the same meaning as in that Code;

(b) "section" and "sub-section" mean respectively, a section and sub-section of the said Code.

233-III. The record of rights and register of mutation shall be maintained in each town by the maintenance surveyor or such officer as may be specially appointed in this behalf, under the supervision of Assistant Superintendents and Superintendents of Land Records and all revenue officers shall be re-written whenever the Deputy Commissioner considers that the number of corrections entered in it so great as to render re-writing necessary.

233-JJJ. Mutations which have been enquired into and certified by a revenue officer acting under section 96-D (6) shall be transferred by the maintenance surveyor to the record of rights. The transfer shall be effected by a fresh entry in such columns of the record of rights as may be necessary and the corrected entry shall be signed by the certifying revenue officer. An appeal shall lie to the Sub-Divisional Officer from orders passed under this rule by officers of lower rank.

NOTE.—Other appeals are governed by section 195 of the Land Revenue Code.

233-KKK. The correctness of the entries in the record of rights shall from time to time be enquired into by revenue officers of the district staff of a rank not lower than Naib-Tahsildar. Such enquiries shall be made in the town where the land is situated. If it should appear that an acquisition of rights which should have been reported under section 96-C has not been entered in the register of mutations, the revenue officer shall direct the maintenance surveyor to follow in respect thereof the procedure prescribed by section 96-D. If in any other case it should appear to any officer of lower rank than Deputy Commissioner that an entry requires alternation, he shall bring the case to the notice of the Deputy Commissioner. The Deputy Commissioner on receipt of such a report or of his own motion may exercise his powers of revision under section 202 of the Code. The power of the Deputy Commissioner to correct the record of rights under section 96-K may, however, be delegated by him to the Tahsildar in respect of clerical errors.

233-LLL. The record of rights register of disputed cases and the register of mutations shall be maintained in forms D, E and F.

233-MMM. The measurement of sub-divisions of plots shall be carried out by the maintenance surveyor who shall make the necessary entries in column 5 of the record of rights register.

233-NNN. A measurement fee of Rs. 2 shall be paid by the holder of each sub-division of the plot which is separately measured.

233-000. The maintenance surveyor shall allow any person interested to inspect, free of charge, the record of rights register of disputed cases and register of mutations in his presence, and to take notes of the same.

233-PPP. Any person requiring a certified copy of an entry in the record of rights register of disputed cases or mutation register or of a may shall apply to the Tahsildar who shall grant a certified copy in accordance with the rules for the grant of copies of revenue records.

Sec. 96.
Rules 233-PPP.

The fees leviable for certified copies shall be as follows :—

- (1) For every 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.....8 annas.
- (2) For every certified copy of an entry in register of disputed cases a fee in accordance with the scale prescribed for copies of Judicial proceedings.
- (3) For every certified copy of a map of a plot or a subdivision of a plot.....1 rupee.

FORM A.
[See rule 233-DD.]

Record-of-rights _____ *village,* _____ *taluk,* _____ *district.*

(For plot-holders and protected tenants.)

Serial No.	Survey No.	Area.	Assessment.	Sub-division No.	Area.	Assessment.	Name of plot-holder, anti-alienation tenant or permanent tenant.	Right in which the land is held.	Origin of title.	Rent paid to izardar.	Other rights or encumbrances with name of right-holder or encumbrancer.	Serial No. in the mutation register.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

NOTE.—This form will be filled up for each survey number held by a plot-holder or protected tenant in serial order.

FORM. B

Register of disputed cases _____ *village* _____ *taluk* _____ *district.*

Serial No. of dispute.	Serial No. in the Record-of-rights.	Survey No.	Sub-Division No.	Area entered in column 3 or 6 of the Record-of-rights.	Date of complaint.	Names of the disputing parties.	Nature and particulars of dispute.	Order of officer.
1	2	3	4	5	6	7	8	9

FORM C.

[See Rule 233-SS.]

Register of mutations _____ village _____ taluq _____ district.

(For plot-holders and protected tenants.)

Serial No. of mutation.	Date of entry in the mutation register.	New entry							Remarks and signature of officers.	
		Survey No. and sub-division No.	Area.	Assessment.	Plot-holder, anti-alienation tenant or permanent tenant.	Nature and origin of title.	Rent or assessment paid to izardars.	Other rights or encumbrances, with name of the right-holder or encumbrancer.		
		Columns 2 and 5 in the record-of-rights.	Column 3 and 6 in the record-of-rights.	Columns 4 and 7 in the record-of-rights.	Column 8 in the record-of-rights.	Column 9 and 10 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	

FORM D.

Serial No.	Sheet No.	Plot No.	Reference to old number.	Area in sq. ft.	Tenur.	Assessment.	Year from which assessment (of assessed plots) is liable to revision or in which lease expires.	Name, parentage and caste of holder.	Title.	Encumbrances and easements against Government or private persons.	Serial No. in mutation register.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM E.

[Referred to in rule 233-LLL.]

Register of disputes—Non-Agricultural of Gaothan land.

Serial No.	Serial number in mutation register.	Sheet No.	Plot number and sub-division, if any.	Area.	Date of receipt of objection.	Name of disputing parties.	Particulars of disputes.	Orders.
1	2	3	4	5	6	7	8	9

FORM F.

[Referred to in rule 233-LLL.]

Form of Mutation Register for Non-Agricultural land.

Serial No. of mutation.	Date of entry in the mutation register.	Back reference.	Forward reference.	Sheet No.	Plot including sub-division, if any.	Area in square feet.	Tenure.	Assessment.	Year from which assessment of assessed plots is liable to revision or in which lease expires.	Name, parentage, caste and residence of holder.	Title.	Encumbrances and easements against Government or private persons.	Remarks.
				Column 2 in the record-of-rights	Column 3 in the record-of-rights.	Column 5 in the record-of-rights.	Column 6 in the record-of-rights.	Column 7 in the record-of-rights.	Column 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	12	13	14

INSPECTION, MAINTENANCE AND REPAIR OF BOUNDARY MARKS.

[Section 101 (2).]

234. It is a primary duty of the Deputy Commissioner to maintain the field boundary marks erected at the survey, and to see that they are preserved with the greatest care and repaired when necessary.

235. The Forest Department will be responsible for the maintenance of survey field boundary marks where they form the outer boundary of a State forest, whether such marks separate the State forest from occupied or Government waste land.

236. Jagirdars, palampatdars and izardars of villages granted under the Waste Land Rules of 1865 or of 1876 are not bound to repair the internal boundary marks of their villages, but Deputy Commissioners should advise these superior holders to keep such boundary marks in repair. Any case in which there is special reason for the maintenance by Government of such marks should be dealt with on its own merits. For instance, in a jagir which is granted in perpetuity it may not be worth while to trouble about the marks; in another, which is for life only, or in which there is a quit-rent which varies with cultivation, it may be most essential to keep them up, and in such cases the repairs shall be executed by the Deputy Commissioner with the previous sanction of the Commissioner.

Izardars holding leases under the Waste Land Rules of 1879 and 1880 are bound to keep the internal boundary marks of their villages in repairs, and Deputy Commissioners should enforce this condition of their leases, proceeding against defaulters as if they were the occupants of khalsa lands.

237. The boundary marks of unoccupied lands must be repaired, where necessary, by hired labour through the Circle Inspector under the orders of the Tahsildar :

Provided that the boundary marks of free grazing lands and other lands set apart for public purposes will be repaired every year by the watandar mahars of each village.

238. Early in October the Tahsildar will issue, under section 101, sub-section (3), of the Land Revenue Code, a general notice at each village calling on all occupants and other interested persons to repair their boundary marks by the end of October, warning them that if after that date any boundary marks are found in a state of disrepair, such boundary marks will be liable to be repaired by hired labour and the cost recovered from the defaulters as an arrear of land revenue.

239. Between the 1st November and the 15th December of every third year the patel and the patwari will together inspect every boundary mark in each survey number of the village, and the patwari will enter details of all marks found to be out of

order or missing, in the form prescribed by rule 2 of Chapter V of Part III of the Berar Land Record and Survey Manual. Provided that (a) boundary marks shall invariably be inspected in the year preceding the inception of a revision survey; (b) the Deputy Commissioner may direct that in any specified village where the inspection of all the boundary marks between the dates above prescribed would be attended with difficulty, the inspection of one-third of their number shall be made annually, so as to ensure the examination of all of them once in three years.

NOTE.—In reporting marks as out of repairs the instructions given in Chapter V of Part III of the Land Record and Survey Manual should be followed.

240. It is the duty of the village officers to require the occupants concerned to replace or repair all marks found to be out of repair or missing, and the Circle Inspector will see that this duty is performed, reporting in his diary all cases of flagrant neglect.

241. After the lapse of sufficient time to allow of such repairs the village officers will make a second inspection of every field entered in the form, and the patwari will record opposite every entry in that form whether the repairs have been completed or whether the mark is still out of repair. The second inspection must be completed by the 31st January. On its completion the patwari will send a copy of this form to the Tahsildar, together with a statement of the cost of the necessary repairs of boundary marks. The cost shall be calculated at the following rates:—

	Rs.	a.	p.
For each mound	...	1	8 0
For each stone	...	2	8 0
For each boundary strip	...	7	8 0 per running 100 feet.

This form and statement must be signed by both the village officers. A separate report will be made by the village officers regarding each case of an encroachment or ploughing up of a boundary strip, together with a statement of the cost of repairs.

242. On receipt of the form and reports prescribed by the preceding rule, the Tahsildar will, after such inquiry, if any, as he may consider necessary, order the village officers to have the boundary marks repaired by hired labour, recovering the costs at the rates prescribed in the preceding rule as an arrear of land revenue from the defaulting occupants and handing over the amount so recovered to the village officers. If he sees fit, he may recover the cost of repairs in advance. Defaulters shall not be entitled to any refund of money unspent.

NOTE.—A single revenue case will be registered in respect of each village in which stones or mounds are found out of repair, but a separate case will be registered for each boundary strip out of repair.

243. In the case of an encroachment or ploughing up of a boundary strip, the Tahsildars will serve a notice on the

responsible occupant or other interested person, requiring him by a certain date to connect the two contiguous marks between which the boundary strip has been disregarded by a continuous ridge of earth $1\frac{1}{2}$ feet in height, and should he fail to do so within the period allowed, the village officers will report the circumstance to the Tahsildar. The Tahsildar will then instruct the village officers to have the boundary put up and will make over to them the cost of the work at the rate specified in rule 241.

244. From the 15th December Tahsildars and Assistants on tour will personally examine the boundary marks of some of the numbers of several villages and check the entries in the form prepared by the patwari. In villages where the boundary marks have already been inspected by Circle Inspectors, Tahsildars and Assistants will specially test the work done by them.

245. [Cancelled.]

246. Similarly, Deputy Commissioners will, during the touring season, inspect the boundary marks in several villages, specially with a view to check the work of Circle Inspectors and District Inspectors, and to satisfy themselves whether the tests made by Tahsildars and Assistants were sufficient.

247. By the end of July, Tahsildars and Assistants who have been on tour will submit to the Deputy Commissioner a statement showing the number of villages and the number of survey numbers of which they inspected the boundary marks during the revenue year. The Deputy Commissioner will then compile a statement for the district including the amount of inspection made by him personally and embody it in the report on the operations of the Settlement and Land Records Departments.

248. Boundary marks are of three descriptions, viz. :—

- (a) the boundary strip or *dhura*;
- (b) mound or waruli; and
- (c) stone.

(a) The boundary strip or *dhura* should be $4\frac{1}{2}$ feet wide. This strip shall be considered a boundary mark and shall be reserved intact as required by section 101 (5). When it is ploughed up or cultivated, a ridge shall be put up by the occupant or other responsible person. The dimensions of the ridge shall be $4\frac{1}{2}$ feet at the base, $1\frac{1}{2}$ feet from base to apex, the form that of a prism.

(b) The dimensions of a mound or waruli are—

Length	...	...	10 feet.
Breadth at bottom	...	...	5 feet.
Breadth at top	...	...	$\frac{3}{4}$ feet.
Height	...	...	3 feet.

- (c) The dimensions of the stone mark are 2½ to 3 feet in length and 6 inches square; one-half of the stone should be sunk in the ground.

RECOVERY OF LAND REVENUE.

[Section 115.]

249. In all districts and taluqs, except the Melghat taluq of the Amraoti district, the land revenue due on account of kharif or autumn crops shall be payable on the 15th February, and the land revenue due on account of rabi or spring crops shall be payable on the 15th April.

250. Cancelled.

251. In the Melghat taluq the corresponding dates shall be the 15th January and the 15th May, and the land-revenue due on mixed (kharif and rabi) crops shall be payable on the 15th March.

252. When a survey number is cultivated with both kharif and rabi crops, the payment of the land-revenue due on that survey number shall be regulated as follows everywhere, except in the Melghat taluq, that is to say :—

If more than nine-tenths of the area of a survey number is occupied by kharif crops, the land-revenue shall be payable when the kharif instalment falls due. If more than nine-tenths of the area is occupied by rabi, the land-revenue shall be payable when the rabi instalment falls due. If the proportion of the area under rabi or kharif is one-tenth or more of the whole area, but less than nine-tenths, the land-revenue shall be payable in moieties when the kharif and rabi instalments respectively fall due.

253. The land-revenue may be paid in advance of the above-mentioned dates; but such payment is altogether optional with the payer.

254. The land-revenue shall ordinarily be paid to the patel, or, if there is more than one patel, to the revenue patel of the village in which it falls due, and in that village.

255. In special cases and with the sanction of the Deputy Commissioner, the land-revenue may be paid into the sub-treasury of the tahsil, or the treasury of the district within the limits of which it falls due, and also into any other sub-treasury or treasury within Berar. Such payment shall not be accepted unless the payer furnishes with it a memorandum giving full particulars of the amount due and of the land on account of which it is due. Such payment may be made by means of post office money order to the Tahsildar of the tahsil within the limits of which it falls due. Any officer, other than the Tahsildar of the tahsil within the limits of which the land revenue falls due, receiving any such payment shall give due information thereof to the said Tahsildar in order that the requisite entry may be made in the accounts of the village where the payment fell due.

PENALTY FOR WILFUL DEFAULT.

[Section 117.]

256. The penalty leviable under section 117 of the Land Revenue Code in default of payment of land revenue shall not exceed one-fourth of the amount of the land revenue in arrears, and the provisions of that section should be enforced in the case of a defaulter who is known to be able to pay but wilfully delays to do so. The penalty may be remitted if the Deputy Commissioner afterwards finds that the defaulter was really not able to pay punctually.

THE FOLLOWING RULES HAVE BEEN FRAMED BY THE COMMISSIONER OF BERAR WITH THE SANCTION AND UNDER THE ORDERS OF THE CHIEF COMMISSIONER UNDER SECTIONS 121 (2), 122 (2), 126 AND 154 (1) AND (2) OF THE LAND REVENUE CODE.

I.—Notices of demand.

[Section 121 (2).]

257. Notices of demand may be issued by the Tahsildar or the Naib-Tahsildar within whose charge an arrear accrues. Such notices shall not usually be issued until 10 days after the arrear has accrued.

258. The cost of issuing notices shall be leviable at the rate of 8 annas for each notice.

259. The Deputy Commissioner, or an Assistant in revenue charge of a taluq, may at his discretion remit the fee in any case if it appears to him that its levy will occasion hardship.

260. The notice of demand will be in the form given in Appendix XVIII.

II.—Distraints.

[Section 122 (2).]

261. Distraints of movable property shall be made by Tahsildars.

III.—Arrests.

[Section 126.]

262. The power of arrest conferred by section 125 of the Code may be exercised by a Deputy Commissioner, a Sub-Divisional Officer, any other Assistant who has been specially empowered by the Deputy Commissioner in this behalf, and by a Tahsildar acting under the authority of the Deputy Commissioner, which must be expressly given in each case.

263. The costs of arrest shall be according to the following scale :—

	Rs. a. p.
If the amount for the recovery of which the arrest is made does not exceed Rs. 25 ...	0 4 0
Do. exceeds Rs. 25 but does not exceed Rs. 100 ...	0 8 0
Do. exceeds Rs. 100 but does not exceed Rs. 500 ...	1 0 0
Do. exceeds Rs. 500 but does not exceed Rs. 1,000 ...	2 0 0
Do. exceeds Rs. 1,000 but does not exceed Rs. 5,000 ...	4 0 0
Do. exceeds Rs. 5,000 ...	8 0 0

264. The subsistence money to be paid by Government to a defaulter under detention or imprisonment shall be fixed by the Deputy Commissioner, or other officer, who orders the arrest within the following limits, viz. :—

	Not less than	Not more than
	Rs. a. p.	Rs. a. p.
If the defaulter is an European ...	1 0 0	1 8 0
If the defaulter is a Eurasian or a native of Portuguese descent ...	0 8 0	1 0 0
In any other case ...	0 3 0	0 12 0

IV.—Expenses of sale.

[Section 154 (2).]

265. The expenses of a sale shall be taken to be—
Two annas on every 10 rupees or fraction of 10 rupees realized by sale of movable property.

Four annas on every 10 rupees or fraction of 10 rupees realized by sale of immovable property.

266. In the foregoing rules the costs of processes issued and of sales shall be recovered from the defaulters, and from the amounts so recovered court fee labels shall be purchased by the responsible ministerial official of the court executing the orders, and such labels shall be affixed to the proceedings near the orders under which the processes were issued or sales effected.

CESSSES.

[Sections 159 and 216 (k).]

266-A.—(1) To facilitate the demand on account of maharki and jaglia cess in izara villages a statement in the appended form shall be prepared by the patwari at the same time that he prepares the jamabandi and forwarded to the Tahsildar in duplicate before the 23rd December. After arithmetical check the Tahsildar shall forward one copy to the proprietor who has been appointed patel of the village.

Notification
No. 407-2406-
XII, dated the
2nd February
1923.

(2) To aid the superior proprietor of a jagir or palampat village in determining the proportion of the cess recoverable from his tenants and inferior proprietors a statement containing columns 1 to 9 of the statement prescribed by instruction No. (1) for izara villages shall be prepared by the patwari and presented by him to the superior proprietor.

Area held by tenants.	Rent payable by tenants.	Average rate of rent per acre of area shown in column 1.	Area held by proprietors.	Rental value of area in column 4 at rate in column 3.	Total of columns 2 and 5.	Total of determined assessment of all survey numbers.	Cess at 21 pies per rupee of assessment in column 7.	Share of amount in column 8 recoverable from tenants.	Amount by which the difference between column 8 and column 9 exceeds half of column 8.	Amount of cess to be paid by proprietors to Government (column 8 minus column 10).
1	2	3	4	5	6	7	8	9	10	11
Acres.	Rs.	Rs.	Acres.	Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
500	1,500	3	600	1,800	3,300	1,000	109 6 0	49 9 0	5 2 0	104 4 0

NOTE.—(i) Hypothetical figures are entered by way of example.

(ii) Rents in kind to be valued at current market rates.

RULES REGULATING THE ASSESSMENT AND COLLECTION OF CESSES.

[Section 160 (3).]

- (1) A register in the appended form will be maintained by the village officers in each village and in each town to which the Central Provinces Municipalities Act, 1922, as applied to Berar, has not been extended. Vide Notification No. 1448-738-XII, dated the 17th May 1923, and notification No. 2517-1463-XII, dated the 5th November 1924, as amended by notification No. 1855-1422-XII, dated the 15th June 1927.
- (2) All artizans (such as carpenters, blacksmiths and weavers), all shop-keepers and money-lenders whether they pay income-tax or not and all income-tax payers shall be entered in the register.
- (3) Between October 1st and November 30th, the Tahsildar with the assistance of the village officers will decide whether the persons entered in the register are liable to be assessed and in which class each person falls.
- (4) On completion of the assessment of each village the register shall be forwarded to the tahsil and a copy shall be posted in the chaudi accompanied by a notice informing assesseees that an appeal may be presented to the Sub-Divisional Officer under the Berar Land Revenue Code not later than 45 days after the date on which the register was posted.
- (5) Any alterations made in appeal shall be brought on the original register in the tahsil and on the copy in the chaudi before February 15th.
- (6) The patel shall collect the cess with the first kist of land revenue and the patwari shall maintain an account of demand and collection in the day book (kird) and the ledger (khataoni) and shall grant receipts.
- (7) The Tahsildar will maintain a wasul-baki showing totals of demand and of collection on current and arrear account for each village.

Assessment Register (Jagalia and Maharki cess).

Village _____, Pargana _____, Taluka _____.

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.	Jagalia and Maharki cess.	Alterations, if any, made in appeal.	Remarks.
1	2	3	4	5	6	7	8

NOTE.—Columns 1 to 4 shall be filled in by the Patwari. Columns 5 and 6 shall be filled in by the Tahsildar. The amount of cess and date of collection shall be entered in column 8 by the Patwari.

SURVEY RECORDS.

[Sections 161, 162 and 216 (g) and (k).]

267. The records prepared by the Survey Department at the original survey and settlement and the offices in which they have been deposited are shown below :—

No.	Nature of map, register, book, statement, etc.	Number of copies made over to be kept in—		
		The Deputy Commissioner's office.	The tahsil.	The patwaris' hands.
	ACCORDING TO ORIGINAL SURVEY.			
1	Pahani sud (statement showing names of occupants of fields at the time of the measurement) ...	...	1	...
2	Original village revenue survey map ...	...	1	...
3	Akarband (statement showing the rate per acre, and assessment of each number) ...	1	1	...
4	Wasul baki (statement showing old village numbers, names of fields, bigas, and old assessment, with corresponding survey numbers, areas and assessment) ...	...	1	...
5	Faisal book or settlement register within the meaning of section 161 of the Land Revenue Code (statement showing the occupant's name, area and assessment of each number according to the settlement) ...	...	1	...
6	Phod patrak (statement showing the area of each cultivator, when there are more than one in a survey number) ...	...	1	...
7	Inam patrak ...	...	1	...
8	Co-sharers' register ...	1	1	...
9	Lithographed village maps ...	1	1	1
10	Statement showing the land set apart for village commons and free-grazing ...	1	...	...
11	Statement of fields where co-sharers' disputes exist ...	1	...	...

No.	Nature of map, register, book, statement, etc.	Number of copies made over to be kept in—		
		The Deputy Commissioner's office.	The tahsil	The patwaris' hands.
	ACCORDING TO ORIGINAL SURVEY— concl'd.			
12	List of babul bans and other forest tracts set apart by the Survey Department	1	...	...
13	Tipan book (field book)	1	...	...
14	Mojani book (area book)	1	...	...
15	Prati book (classers' book)	1	...	...
16	Bagait takhta (statement showing garden land)	1	...	...
17	Classers' register	1	...	...
18	Potpani book (showing a detailed inspection of survey numbers and paiki numbers)	1	...	...
19	Kauli patrak (statement showing survey numbers given on special terms by the Survey Department)	...	1	...
20	Wasuli patrak of boundary-marks (showing recovery of cost of boundary marks from occupants of fields)	...	1	...
21	Statement of trees	...	1	...
	ACCORDING TO REVISION SURVEY.			
1	Akarband	1	1	...
2	Pahani sud	...	1	...
3	Faisl patrak	...	1	...
4	Wasulbaki patrak	...	1	...
5	Inam mishrit patrak	...	1	...
6	Phod patrak	...	1	...
7	Classers' register	1	...	...
8	Bagait takhta	1	...	...

268. No alterations or corrections shall be made in the survey records except as provided in section 163 of the Code. All alterations and corrections that may from time to time be found necessary shall be entered under the Deputy Commissioner's signature in a few supplemental sheets to be bound up with the settlement records. The total number of such blank sheets will be noted at the foot of each settlement record under the signature of the Deputy Commissioner or Sub-Divisional Officer, and each sheet shall be numbered and initialled by such officer.

269. All alterations and corrections made in the survey records shall be communicated, where necessary, to the village officers through the Tahsildar, with instructions to make the necessary alterations and corrections in the village records. The Tahsildar must satisfy himself every year, at the time the village jamabandi papers are checked, that all such alterations and corrections have been duly and properly made in the village records.

VILLAGE RECORDS.

[Sections 162 and 216 (h).]

270. Village records and accounts shall be prepared and maintained, except in the Melghat taluq, in accordance with the forms and instructions contained in the Patwaris' Manual, which has been separately prescribed.

REGISTER OF ALIENATIONS.

[Section 164.]

271. Registers of alienated land will be maintained by the Deputy Commissioner of every district in the forms given in Appendices XIX, XX and XXI.

272. The register in form Appendix XIX is a facsimile of the original district register, *i.e.*, of the register as it stood before any mutations were entered in it. In future no mutations or alterations of any kind should ever be made in this register.

273. The register in form Appendix XX is intended to preserve a record of the mutations which have been made. In this register should be copied all the entries made subsequent to the first entry in the original register and up to the 31st December 1897. Similarly, mutations which were not entered through oversight, etc., in the original register, should be traced from the original records and entered in the register in form Appendix XX. The original register from which the registers in forms Appendices XIX and XX have been copied will be sent to the Commissioner for safe custody. Every page of each register must be attested by an Assistant Commissioner or an Extra-Assistant Commissioner and be signed by him as "true copy".

274. All mutations in inams made since the 1st January 1898 will be entered in the register in form Appendix XXI.

275. As soon as possible after receipt of the village or other report of the death of an inamdar, the Deputy Commissioner or an Assistant who is specially empowered in this behalf, will institute an inquiry. The orders that the Deputy Commissioner may pass thereon should be entered forthwith in this register.

REGISTERS, ACCOUNTS AND RETURNS TO BE MAINTAINED AND SUBMITTED BY SUPERIOR HOLDERS.

[Section 165.]

276. Jagirdars, izardars and palampatdars shall maintain the registers and accounts and submit the returns prescribed below:—

Registers.

- (1) kird;
- (2) khataoni; ,
- (3) miscellaneous kird;
- (4) barnavisi register; and
- (5) register of cattle disease.

Returns.

- (1) jamabandi statement of occupied fields;
- (2) statement of other fields;
- (3) annual crop statement;
- (4) statement of cattle disease;
- (5) statement showing the agricultural stock and implements;
- (6) income-tax statement;
- (7) tharao band.

REVENUE BUSINESS.

[Section 178.]

277. The following orders regulate the classification, distribution and registration of revenue business and the returns which the revenue courts are to submit.

278. It should be borne in mind that only those cases that are taken cognizance of by Revenue Officers as such should be considered revenue business. Every case instituted must belong to some particular court, and must remain on the register of that court until it is decided or transferred for decision to some other court. Every court should distinguish between cases which are before it for final disposal and cases which come before it

merely for inquiry and report. No officer can take cognizance of any case (except as set forth in rule 287), unless he has power to dispose of it finally, and under the arrangements made under section 12 of the Land Revenue Code he is permitted to take it up, or unless the Deputy Commissioner has, of his own motion or under any rule or order of superior authority, directed him to take up such cases for investigation and report. No officer subordinate to the Deputy Commissioner can transfer a case from one revenue court to another.

279. Every revenue court will maintain a register in the form of Appendix XXIII for the registration of all cases shown in Appendix XXII except "21—Mutation of names in the record-of-rights." This class of cases will be registered in the Form XXIII-B.

280. Deputy Commissioners will open a second register in form Appendix XXIV for appeals.

281. Attached to Appendix XXIII the necessary directions for filling up the register are given, but it must be particularly noted that entries regarding cases, which the officer concerned is not empowered to dispose of, as well as those regarding cases which although he has power to dispose of them, he sends to some other court for *final disposal*, should be made in red ink, whether the case is received by him from another officer for inquiry and report or is taken up by him on his own initiative or on report, *e.g.*, the Tahsildar will show in red ink a case concerning the appointment, punishment or dismissal of a patel whether he received the case from the Deputy Commissioner or the Sub-Divisional Officer or took it up on a report presented in his court or on his own initiative. Similarly, the Sub-Divisional Officer will show in red ink in his register and return all cases which he reports to the Deputy Commissioner, because he has no power to dispose of them. Lastly, when the Deputy Commissioner or the Sub-Divisional Officer registers a case in his court but sends it for disposal to a court below which is empowered to dispose of it, the Deputy Commissioner or the Sub-Divisional Officer will register the case in red ink and the court below in black ink. The object of this rule is to avoid risk of cases being counted twice over in the annual returns of the district.

282. Cases relating to individual villages or persons should be registered according to the sub-head in Appendix XXII under the major head "A—Mauzawar cases," while all general proceedings should be registered without any sub-head under the major head "B—Revenue General." Major head C needs no explanation. Under the sub-head "Miscellaneous Revenue" will be entered all cases which do not clearly fall under any other sub-head of major head A, or under major head B or C, subject to instructions that may be issued from time to time as to the class or classes to be excluded from this sub-head and entered in the register of what are known as miscellaneous *khatewari* cases, which will be referred to hereafter.

283. A paper which constitutes the commencement of a "revenue case" should invariably be registered and given the number of the heading under which it falls and the date on which it was registered before any action is taken on it. If the officer passing orders on any papers finds that they have been wrongly registered as a case, or that they have been registered under the wrong head or sub-head, he should have the entry corrected.

The object of the register is to register cases and not papers. The paper which initiates proceedings, whether it consists of an order of a Revenue Officer, or a report from village officers or a Government servant, or the petition of a private person, must be registered as a case. Subsequent papers or fresh petitions connected with the case must be filed in the misl as they come in, and will not be entered in the register.

284. An application or report received in a pending case should be dated and initialled by the officer receiving it, and if it requires any orders they should be recorded in their proper place in the proceedings, and not on the application or report itself, on which only a note referring to the orders should be made.

285. In column 3 of Appendix XXII is shown the lowest grade of court competent to dispose of each class of cases, subject to rules 2 to 10 framed under sections 12 and 14 of the Land Revenue Code. As regards cases which only the Deputy Commissioner is competent to dispose of, or has reserved to himself for disposal under the provisions of section 12, sub-section (2), of the Land Revenue Code, he may (a) take them on his own file and dispose of them; or, except where any law, rule or order for the time being in force requires that he should personally investigate any class of cases, (b) send any cases for investigation and report to any subordinate court; or (c) direct any subordinate court to take any particular class of cases without any reference to him and submit them for his orders after investigation.

286. Cases which an Assistant Commissioner has power to dispose of may be taken up by the Sub-Divisional Officer, if any, and if necessary by one or more Assistants in accordance with the distribution of work that may from time to time be ordered by the Deputy Commissioner, subject to the general orders of the Chief Commissioner under section 12, sub-section (3), of the Land Revenue Code. A Sub-Divisional Officer or any other Assistant invested with powers under section 12 of the Land Revenue Code may send cases cognizable by him to the Tahsildar for inquiry and report, except cases which require personal investigation under any law, rule or order.

287. Ordinarily, applications should be presented to the lowest court competent to dispose of them, discretion being allowed to the Deputy Commissioner or a Sub-Divisional Officer

to take up any applications which a court of lower grade is competent to deal with; but in the latter case the Deputy Commissioner or Sub-Divisional Officer must see that inquiry about the same subject-matter is not being made in more than one court.

The Tahsildar will, however, receive all petitions and reports which village officials, Circle Inspectors or other Government officials may, in their official capacity, submit to him. In cases where the Tahsildar is not competent to dispose of any such reports, he should, after making such inquiry as is necessary or permissible under rules or orders in force, submit the papers to the court having jurisdiction.

288. Ordinarily, a case in which an inquiry and report have been ordered should be sent in original to the officer concerned, and a memorandum should be retained in the office transmitting the records, particulars of the case being briefly noted therein with the date on which it is returnable. Reminders issued should be noted in this memorandum and the dates on which the cases are returnable, or to which time has been extended, should be entered in the cause list to guard against the cases being lost sight of. But when one court has merely to refer to another for information on any specific point, the case should not ordinarily be sent in original, a separate *parwana* being issued instead. Original papers, whether they are disposed of or pending, should never be sent to village officials or Circle Inspectors, but if a reference has to be made to them, they should be addressed by *parwana*, which they should return with their reply endorsed thereon.

289. In cases in which final orders passed have to be communicated to Tahsildars, the records should be sent to them in original for necessary action, a note to that effect being made in columns 11—13 of the register of cases. The Tahsildar will see that the necessary steps for carrying out the order are taken, and will endorse each case accordingly. The records will then be returned to the court from which they were received, and a note will be made in column 14 of the register in the court. Such records should ordinarily be returned by the Tahsildar within 15 days, and he should submit an explanation for any delay over that period.

In important cases, however, such as cases regarding succession to the office of patel or patwari, cases regarding succession to or resumption of an inam, the original records should not be sent to the Tahsildar, but the orders should be communicated by *parwana* and the necessary details entered in columns 12 and 13 of the register of cases.

The Tahsildar will return the *parwana* duly endorsed after taking necessary action, and the *parwana* will be filed with the original records, the date of its return being entered in column 14 of the register of cases.

290. *Parwanas* and disposed of cases received by the Tahsildar for the first time for execution of orders only, will be entered

in red ink in the register of revenue cases (Appendix XXIII) in chronological order of receipt, leaving columns 1, 2, 3, 6, 7, 8, 9 and 10 of the register blank, the manner in which the orders have been carried out being noted in the remarks column 18. As regards cases already borne on the register necessary columns against the original entries will be utilized.

291. Orders in revenue cases will be communicated to the parties in the following manner:—

- (a) by the court to the parties personally if they are present at the time the order is passed;
- (b) by means of a *parwana* through the village officials if the parties are absent when the order is passed. If the order is passed by an officer other than the Tahsildar, it will be communicated to the Tahsildar, who will issue a separate *parwana* to the village officials. The village officials will on receipt of a *parwana* communicate the order to the parties concerned and obtain their signature on the *parwana*, which will then be returned to the Tahsildar. The Tahsildar will file the *parwana* with the case if the original order was passed by him. If the order was passed by another court, he will send the *parwana* to that court for record, with an endorsement on the order received from the court stating how it was carried out. An order passed upon appeal from the order of a subordinate should never be sent through that subordinate;
- (c) in special cases, if the parties are absent when the order is passed, the court may send for the parties and communicate the order, or, if the court is other than that of a Tahsildar, it may direct the Tahsildar to communicate the order personally to the parties.

Intimation of an order passed upon appeal should be invariably either sent by post bearing to the parties direct or communicated to them in person:

Provided that an order passed on revision or appeal by the Chief Commissioner or the Commissioner may be communicated to the parties in the above manner through the Deputy Commissioner.

292. Official letters should not ordinarily be written in original or appeal cases, but correspondence bearing on cases should take the form of a proceeding or order and the procedure should be as follows:—

The proceeding or order should be copied out in the English branch of the Commissioner's or the Deputy Commissioner's office, as the case may be, and should be despatched under a simple covering docket. The number and date of the docket should be endorsed on the original order or proceeding, which should then be restored to its place in the mist.

In some instances, however, the writing of official letters in cases is unavoidable; *e.g.*, in the case of acquisition of land for the Public Works Department. In such cases, office copies of letters, etc., after they are despatched, and letters received, after they are registered should be filed with the mist.

293. Each court will maintain a record pass-book in form Appendix XXVII to show the papers sent to any other courts or officers, and no paper should be sent out of the court without being entered in this register.

294. In the Commissioner's office the following register will be maintained:—

- (1) Register of appeals in form Appendix XXIV.
- (2) Register in form Appendix XXVI for cases received from Deputy Commissioners and returned in original with Commissioner's orders endorsed thereon, such as cases regarding the introduction of rotation in the office of patel or patwari; cases requiring the Commissioner's sanction to exempt a patel or patwari or his substitute under rule V of the rules framed under section 21 of the Patels and Patwaris Law; cases requiring the Commissioner's sanction to dismiss a patel or patwari; cases requiring the Commissioner's sanction to suspend or remit takavi instalments; cases of appropriation of assigned lands, etc. In such cases the records should be sent in original to the Commissioner, letter writing being avoided.

295. Officers should record all important orders passed by them in revenue and miscellaneous proceedings with their own hand. The Commissioner is at liberty to define what shall be held to be "important orders" either generally or by pointing out for future guidance instances of incorrect practice in particular cases which may come before him.

295-A. An order sheet in form of Appendix XXIII-A should be attached to the record of each revenue case, original or appellate, as is already the practice in criminal and civil cases. The sheet should be used by officers holding inquiries preliminary to report as well as by officers empowered to pass final orders.

The object of this order sheet is to show the course of the case from first to last in a form as compact and easy of reference as possible. The entries in it are to be made, not in addition to, but in substitution of, those which have hitherto been scattered throughout the record. It is to contain a note of every order made in the case and is to show the date and place of, and the progress at, every hearing. It shall show among other matters the dates on which and places where an application was made, evidence called for, witnesses examined, orders passed, and any application made for review. In order that the parties may know the place of hearing beforehand, it is important that every Revenue Officer, in his order fixing a fresh date of hearing, should record definitely the place fixed for hearing and also the place

at which the case was actually taken up. He should also record in the order sheet any order passed under the second proviso to rule 363, dispensing with the payment of a process fee.

The practice of writing orders on petitions, reports, etc., is to be discontinued. At the head of every petition, return or report, requiring an order to be made upon it, there shall be entered an index letter with the date of the order, made and nothing more.

The order itself, with the reasons for making it, is to be written on the order sheet. If it is necessary, in the first instance, to endorse an order on a petition or report, the order shall afterwards be duly copied on the order sheet. In the case of orders, the reasons for which have to be recorded at such exceptional length that it would be inconvenient to write them on the order sheet, the order shall be written on a separate sheet of paper, to be placed in its chronological order in the record, but a note of the order and of the date on which it was made shall be entered in the order sheet.

The entries in the order sheet shall be made by the presiding officer at the time as the case proceeds. Notes of proceedings and routine orders shall each be initialled by him, and other orders shall be signed with his usual signature.

Orders fixing dates or adjourned dates of hearing, or directing anything to be done by parties or their pleaders, should be signed by them, then and there.

296. At the close of every half year each court will send to the Deputy Commissioner a statement in form Appendix XXVIII.

Work coming under the head "Revenue, General" will be indicated by memorandum at the foot of the form.

The Deputy Commissioner will forward to the Commissioner the above statement in original, together with one for his own court, and a statement in the same form of the appellate work of his court. The Commissioner will return those statements to the Deputy Commissioner with such remarks as may appear necessary recorded thereon, or on a sheet of paper attached. Letter writing should be avoided.

297. The Commissioner must insist on the prompt disposal of cases by Revenue Officers and should inquire into the causes of delay.

298. Cases other than those falling under any of the headings in Appendix XXII should be registered in the miscellaneous *khatewari* register in the same form as in Appendix XXIII. The headings of the *khatewari* case are given in Appendix XXIX. These are not regular revenue cases and they should not appear in the returns of revenue business. Orders in these cases should invariably be communicated to the Tahsildar by sending the records in original, and no memorandum for the records so transmitted should be maintained. No set of papers should be

registered under "Class 8, Miscellaneous," in Appendix XXIX unless it involves the taking of some specific action for its disposal and until the Revenue Officer has passed a specific order for its registration.

ARRANGEMENT AND DISPOSAL OF RECORDS.

[Section 178.]

299. The district record-room shall be in charge of an officer not below the rank of an Extra-Assistant Commissioner, who shall be styled the record-room officer.

300. All revenue records fall under one or the other of the following heads:—

- (1) Settlement records;
- (2) Registers, periodical returns and accounts;
- (3) Mauzawar records, *i.e.*, papers referring to villages and capable of classification accordingly; or
- (4) Other records, *e.g.*, papers referring to subjects, including cases falling under major head "B—Revenue, General," major heads C-I, C-II, C-III and C-IV and miscellaneous *khatewari* cases.

301. All mauzawar and other records will be arranged in separate files, A and B.

302. File A will contain the following papers:—

- (1) applications or reports on which cases were initiated, including memorandum of appeal;
- (2) any other important applications or reports received while a case is pending;
- (3) maps and plans;
- (4) sanads or certificates;
- (5) reports from arbitrators;
- (6) written statements;
- (7) genealogical trees;
- (8) papers relating to measurements;
- (9) local inquiry papers;
- (10) sale papers and proclamations of sales;
- (11) notices of relinquishments and agreements regarding occupancy;
- (12) leases;
- (13) security bonds and documents executed by persons under the Loans Acts;
- (14) awards and award statements;
- (15) proceedings including statements, depositions and decisions in original appellate cases;
- (16) *parwanas*;

- (17) warrants for attachment of movable and immovable property; and all other papers which the court considers to be of importance.

303. File B will consist of all papers not included in file A and will comprise the following papers:—

- (1) petitions on points not material to the issue, such as intimating attendance of parties or witnesses, praying for time, etc.;
- (2) notices;
- (3) summonses;
- (4) warrants of arrest;
- (5) reminders;
- (6) proclamations for attendance;
- (7) petitions for copies;
- (8) *parwanas* calling for records;
- (9) powers of attorney or copies thereof.

304. An index of papers will be attached to each of the files A and B in the forms given in Appendix XXX. This index is intended to show (1) all the papers originally in the file, and (2) the date and reason for removal of any paper.

305. The record-keeper is responsible for checking the correctness of the classification of papers into file A and B before the records are deposited. If a file is incomplete or incorrectly classified, the record-keeper will report the fact for the orders of the clerk of court.

306. When a case is complete in every respect, *i.e.*, when the court has passed final orders, and the orders have been carried out, the responsible clerk will prepare it for the record-room.

307. On the index of the A file (and in the case of *khatewari* cases on the first sheet) a note will be made in red ink by the responsible clerk as to whether the record is to be retained permanently or up to what year. This note will be initialled by the clerk of court or the deputy clerk of court and the Naib-Tahsildar in the courts of the Deputy Commissioner and Tahsildar, respectively, and in an Assistant's court by the senior clerk.

308. The record-keeper will check the correctness of these entries, and in case of doubt or error, refer the matter to the clerk of court for orders. It must be clearly understood that these entries will not relieve the record-keeper of his responsibility in seeing that each record is destroyed when necessary at the right time.

309. Cases disposed of during the week must be transmitted by all courts to the record-room before the last working day of the succeeding week.

Miscellaneous papers not registered as *khatewar* cases (see rule 298) shall be sent to the record-room in monthly bundles without any index to their contents.

Mauzawar cases.

310. Cases relating to every village must form a bundle by themselves. Within the bundle, cases will be arranged according to the order in which they are disposed of, but petitions, etc., disposed of before 1879 (when the present system of records was introduced) should be filed with those cases, if this has not already been done.

311. Village bundles should be arranged according to the alphabetical list of villages in each tahsil which has been in use since 1879, and no distinction should be made between jagir, palampat or izara villages and khalsa villages.

312. Mauzawar bundles will be tied with string, and as many as may be convenient tied up in one *basta*, on the outside of which the letters of the alphabet under which the villages inside fall will be labelled. The records in each *basta* must be kept flat like judicial records.

313. The *bastas* of each tahsil should have a distinctive colour, and should, of course, be arranged in alphabetical order on the racks, and each rack or compartment should have a ticket showing the letters of the alphabet under which the *bastas* placed thereon fall.

314. With the papers relating to each village will be tied up a fly index in the form given in Appendix XXXI. The fly index will be nothing more than a few but a fixed number of sheets stitched together. The sheets must be numbered, and at the top of each the name of the village and the number of sheets must be entered under the signature of the record-room officer. These precautions will render the abstraction of papers impossible. When a fly index is quite full, additional sheets should be stitched and the fact noted on the last sheet, and the same precautions should be observed.

315. Cancelled.

316. When a case which can be classed as mauzawar relates to two or more villages, the record should be tied up in the bundle of one of the villages and a red ink reference made in the fly index and register sheets of the other villages.

Other records.

317. Cases under special Laws and Rules (Classes C-I to C-IV), although they are not mauzawar cases, should for the purpose of convenience be treated as such in the record-room.

318. They should, like the mauzawar cases, be entered in the fly index and the register in form Appendix XXXII, and tied up in the mauzawar bundles. Old cases, however, which have been hitherto tied up in yearly bundles should not be disturbed.

319. The register in form Appendix XXXIII will deal with miscellaneous *khatewari* cases. A fresh register will be opened on the 1st August of each year, and a fresh series of record-room numbers begun. Cases will be entered in the register according to classes, a sufficient number of pages being allotted to each class.

Miscellaneous papers not registered as *khatewari* cases will be arranged in monthly bundles for each year and kept in a separate *basta* or *bastas* marked—"Miscellaneous papers not registered as *khatewari* cases for the year—".

The records will also be arranged in bundles according to classes for each year, and the bundles will be secured in one or more *bastas* as may be convenient, labelled "Miscellaneous *khatewari* cases for the year—". No index of papers should be prepared for these cases.

320. The same register should be used for entering "B—Revenue general" cases, a few pages being allotted to them separately. Each of these cases must have an index of papers like the mauzawar records.

321. The survey records will be arranged in mauzawar bundles according to the alphabetical list of villages in each tahsil in the same manner as mauzawar cases.

322. The lithographed village maps of each taluq will be arranged according to the alphabetical list of villages. The left margins of all the maps of the same letter should be brought together and they should be stitched with tape along the edge. The maps of each letter can thus be rolled up and tied with a binder inscribed with a letter of the alphabet under which they come. The maps should be all mounted on cloth.

323. Alphabetical rolls, once made up, should never be undone. If a village map has to be sent to any officer for reference, one of the spare maps must be sent, not a map removed from the tahsil or the district office rolls. In every tahsil record-room a set of village maps belonging to the taluq will be kept in the manner described above.

324. Spare village maps will also be treated in the same manner and kept in the record-room at the district headquarters. They should not be mounted till they are to be issued.

325. A register in the form given in Appendix XXXIV will be maintained in the district record-room showing the state of the stock of maps.

326. In indenting for a fresh supply, the following procedure should be observed:—

- (1) The minimum number of copies of the map of any village to be kept in stock is fixed at five.
- (2) When this number has been reached, the Deputy Commissioner should be prepared to indent for a fresh

supply. He should obtain an estimate of the cost from the Commissioner of Settlements and Director of Land Records; this will be supplied to him on his furnishing the Director with a list of the villages of which maps are required, stating the length and breadth of each map in feet and inches. The Deputy Commissioner should make provision for the necessary funds in his budget and apply to the Commissioner for sanction to indent for the fresh supply.

- (3) On sanction being accorded, a fair copy of each village map as prepared at the revision survey settlement should be sent to the Superintendent, Government Printing, Nagpur, with a forwarding letter stating the number of copies required.
- (4) The Deputy Commissioner should exercise his discretion in preparing his indent, and should not apply for more copies than are likely to be used or sold within a reasonable period.
- (5) A new stock should not be indented for merely because the revision survey has taken place; when the changes on revision have been very few, it may be possible to correct the existing stock at a smaller cost than would be required for a new supply.

327. Patwaris should be required to keep copies of maps supplied to them in tin cases. Each copy of a map so supplied should be made to last five years, and if, after that period, it becomes unserviceable, a fresh copy may be supplied free of charge. If a map is worn out within 5 years it will be replaced, but will have to be paid for by the village officers.

328. Village survey maps be sold to private individuals, provided that there are not less than 15 copies of each map in store at the time that an application to buy is made.

The maps may be sold at the following rates to village officials, and at double those rates to the public generally :—

A map of less than 50 numbers	...	8 annas
A map of less than 74 numbers	...	12 annas
A map of less than 100 numbers	...	Re. 1

and so on, four annas being charged for every 25 or part of 25 additional numbers.

329. In the record-rooms both at the headquarters of the district and tahsil, a register of all periodical statements, registers, etc., received will be maintained in the form given in Appendix XXXV.

Registers will be entered separately in this register, and periodical statements will be made into bundles by the official delivering or sending them to the record-keeper, and each bundle will be accompanied by a list of its contents signed by the said official.

330. Jamabandi papers received from village officials will be arranged in the tahsil in mauzawar bundles, which will be secured in one or more *bastas* for each year. Each *basta* will bear a label marked with the alphabets under which the papers of the villages contained therein fall and the year to which they belong.

331. A register will be kept by the record-keeper to show records sent out of the record-room with separate pages for each court, but in a single volume and in ledger form as shown in Appendix XXXVI.

332. Whenever a record is removed from the record-room for purposes of reference, a memorandum in form Appendix XXXVII should invariably be placed in the *basta* from which it has been withdrawn.

333. All B files belonging to mauzawar and other records will be kept in a separate *basta* or *bastas* for each taluq, marked *B files of cases disposed of in the year*.

334. No person may enter the revenue record-room except—
- (1) the record-keeper and his assistants;
 - (2) any person specially authorized by the Deputy Commissioner by order in writing; and
 - (3) Officers whose duty it is to inspect the records.

DESTRUCTION OF REVENUE RECORDS.

335. Appendix XXXVIII shows the periods for which the different classes of revenue records are to be retained. The papers mentioned in this appendix are records within the meaning of Act III of 1879.

336. In destroying papers it must be remembered that—
- (a) no papers relating to a question of right or title shall be destroyed;
 - (b) no unreturned exhibit or receipt for a returned exhibit shall be destroyed.

337. The Deputy Commissioner, or, with the approval of the Deputy Commissioner, any officer dealing with a case, may pass an order directing any specified paper or papers in a file, or any whole file, to be retained for a longer period than that laid down in Appendix XXXVIII. A note of such order shall be made in red ink on the list of papers as a guide in elimination work.

338. Before destroying any record, care must be taken to separate therefrom all documents belonging to private persons or

to Government or a party to the proceedings which have not been superseded by the final order in the case or impounded therein. Such documents, when belonging to Government, shall be forwarded to the Deputy Commissioner for disposal with a statement of the facts. Those belonging to private persons shall be retained for 6 months, notice being meanwhile sent (if possible) to the parties to whom they belong, and also posted in a conspicuous place in the district office, warning the parties that the documents will be destroyed unless claimed within that period.

339. All B files kept in a separate *basta* or *bastas* under rule 335 will be destroyed without any further examination, after the expiry of the revenue year immediately succeeding that in which the cases were disposed of.

Bundles of miscellaneous papers not registered as *khatewari* cases will be destroyed at the expiry of a year, after examination to see that any paper of permanent importance is retained.

340. The work of elimination will be carried on throughout the year under the supervision of the officer in charge of the record-room.

341. The Deputy Commissioner will satisfy himself from time to time that elimination work is proceeding satisfactorily.

342. The destruction of eliminated papers shall be effected by tearing up the papers and soaking them in water under the supervision of the officer in charge of the record-room; care must be taken that court-fee stamps have been duly cancelled. The proceeds of the sale of waste paper (after the above treatment) shall be credited to Government. In places where there is no way of utilising paper soaked as above, the Deputy Commissioner may order that the eliminated papers be burnt under the supervision of the officer in charge of the record-room.

343. Besides the records specified in Appendix XXXVIII there may be English and vernacular correspondence with Tahsildars and other officers relating to details of revenue, execution and financial business and vernacular appendages or English papers. These should be made into monthly bundles with a memorandum of their contents attached. Each such bundle will be entered in the register for *khatewari* cases in form Appendix XXXIII under the head "Miscellaneous". No definite rules can be laid down for their elimination, and the record-room officer will arrange for this from time to time under the special orders of the Deputy Commissioner.

Tahsil record-room.

344. The foregoing rules will also apply, *mutatis mutandis*, to tahsil record-rooms.

345. The tahsil record-room shall be in charge of the Naib-Tahsildar and he shall perform all the duties of the record-room officer prescribed in these rules.

346. The following records shall be deposited in the tahsil record-room :—

- (i) Mauzawar cases—
- (1) realization of balances (Class XV);
 - (2) maintenance of boundary marks (Class XVII);
 - (3) application for assessed waste fields (Class XVIII);
 - (4) cases regarding transfer of fields (Classes XIX and XIX-A);
 - (5) mutations ordinary (Class XXI);
 - (6) relinquishments of fields (Class XXIII).
- (ii) Original, and revision survey records in accordance with rule 267.—
- (iii) Village jamabandi papers—
- (1) statement of occupied fields;
 - (2) statement of unoccupied fields;
 - (3) crop statement;
 - (4) statement showing fallow land;
 - (5) inam patrak;
 - (6) statement of mutations and transfers;
 - (7) statement of live-stock.
- (iv) Registers relating to accounts.
- (v) Registers of vital statistics.

ADMISSION OF LEGAL PRACTITIONERS AND RECOGNIZED AGENTS.*

(Section 178 (1) read with sections 181, 182 and 183.)

347. "Legal practitioner" means a person who is authorized to practise under the rules for the enrolment of advocates and pleaders published under Judicial Department Notification No. 2574, dated the 30th November 1909, as amended by No. 163, dated the 18th January 1910, No. 1639, dated the 28th September 1911, and No. 2074, dated the 23rd November 1911.

348. "Recognized agent" means a relative, a permanent servant, of a person holding a special power of attorney, not being a professional practitioner, whom the court may admit as a fit person to represent a party.

349. Revenue business must ordinarily be transacted by the parties in person. Parties exempted or incapacitated by sickness or other sufficient cause from personal attendance in court, or parties who, though present themselves, receive the special permission of the court, may, under the following rules, employ legal practitioners or recognized agents to represent them, or to conduct their cases.

*Rules 347 to 410 were notified as required by section 218 of the Code in *Central Provinces Gazette* Notification No. 7494, dated the 20th November 1905. They are inserted here in their proper place and numbered accordingly.

350. Legal practitioners may be allowed to appear in all cases of such intricacy or difficulty that the court considers it necessary or advisable, on grounds to be recorded in the proceedings, that a legal practitioner should be employed, and in all cases the object of which may be to prosecute a claim against Government.

351. Recognized agents may be employed in all cases in which the court may see sufficient reason to grant the permission. Legal practitioners' fees shall not be allowed in revenue matters, and legal practitioners are required to make their own arrangements for remuneration with their clients; of these arrangements no court shall take judicial cognizance.

352. The provisions of chapters V and VII of the rules regulating legal practitioners shall, as far as they may be applicable, apply to a legal practitioner allowed to conduct a case under these rules: Provided that every report required by those chapters to be made by a court to the Chief Commissioner about the legal practitioner's misconduct, etc., should be sent, when such court is presided over by an officer below the rank of Deputy Commissioner, through the Deputy Commissioner and the Commissioner, and when presided over by a Deputy Commissioner, through the Commissioner, who shall also record his own opinion on the case for the information of the Chief Commissioner.

PROCEDURE OF REVENUE OFFICERS.

Section 178.

Sub-section (2), clause (a).

353. An order for the delivery of possession of immovable property or for the eviction of a person wrongfully in the possession of land shall be enforced in the manner provided in the Code of Civil Procedure in respect of the execution of a decree by which a civil court has adjudged delivery of possession of, or ejection from, such property.

354. In the enforcing of any order such as is referred to in the last preceding rule, a Revenue Officer shall have all the powers in regard to contempts, resistance, and the like which a civil court may exercise in the execution of a decree of the description mentioned in the same rule.

Clause (b).

355. When the attendance of a witness is applied for by a party in any proceeding before a Revenue Officer under the Code, the applicant shall be required to deposit diet money according to the scale prescribed in rules 356 to 360.

356. European and East Indian witnesses, when summoned by a Revenue Officer to give evidence, may be allowed their

actual expenses for carriage when these are not in excess of six annas a mile. They may also be allowed a sum, not exceeding Rs. 2-8-0 a day each, for subsistence if they apply for it.

357. As a general rule, native witnesses of the better class, such as patels, merchants, vakils, and persons of corresponding position, as well as all witnesses who are in no way concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports), may be allowed six annas a day as subsistence money, and also railway and other travelling expenses actually incurred by them at a reasonable rate.

358. Native witnesses of the class of cultivators and menials who would not under ordinary circumstances voluntarily incur any expenses on account of special lodging when away from home, may be allowed subsistence money at the rate of four annas a day, and also railway and other travelling expenses actually incurred by them at a reasonable rate.

359. Special cases (that is, cases not coming under the operation of rules 357 and 358) shall be dealt with on their merits, and at the discretion of the officer from whom subsistence money or travelling allowance is demanded.

360. When a witness lives in the town or village in which the officer is before whom he is required to give evidence, the officer may award such sum, not exceeding four annas a day, as may compensate him for any loss he may have incurred by attendance upon the court: .

Provided that a Révenue Officer may dispense with the payment of diet money when the party by whom it would be payable appears to be a pauper, or for any other sufficient reason.

Clause (c).

361. In cases in which Government is directly interested, a Revenue Officer may pay diet money at the rate mentioned in rules 356 to 360 to any person summoned, even when the summons is not issued at the instance of Government, if the party at whose instance the summons is issued can show sufficient reason for desiring the attendance of the person summoned:

Provided that diet money shall not be paid to a village officer summoned in any matter connected with his official duty.

Clause (d).

362. In proceedings under the Code in which costs have been incurred the final order shall apportion the costs between the parties to the proceedings. Sections 180 and 183 of the Code shall be followed; and costs shall be recoverable under section 158 as an arrear of land revenue.

Clause (e).

363. When it is necessary on an application made by a party in any proceeding before a Revenue Officer under the Code to issue any process to a witness, a fee of 12 annas shall be charged :

Provided that no fee shall be charged for any process issued a second time in consequence of a mistake for which the court or any of its officers is responsible or in consequence of an adjournment made otherwise than at the instance of a party :

Provided also that a Revenue Officer may dispense with the payment of any process-fee if the party from whom it would be recoverable appears to be a pauper, or for any other sufficient reason.

364. Processes issued by any revenue court to persons residing beyond its local jurisdiction either in the same or another district, will be sent for service to the Deputy Commissioner of the district in which such persons reside.

365. Informal process requiring the attendance of any person, which is issued otherwise than on the application of a party or on behalf of Government, may, at the discretion of the Revenue Officer, be directed to a village officer, either by post or any other convenient mode, for communication to the person concerned.

366. All process-fees will be recovered in court-fee labels, and the labels will be affixed to the proceedings in the margin near the order regarding issue of each process.

367. [Cancelled.]

368. Every Tahsildar will maintain a register in the form given in Appendix XL, in which will be entered all processes received for execution from other courts and those issued from his own court. All orders issued by the Tahsildar to village officials for execution will also be entered in this register.

369. A register showing the attendance of chaprasis will also be maintained in every tahsil in the form given in Appendix XLI.

370. Tahsildars will maintain a register in the form given in Appendix XLII to secure accurate statistics required for the Revenue Administration Report in regard to coercive processes issued for the recovery of land revenue.

371. Processes under these rules shall be served by peons attached to tahsils. All officers superior to Tahsildars will issue their processes through Tahsildars.

I.—Rules for the inspection and search of revenue records.

372. Subject to the rules hereinafter contained the following records and proceedings maintained under the Berar Land Revenue Code shall be open to inspection :—

- (a) Such documents, maps, registers, accounts and records the right of inspection of which is provided for in

section 91 of the Indian Registration Act of 1877 including notices given under section 69 of the said code of relinquishment of occupancy by occupants.

- (b) Records of cases and applications pending before, or decided by, a Revenue Officer to which any private person is a party.

Proviso.—No correspondence in English or vernacular and no papers declared by the Deputy Commissioner or higher authority to be confidential shall be open to inspection.

373. For the inspection of the record of a case, which has been deposited in the record-room, the permission of the Deputy Commissioner or such official as he may appoint shall be necessary. For the inspection of the record of a case pending before a Revenue Officer, or which has been produced in his court, the permission of such officer shall be necessary. If the officer to whom the application is made refuses permission to inspect, he shall record his refusal and his reason for making it.

374. 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 usual office hours on any day except Sundays and public or local holidays, and only in such part of the office as shall be appointed by the Deputy Commissioner or head of the office. No private persons shall be allowed to enter a record-room.

375. 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.

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.

376. 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. Inspection fees shall be levied from the persons aforesaid at the rate of annas 8 per hour or fraction of an hour: Provided that no fee shall be levied by any village officer for allowing inspection of any public document which is in his charge. The fee shall be prepaid in court-fee stamps and will in no case be refunded. The stamp shall be affixed in column 6 of the register prescribed below, and cancelled in the manner prescribed in the Court-fees Act of 1870, section 30, and the officer who grants permission to inspect shall write his name across the stamp.

378. When an application is made for an inspection or copy of any public document, or of any portion of a public document, if the application does not distinctly describe the number, date and nature of the document required, or if the description given in the application is incorrect, and if it is in consequence necessary for the officer in charge of the document to search his records to find it, a fee of Re. 1 shall be payable by the applicant for the search of each year's records which have to be searched: provided that no such fee shall be levied by a village officer. The fee shall be prepaid in court-fee stamps and shall be dealt with in accordance with the provisions of rule 376. Such fee shall be paid whether the inspection or copy for which he applies is, on examination of the said document by the said officer, granted or not.

II.—Rules for the grant of copies of revenue records.

379. The officer in charge of any public documents mentioned in rule 372 shall cause to be prepared and give a certified copy of the same or of any portion thereof, under his own signature, to any person applying for such copy on payment of the fee hereinafter prescribed in this behalf: provided that every application for a certified copy of any public document in the charge of a village officer shall be made to the Tahsildar to whom that officer is subordinate, and the Tahsildar shall cause the copy to be prepared by the patwari of the village. Every such copy, after being compared by the patwari with the original, shall be signed by him in token of its being correct, and shall be sent by him to the Tahsildar for the purposes of being certified and made over to the applicant. No village officer shall himself certify a copy to be a true copy or receive or grant an application for any such copy.

380. Certified copies of public documents, other than those mentioned in rule 372, may be granted if it appears to the officer in charge thereof that the granting of such a copy is unobjectionable: Provided—

- (a) that no copy of any official correspondence or any opinion of a Government law officer, or any order or resolution embodying such opinion shall be given by any officer subordinate to a Deputy Commissioner without the Deputy Commissioner's previous permission;
- (b) that no copy shall be given of any record, map or plan which has been printed or lithographed and published under the authority of Government;
- (c) that no copy shall be given when it is obvious that the granting of such copy would be prejudicial to Government;
- (d) that in cases of doubt the officer to whom application is made, or by whom permission has to be given, shall refer the matter for the orders of his official superior.

381. The rules regarding the grant of copies in judicial proceedings shall regulate the grant of copies of revenue records in so far as they are applicable, subject to the following modifications:—

- (a) The fees recovered in cash for copies prepared by a patwari, of entries in the record-of-rights or any register connected therewith, and of other documents in his custody, which cannot, owing to their nature, be prepared on separate copy sheets, shall be placed in the treasury as revenue deposit payable to the patwari concerned through the Tahsildar.
- (b) A ledger account register in the form appended shall be maintained and the amount payable to each patwari shall be entered in it.
- (c) On 31st March the total of each ledger shall be struck and the amount so deposited shall be withdrawn and paid to the patwari concerned when he comes to the tahsil to receive the land revenue emoluments, columns 4 to 7 of the ledger account shall be filled in when payment is made.
- (d) In preparing the touzi of miscellaneous revenue the amount so placed in deposit shall be excluded from "IV.—Miscellaneous—Record room receipts—Copying fees".

Ledger Account.

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.	Chalan 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. a. p.			

382. Applicants may, if they so desire, obtain copies through the unofficial agent appointed for the purpose on payment to him in addition to the ordinary charges of a commission at the following rate:—

	Rs. s. p.
When the ordinary charges do not exceed ...	5 4 0
When the ordinary charges exceed ...	5 8 0

383—393. [Cancelled.]

Clause (g).

394. The Chief Commissioner and the Commissioner will continue to use the seals hitherto used by them.

For the Courts of Deputy Commissioners, Assistants, Settlement Officers, Assistant Settlement Officers and Tahsildars the following forms of seals are prescribed:—

- (1) Deputy Commissioner's Court—A circular seal 2½ inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
“Court of Deputy Commissioner _____ district.”
- (2) An Assistant Commissioner or Extra-Assistant Commissioner in charge of the revenue administration of one or more taluqs—A circular seal 2 inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
“Court of Sub-Divisional Officer (name of sub-division) _____ district.”
- (3) Court of Assistant Commissioner or Extra-Assistant Commissioner exercising revenue powers, but not in charge of taluq—A circular seal 2 inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
“Court of Assistant Commissioner
Extra-Assistant Commissioner (as the case may be) _____ district.”
- (4) Settlement Officer's Court.—A circular seal 2½ inches in diameter, bearing the Royal Arms and the following inscription in English and Marathi—
“Court of Settlement Officer—
Berar Town Surveys
_____ district.”
- (5) Assistant Settlement Officer's Court.—A circular seal 2 inches in diameter, bearing the Royal Arms and the following inscription in English and Marathi—
“Court of Assistant Settlement Officer
Berar Town Surveys
_____ district.”

(6) Court of Tahsildar.—A circular seal 2 inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
“Court of Tahsildar_____ taluq_____
_____district.”

Clause (h).

395. Every appeal to a Deputy Commissioner or to the Commissioner shall be presented in person or by a recognized agent. As a rule no attention will be paid to appeals received by post, nor will an appeal be held to have been presented by reason of its having been received through the post.

396. An appeal to the Chief Commissioner may be sent by post, but must invariably be accompanied by a certified copy of the order appealed against, and copies of any other papers which are necessary to make the grounds of appeal intelligible.

397. Every appeal shall be made in the form of a petition addressed to the authority to whom the appeal lies, and shall be drawn up in concise, intelligible, and respectful language, and bear the signature or mark of the appellant or of his duly authorized agent. The petition should give the name, father's name, occupation, and place of residence or address of the appellant, the name, father's name, and address of respondent, if any, the name and address of the writer of the petition, and the date of the order or decision appealed against, and the name and designation of the officer who passed it. The petition should also contain a brief and unexaggerated statement of the facts on which the appellant relies in support of his appeal and the grounds of the appellant's objection to the order or decision appealed against. The petition of appeal must in all cases be accompanied by a certified copy of the order appealed against.

398. Petitions of appeal must be stamped as follows :—

	Rs. a. p.
When presented to a Deputy Commissioner	... 0 8 0
When presented to the Commissioner	... 0 8 0
When presented to the Chief Commissioner	... 2 0 0

Clause (i)

399. No one shall be allowed to practise the writing of petitions for hire in any Revenue Officer's court, or on the premises, or in the compound of such court, without permission from the presiding officer of the court. In the case of courts subordinate to the Deputy Commissioner, the permission shall be given by the Deputy Commissioner.

400. Any person practising without such permission may be removed from the precincts of the court.

401. A person wishing to practise as petition-writer within the precincts of a court shall present a petition (on the stamp prescribed for petitions) to the presiding officer of the court, or, where the Deputy Commissioner's permission as above is necessary, to the Deputy Commissioner.

402. A licence shall not be granted unless the applicant shows that he is of respectable character, and that he can draw up a clear petition, plaint, or statement of appeal.

403. Every petition-writer licensed under these rules shall keep a register in the form given in Appendix XLIII, and shall enter therein every petition written by him, and shall produce the register for the inspection of any revenue court demanding it.

404. Every licensed petition-writer shall sign every petition written by him, and shall enter on it the number which it bears in his register and the fee which has been charged for writing it.

405. The officer by whom a licence is granted under these rules may require a petition-writer (a) to write any particular petition or class of petitions on receipt of a fixed charge; (b) to refund any fee received in excess of what is, in the opinion of such officer, a fair charge for the work done.

406. A licensed petition-writer shall comply with the order of any revenue officer as to the amending or re-drafting of a petition or other paper drawn up by him.

407. A licence may be granted subject to the conditions specified in rules 399 to 406, and such conditions will be inserted in the licence.

408. Any licence so granted may be revoked by the officer who granted it on proof of misbehaviour on the part of the petition-writer.

409. A register of authorized petition-writers shall be kept and it shall be the duty of the clerk of the court, or of such other official as the presiding officer shall appoint for the purpose, to see that the precincts of the court are kept free of all unregistered writers.

410. Nothing in these rules authorizes any revenue officer to refuse to take a petition, plaint, or other paper merely on the ground that it is not written by an authorized petition-writer. Persons seeking the aid of revenue officers are free to get their petitions written how and where they please.

INQUIRIES IN REVENUE CASES.

[Section 190.]

411. All statements of parties and depositions of witnesses in cases must be recorded personally by the officer who conducts an inquiry. A Tahsildar, however, may, in any case before him, order the Naib-Tahsildar to record the statements of parties and witnesses.

412. In Appendix XXII is specified the lowest grade of court competent to pass final orders in the several classes of cases, and the lowest grade of officer by whom the inquiry in certain important classes of cases shall be conducted.

APPOINTMENT, DISMISSAL, PAY AND EMPLOYMENT OF JAGLIAS.

[Section 216 (j).]

Jaglias.

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

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

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.

414. The scale of remuneration of jaglias shall be determined from time to time by the Local Government.

415. Jaglias shall be nominated by patels, subject to confirmation by the Tahsildar, but preference shall be given to literates and residents of the village. Patels are bound to make enquiry regarding the antecedents of persons whom they nominate and will be held responsible should they be found to have nominated without bringing the fact to notice, any person who has been discharged from Government service, or who has been criminally convicted or regarding whom there may be other reasons for doubt. They will also be responsible for reporting things which may come to their knowledge regarding the antecedents of a jaglia after he has been appointed.

416. Persons nominated by patels shall appear personally before the Tahsildar accompanied by the patel. If the patel should be for any reason unable to attend personally, he shall send with the jaglia a petition under his own signature by way of introduction.

417. The Tahsildar shall assure himself—

- (a) that the person nominated has been vaccinated;
- (b) that his antecedents and character are good;
- (c) that he is not unfit through infirmity of body or mind to perform the duties of the post.

418. Tahsildars are strictly prohibited from employing or retaining jaglias at tahsils. On no account should jaglias be employed on serving processes and performing similar duties of tahsil chaprasis. Jaglias should not be transferred from one village to another.

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

Jaglia No.

Mauza

Taluq

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.

420. 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.

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

422. Patels may grant leave of absence to jaglias up to one week, but must report having done so and will be responsible that the duties of the jaglia are not neglected.

For longer periods the sanction of the Tahsildar must be obtained and jaglias taking such leave will be required to give substitutes.

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

- (1) that he is of bad character;
- (2) that he is unfit through infirmity of body or mind to perform the duties of the post;
- (3) for wilful breach of rules;
- (4) for serious misconduct.

424. [Cancelled.]

425. Jaglias shall be entitled to a gratuity, to be determined by the Commissioner, on retirement after long and approved service.

Appointment, dismissal, pay and employment of jaglias in the Melghat taluq.

426. Jaglias in the Melghat shall be appointed according to a scale fixed from time to time by the Commissioner who shall determine the scale of remuneration.

427. Jaglias shall be allotted to the patwaris, and their headquarters shall be the headquarters of the patwari to whom they are allotted.

428. Jaglias shall assist the patwaris generally in their land record work and shall also perform such other duties as the Tahsildar with the sanction of the Sub-Divisional Officer may, from time to time, prescribe. They are also required, under section 45 (1) of the Criminal Procedure Code, to report to the patwari, for communication to the police, such details as the District Magistrate may prescribe of any wandering gangs or of suspicious individuals of whose passage through, or temporary residence in, the Melghat they may become aware.

429. Jaglias shall be appointed by the Tahsildar who will satisfy himself—

- (a) that the candidate has been vaccinated;
- (b) that his character and antecedents are good;
- (c) that he is physically fit for arduous work in the Melghat.

430. Jaglias may be transferred by the Tahsildar from one patwari's circle to another.

431. Jaglias may be dismissed by the Tahsildar for adequate causes.

432. Patwaris may grant leave of absence to jaglias up to one week but must report having done so. For longer periods the sanction of the Tahsildar must be obtained and the Tahsildar may require the jaglia to provide a substitute.

433. Jaglias shall not be employed in Chikalda except with the sanction of the Sub-Divisional Officer. On no account should jaglias be employed on serving processes or performing other similar duties of tahsil chaprasis.

434. The pay of jaglias shall be disbursed at Chikalda on the 10th day of April, July, October and January.

435. Jaglias should wear a leather belt with a brass badge inscribed with the words—

Jaglia No.

Mauza

Tahsil Melghat

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

436. Jaglias shall be entitled to a gratuity, to be determined by the Commissioner, on retirement after long and approved service.

Appointment, dismissal and punishment of village mahars.

437. 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 patels, 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.

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

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

440. When a working mahar dies or is unable to perform his duties, it shall be the duty of the revenue patel to arrange for the appointment of a successor or substitute strictly in accordance with the custom of the village, provided that no person shall be appointed to work as mahar who is of bad character or who is unfit through infirmity of body or mind to perform the duties of the post. Such appointment shall be immediately reported by the revenue patel to the Tahsildar.

441. 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.

442. Any person dissatisfied with the patel's order under rule 441 may apply to the Tahsildar for redress.

Notification
No. 1805-840-
XII, dated the
5th July 1923.

443. The Tahsildar may suspend a mahar or substitute a mahar for a period not exceeding one year, and may, with the sanction of the Sub-Divisional Officer dismiss such mahar for disobedience, neglect of duty or other 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.

444. The duties of village mahars shall be—

- (1) watch and ward of the village including *khallas* adjoining the village site. In villages with a population of more than 300, this shall include patrolling the village by night;
- (2) patrolling the important routes within the village boundaries on bazar days and on occasions of fairs;
- (3) carrying report to the police station.

- (4) reporting vital statistics and outbreak of epidemic disease and of cattle disease;
- (5) carrying corpses under the orders of the police for *post-mortem* examination and burying unclaimed corpses when ordered;
- (6) assisting village officials in the collection of the land revenue;
- (7) escorting money to the tahsil;
- (8) assisting any Government officer in survey operations, measurement work, and crop and boundary mark inspection;
- (9) carrying reports to tahsili, carrying messages for village and revenue officers and serving record-of-rights notices;
- (10) repairing and maintaining boundary marks of village sites and of lands set apart for public purposes;
- (11) in villages where no conservancy staff is employed, cleaning the public buildings;
- (12) assisting the patel in enforcing the rules for village sanitation;
- (13) removing the bodies of unclaimed dead animals and burying them when ordered;
- (14) carrying out petty repairs to fair weather roads within the village boundary;
- (15) carrying Government property;
- (16) assisting the patel in the supply on proper payments of necessary provisions and transport to public officers and travellers and putting up tents;
- (17) carrying out patel's orders in all official matters;
- (18) upon payment of the fee fixed according to 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.

Notification
No. 3449-2109-
XII, dated the
22nd December
1923.

NOTE 1.—Duties Nos. (3) and (4) 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. In towns where the Municipal Law applies, watch and ward, reporting of crime and vital statistics are not duties enjoined on the mahars.

NOTE 2.—Mahars shall not be employed for carrying messages when these can be conveniently sent through the post.

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

446. Patels may grant leave of absence to mahars up to one week, but must report having done so and will be responsible that the duties of the mahars are not neglected.

For longer periods the sanction of the Tahsildar must be obtained and mahars taking such leave will be required to give substitutes.

447. [Cancelled.]

RULES FOR THE APPOINTMENT, DISMISSAL, PUNISHMENT, ETC., OF VILLAGE MAHARS IN IZARA VILLAGES.

447-A. 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 patels, 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.

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

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

447-D. No person shall be eligible for the post of village mahar who—

- (1) is a woman,
- (2) is, in the opinion of the officer making the appointment, of bad character,
- (3) is, in the opinion of the officer making the appointment, unfit through infirmity of body or mind to perform the duties of the post.

447-E. (1) In villages in which rotation is practised the appointment of village mahar shall rest with the Deputy Commissioner, an Assistant Commissioner, a Tahsildar, or a Naib-Tahsildar specially empowered by the Deputy Commissioner in this behalf. On a vacancy occurring in the post of village mahar it shall be immediately reported by the revenue patel to the Tahsildar and on receipt of the report revenue officer exercising the power of appointment shall select a successor or substitute strictly in accordance with the custom of the village :

Provided that any candidate may, for reasons to be recorded in writing, be passed over by the revenue officer.

(2) In villages in which rotation is not practised the appointment of village mahar shall rest with the Deputy Commissioner, an Assistant Commissioner, a Tahsildar, or a Naib-Tahsildar specially empowered by the Deputy Commissioner in this behalf. On a vacancy occurring in the post of village mahar it shall be immediately reported by the revenue patel to the Tahsildar and on receipt of the report the revenue officer exercising the power of appointment shall select a successor who shall as a rule be the nearest relative of the previous incumbent, but if the nearest relative is a minor, the revenue officer shall appoint a substitute to perform the duties of village mahar until the minor attains majority :

Provided that any candidate may for reasons, to be recorded in writing, be passed over by the revenue officer.

Explanation.—For the purposes of this rule the term “relative” shall be deemed to include relatives on both the male and female sides and connections by marriage.

447-F. The Tahsildar may suspend a mahar or a substitute mahar for a period not exceeding one year, and may, with the sanction of the Sub-Divisional Officer dismiss a mahar for disobedience, neglect of duty, or other 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.

447-G. The duties of village mahars shall be—

- (1) watch and ward of the village including *khallas* adjoining the village site. In villages with a population of more than 300, this shall include patrolling the village by night;
- (2) patrolling the important routes within the village boundaries on bazar days and on occasions of fairs;
- (3) carrying report to the police station;
- (4) reporting vital statistics and outbreak of epidemic disease and of cattle disease;
- (5) carrying corpses under the orders of the police for *post-mortem* examination and burying unclaimed corpses when ordered;
- (6) assisting village officials in the collection of the land revenue;
- (7) escorting money to the tahsil;
- (8) assisting any Government officer in survey operations, measurement work, and crop and boundary mark inspection;
- (9) carrying reports to tahsil, carrying messages for village and revenue officers and serving record-of-rights notices;
- (10) repairing and maintaining boundary marks of village sites and of lands set apart for public purposes;
- (11) in villages where no conservancy staff is employed, cleaning the public buildings;
- (12) assisting the patel in enforcing the rules for village sanitation;
- (13) removing the bodies of unclaimed dead animals and burying them when ordered;
- (14) carrying out petty repairs to fair weather roads within the village boundary;
- (15) carrying Government property;
- (16) assisting the patel in the supply, on proper payment, of necessary provisions and transport to public officers and travellers and putting up tents;
- (17) carrying out patel's orders in all official matters;
- (18) upon payment of the fee fixed according to 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.

NOTE 1.—Duties Nos (3) and (4) 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. In

towns where the Central Provinces Municipalities Act, 1922, as applied to Berar applies, watch and ward, reporting of crime and vital statistics are not duties enjoined on the mahars.

NOTE 2.—Mahars shall not be employed for carrying messages when these can be conveniently sent through the post.

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

447-I. Patels may grant leave of absence to mahars up to one week, but must report having done so and will be responsible that the duties of the mahars are not neglected.

For longer periods the sanction of the Tahsildar or Naib-Tahsildar specially empowered by the Deputy Commissioner in this behalf must be obtained and mahars taking such leave will be required to give substitutes.

Raiyats' Receipt Books.

448. Every registered occupant, or failing him the actual occupant, of a field shall provide himself with a receipt book, and shall always produce it to be written up by the patwari whenever he makes payments.

449. Revenue officers, when on tour, shall see that each raiyat has receipt book, and that it has been duly written up.

450. Any occupant who is found to be without receipt book shall, when directed in writing by the Circle Inspector or other revenue officer, provide himself with one within a month from the date of the order. On failure to obey such order his conduct shall be reported to the Tahsildar, who will point out to the occupant the necessity in the occupant's own interest of providing himself with a receipt book.

451. At every tahsil a stock of receipt books shall be kept and sold at four annas per book.

Application for measurement of land.

452. All applications by private persons for the measurement of land, whether for the purpose of determining the location of boundary marks or any other purpose, must be accompanied by the appropriate extract from the tipan book.

453. [Cancelled.]

MISCELLANEOUS INSTRUCTIONS UNDER SECTION 216 (h).

454. All applications by private persons for the measurement of land, whether for the purpose of determining the location of boundary marks or any other purpose, must be accompanied by the appropriate extract from the tipan book.

APPENDICES

APPENDICES I—VIII cancelled.

APPENDIX IX.—(Referred to in rules 104 and 106.)

Specimen form for the patel's report to the Tahsildar.

Application from A. B., inhabitant of C., for survey no. _____
measuring _____ acres, _____ gunthas, in village _____ containing _____ trees
of not less than six cubits in height as follows :—

Kind of tree.	Number.
1. Mango	...
2. Mohwa	...
3. Tamarind	...
4. Sendhi	...
5. Teak	...
6. Nim	...
7. Babul	...

(Signed)

Patel.

REMARKS.—There is no other applicant for this land, nor is there likely to be one from the village or elsewhere.

There is no objection to this application being granted.

APPENDIX X.—(Referred to in rule 106.)

The Divisional Forest Officer shall prepare a standard scale for each taluq in the district specifying the valuation according to the size of every tree noted in the margin (not being less than six cubits in height), and also of any other tree which may be from time to time prescribed with the sanction of the Commissioner. The expression "standard scale" means a scale which shall be accepted as ordinarily applicable, but the rates in which are susceptible of being raised or diminished for special reasons, to be stated in each case.

Mango.	Teak.	
Mohwa.	Nim.	
Tamarind.	Babul.	
Sendhi.		

2. After the scale has been approved by the Conservator, a copy certified by the Divisional Forest Officer shall be deposited in the office of the Deputy Commissioner and of every Tahsildar in the district.

3. Changes in the scale of valuation may be made with the approval of the Conservator from time to time.

4. The Divisional Forest Officer shall report on all "other trees" in general terms, shall advise whether they should be given free, and, if not free, what upset price should be placed on the aggregate of them. On receipt of the Divisional Forest Officer's report, the Tahsildar shall fix the value of all the trees as therein stated, and shall note that he has done so.

APPENDIX XI.—(Referred to in rule 110.)

Notice is hereby given that the fields, together with the trees standing therein specified in the schedule, will be sold by auction at the _____ at midday on the _____

Schedule of fields referred to in the notice.

Survey number.	Acreage.	Assessment.	Trees.	Upset price.	Remarks.
1	2	3	4	5	6

(Signature)

Tahsildar.

APPENDIX XII.—(Referred to in rule 117.)

1. Mango.	12. Bahera.
2. Mohwa.	13. Bel.
3. Kawa or Anjan.	14. Kawit.
4. Teak.	15. Siris.
5. Nim.	16. Karanj.
6. Tamarind.	17. Babul.
7. Pipal.	18. Gondhar.
8. Pakhar.	19. Cheral.
9. Banyan.	20. Sendhi.
10. Gular.	21. Bamboo.
11. Jamun.	22. Char.

APPENDIX XIII.—(Referred to in rules 119 and 131.)

Form of agreement to be passed by persons intending to become registered occupants.

AGREEMENT.

To

The Tahsildar of

I, A. B., inhabitant of mauza _____, pargana _____, in the taluq of the _____ district, hereby accept, on behalf of myself and of my co-occupants, present and future, the occupancy of the land comprised in survey no. _____ in the village of _____ in the _____ taluq of the _____ district, and I pray that my name be entered in the Government records as the registered occupant of the said land.

The said occupancy has been granted to me in perpetuity from the _____ day of _____ 19____, subject to the provision of the Berar Land Revenue Code, 1896, and of the rules in force thereunder; and I undertake to pay the land revenue from time to time lawfully due in respect of the said occupancy.

Dated the _____ day of _____ 19____, at _____

Written by

(Sd.) A. B.

We declare that A. B., who has signed this agreement, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd.) C. D.

E. F.

We declare that to the best of our knowledge and from the best information we have been able after careful inquiry to obtain, the person who has passed this agreement is a fit person to be accepted by Government as responsible for the punctual payment of the land revenue from time to time due on the above land.

(Sd.) G. H., Patel,

I. J., Patwari.

APPENDIX XIII-A.—(Referred to in rule 122-A.)

Form of agreement to be passed under rule 122-A.

AGREEMENT.

To

The Tahsildar of

I, A. B., inhabitant of mauza _____, pargana _____, in the _____ taluq of the _____ district, hereby accept, on behalf of myself and of my co-occupants, present and future, the occupancy of the land comprised in survey no. _____ in the village of _____ in the _____ taluq of the _____ district, and I pray that my name be entered in the Government records as the registered occupant of the said land.

The said occupancy has been granted to me in perpetuity from the _____ day of _____ 19 _____, subject to the condition to which I hereby assent, namely, that I, my heirs, executors, administrators and approved assigns, may not at any time lease, mortgage, sell or otherwise howsoever encumber the said occupancy or any portion thereof without the previous sanction in writing of the Deputy Commissioner, and subject also to the provisions of the Berar Land Revenue Code, 1896, and of the rules in force thereunder; and I undertake to pay the land revenue from time to time lawfully due in respect of the said occupancy.

Dated the _____ day of _____ 19 _____, at _____.

Written by

(Sd.) A. B.

We declare that A. B., who has signed this agreement, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd.) C. D.

E. F.

We declare that to the best of our knowledge and from the best information we have been able after careful inquiry to obtain, the person, who has passed this agreement, is a fit person to be accepted by Government as responsible for the punctual payment of the land revenue from time to time due on the above land.

(Sd.) G. H., Patel,

I. J., Patwari.

APPENDIX XV.—(Referred to in rules 66 and 130.)

*Form of notice of relinquishment.**No. 1, Absolute relinquishment.*

To

The Tahsildar of

I, A. B., inhabitant of mauza _____, pargana _____, district, in the taluq of _____ of the _____, area _____, rental Rs. _____ (or of the building-site hereinbelow described, *or otherwise as the case may be*), in the village of mauza _____, pargana _____, in the _____ taluq of the _____ district, hereby give notice, under section 69 of the Land Revenue Code, that it is my intention to relinquish absolutely the occupancy of the said survey no. _____ (or building-site, etc.) at the end of the current year.

Dated this _____ day of _____ 19 _____

at _____

Written by _____

(Sd.) A. B.

We declare that A. B., who has signed this notice, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd.) E. F.

G. H.

No. 2, Relinquishment in favour of some other person.

To

The Tahsildar of

I, A. B., inhabitant of mauza _____, pargana _____, district _____, in the taluq of _____ of the _____, area _____, the registered occupant of survey no. _____, rental Rs. _____ (or of the building-site hereinbelow described, or otherwise as the case may be), in the village of mauza _____, pargana _____, in the taluq of _____ of the _____ district, hereby give notice, under section 69 of the Land Revenue Code, that I have relinquished the occupancy of the said survey no. _____ (or building-site, etc.) in favour of C. D., inhabitant of mauza _____ pargana _____, in _____ taluq of the _____ district; and I request that the necessary mutation of names be made in the records.

Dated this _____ day of _____ 19 _____

at _____

Written by _____

(Sd.) A. B.

We declare that A. B., who has signed this notice, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd.) E. F.

G. H.

APPENDIX XVI. —(Referred to in rules 66 and 131.)

Form of agreement to be passed by persons intending to become registered occupants.

SECTIONS 72 AND 73.

To

The Tahsildar of

I, A. B., inhabitant of mauza _____, pargana _____, in the taluq of _____ of the _____ district, hereby accept, on behalf of myself and of my co-occupants, present and future, the occupancy of the land comprised in survey no. _____, arca _____, rental Rs. _____ (or of the building-site hereinbelow described, or otherwise as the case may be), situated at mauza _____, pargana _____ in the taluq of _____ of the _____ district, relinquished in my favour by C. D., inhabitant of mauza _____, pargana _____, in the taluq of _____ the registered occupant of the field (or fields) (or of the building-site or otherwise as the case may be), or to which I have succeeded as heir of E. F., the deceased registered occupant, or to which I am entitled by operation of a decree in civil suit no. _____ of 19 _____, on the file of the (here enter the name of the court) passed in my favour, and I pray that my name may be entered in the Government records as the registered occupant of the said land (or of the building-site or otherwise as the case may be) in place of C. D. or E. F.

I accept the said occupancy subject to the provisions of the Land Revenue Code, 1896, in perpetuity (or for the said period of, or otherwise as the case may be), from the _____ day of _____ 19 _____, and I undertake to pay the land revenue (or rent) from time to time lawfully due in respect of the said occupancy.

Dated the _____ day of _____ 19 _____.

Written by

(Sd.) A. B.

We declare that A. B., who has signed the agreement, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd.) G. H.

J. K.

APPENDIX XVII.—(Referred to in rule 135.)

Form of notice to be served by a landlord upon a tenant of enhancement of rent under section 78 (8) of the Berar Land Revenue Code.

To

A. B. (*tenant*).

I do hereby give you notice that I intend to enhance the rent of the land in your possession (*here give its description*) which you now hold as tenant under me from Rs. to Rs. per annum from the commencement of the next agricultural year, that is to say, from the 1st April 19 . You are therefore required to consent to pay rent at the enhanced rate from 1st April 19 . In the event of your not consenting to pay rent at the enhanced rate from 1st April 19 , you are hereby required to quit and deliver up possession of the land above mentioned at the end of this current year, terminating on the 31st March 19 .

Dated this day of 19 .

(Sd.) C. D. (*landlord*).

APPENDIX XVIII.—(Referred to in rule 260.)

Notice to a defaulter.

To A. B., residing at

You are hereby required to take notice that the sum of Rs. as. p. due by you on the as the land revenue on survey no. (or otherwise as the case may be) in the village of in the taluq of in the district has not been paid, and that unless it is paid within ten days from the date of this notice together with the sum of Rs. as. p. , being the fee chargeable for this notice, compulsory proceedings will be taken according to law for the recovery of the whole of the revenue still due by you for the current year on the said land.

Dated the day of 19 .

(Sd.) *Tahsildar or Naib-Tahsildar.*

APPENDIX XIX.—(Referred to in rule 271.)

District Register of Inam Certificates.

Description of the grantee.		Particulars of grant continued.	
1	Name and father's name.		
2	Age when certificate granted.		
3	Caste.		
4	Occupation		
5	Height.	Personal identification.	
6	Indelible marks, etc.		
7	Town or village.	Place of residence.	
8	Pargana or taluq.		
9	District or division.		
10	No. of list in which claim was reported.		
11	General no.		
12	Pargana no.		
13	Name of pargana.		
14	Name of village.	Land.	
15	Area of grant.		
16	Estimated rental.		
17	Annual allowance.	Cash.	
18	Arrears, if any, and, if so, from and to what period paid to claimant.		
19	For what purpose granted.		
20	Tenure and condition attached to the continuance of the grant.		
21	Government of India.	No. and date of orders of the authority sanctioning.	
22	Resident at Hyderabad.		
23	Commissioner, Hyderabad Assigned Districts.		
24	Cash allowance payable from what treasury.		
25	Remarks as to shares and other grants.		
26	Amount of quit-rent or other cess payable to Government, if any.		
27	Remarks.		

APPENDIX XX.—(Referred to in rule 271.)

District Register of Intermediate Mutations in Inam Certificates.

1	2	3					4	5
General No. of inam in column 11 of District Register of Inam Certificates.	Name and father's name of the original grantee (column 1 of District Register of Inam Certificates.	Mutations subsequently entered up to 31st December 1897, with No. and date of Deputy Commissioner's order in each case.					No., date and substance of order passed in appeal, if any.	Remarks.
		In name of grantee.	In names of sharers.	In description and area of grant.	In assessment.	In conditions of grant.			In quit-rent.

APPENDIX XXI.—(Referred to in rule 271.)

District Register of Mutations in Inam Certificates on and after the 1st January 1898.

1	2						3	4
General no. of inam in column 11 of District Register of Inam Certificates.	Mutations subsequent to the 31st December 1897, with number and date of Deputy Commissioner's order in each case.						Date and substance of order passed in appeal, if any.	Remarks.
	In name of grantee.	In names of sharers.	In description and area of grant.	In assessment.	In conditions of grant.	In quit-rent.		

APPENDIX XXII.—(Referred to in rule 279.)

Classification of revenue business.

Serial No.	Description of case.	Lowest grade of court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
	MAJOR HEAD A.—Mauzawar cases.			
1	Amendment of settlement records ...	D. C. ...	Section 163 of the Land Revenue Code.	
1-A	Proceedings for correction of Record-of-Rights other than clerical errors.	A. C. ...	Section 96-K.	
1-B	Proceedings for the settlement of, and the preparation of the Record-of-Rights in, non-agricultural lands.	Settlement Officer	Sections 88 and 96-A.	
2	<i>Cancelled.</i>			
3	Disputes regarding field boundaries ...	T. ...	Sections 98 and 99 of the Land Revenue Code.	
4	Disputes regarding village boundaries ...	A. C. ...	Sections 97 and 99 of the Land Revenue Code.	The inquiry should be made by an Assistant Commissioner personally.

5	Claims against Government to jagirs, inams, palampat tenure and the like.	D. C.	...	Inam Rules	...	The inquiry must be made by the Deputy Commissioner personally.
6	Cases of succession to and registration of shares in jagirs and inams, also lapses and resumptions of jagirs and inams	D. C.	...	Do.	...	The inquiry may be made by an Assistant Commissioner. Disputes regarding shares in jagirs and inams are not provided for as the civil court alone has jurisdiction.
7	Claims made to Government under Pensions Act.	D. C.	...	Pensions Act, XXIII of 1871.		Under this head claims to new pensions preferred to Government will be shown. The inquiry shall be made by the Deputy Commissioner personally.
8	Proceedings relating to the Pensions Act and the rules framed thereunder.	A. C.	...	Pensions Act, XXIII of 1871.		The inquiry shall be made by the Assistant Commissioner personally. These cases will include disputes between expargana officers regarding their allowances.
9	Proceedings regarding notice of enhancements of rent by superior holders.	T.	...	Section 78 (8) of the Land Revenue Code.		
10	Proceedings relating to pre-emption	T.	...	Sections 206, 207, 208 and 212 of the Land Revenue Code.		
10-A	Pre-emption proceedings between co-occupants regarding priority.	A. C.	...	Sections 209 and 214 of the Land Revenue Code.		
11	Appointment, dismissal, etc., of patels and their substitutes, and claims to or connected with the office.	D. C. and A. C.*		Berar Patels and Patwaris Law, 1900.	}	*If specially empowered by the Chief Commissioner under the Berar Patels and Patwaris Law.
12	Appointment, dismissal, etc., of patwaris and their substitutes, and claims to or connected with the office.	D. C. and A. C.*		Do.		Cases regarding succession to office or dismissal must be inquired into by the Deputy Commissioner or Assistant Commissioner, as the case may be, personally.

APPENDIX XXII.—(Referred to in rule 279.)—(Contd.)

Classification of revenue business.

Serial No.	Description of case.	Lowest grade of court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
13	Appointment, dismissal, etc., of jaglias ...	D. C. and T. ...	Section 216 (j) of the Land Revenue Code.	Cases regarding creation of appointments of jaglias or reduction in the existing number of jaglias will be disposed of by Deputy Commissioner, other cases by Tahsildar.
14	Disputes regarding the office or remuneration of watandar mahars.	T. ...	Sections 216 (j) and 217 of the Land Revenue Code.	Cases in which the rate at which <i>huqs</i> are payable is in dispute should, after enquiry, be referred to an Assistant Commissioner for orders.
15	Proceedings taken against land revenue defaulters.	T. ...	Sections 56, 57, 105, 107, 117 and 119 to 132 of the Land Revenue Code.	
16	Proceedings in respect of unauthorized occupation or appropriation of unoccupied and occupied land in municipal nazul areas.	A. C. ...	Sections 59 and 64 of the Land Revenue Code.	
16-A	Proceedings in respect of unauthorized occupation or appropriation of unoccupied and occupied land outside municipal nazul areas.	A. C. ...	Do. ...	

17	Proceedings against persons who failed to erect or maintain boundary-marks and proceedings for destruction, injury or removal of boundary-marks.	T.	...	Sections 101 and 102 of the Land Revenue Code.
18	Applications for assessed waste fields	T.	...	Sections 58 and 60 of the Land Revenue Code.
19	Proceedings for failure to report acquisition of right or to supply information as required by sections 96-C and 96-E.	A. C. or T.	...	Section 96-F.
19-A	Applications for alienation of lands the transfer of which is restricted.	D. C.	...	<i>Central Provinces Gazette</i> notification No. 7688, dated the 6th December 1904.
20	Applications for unassessed waste fields	D. C.	...	Sections 38 and 60 of the Land Revenue Code.
21	Mutations of names in the record-of-rights	N. T.	...	Section 96-D.
22	Applications for mutation made on the ground of error in the proceedings in the course of which the entry to be corrected was made.	A. C.	...	Section 163 of the Land Revenue Code.
23	Relinquishment of fields	T.	...	Section 69 of the Land Revenue Code.
24	Assignment of land for special purposes	D. C.	...	Section 39 of the Land Revenue Code.
25	Appropriation of land so assigned to other purposes.	A. C.	...	Do.
26	Applications regarding village (not free) grazing fields.	T.	...	...

When the transferee is not a *bona fide* agriculturist or a member of the family of the transferer, the sanction of the Commissioner is necessary.

APPENDIX XXII.—(Referred to in rule 279.)—(Contd.)

Classification of revenue business.

Serial No.	Description of case.	Lowest grade of court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
27	Applications for building-sites in municipal nazul areas.	A. C. ...	Sections 38 and 52 of the Land Revenue Code.	
27-A	Applications for building-sites outside municipal nazul areas.	*A. C. and T. ...	Do. ...	* Applications for building-sites in towns or villages where there are railway stations, and in other important towns will be disposed of by an Assistant Commissioner and in other places by the Tahsildar subject to the restrictions imposed by rules under sections 12 and 14 of the Land Revenue Code.
28	Applications for appropriation of occupied land and unoccupied waste lands.	A. C. and T. ...	Sections 38, 63 and 65 of the Land Revenue Code.	Tahsildar may only grant permission to remove earth, sand, muram, stone or other material from unculturable unoccupied fields not set apart for any special purpose, or from unculturable portions of occupied fields.
29	Cases under the Land Improvement Loans Act.	D. C. and A. C.*	Act XIX of 1883 ...	} * If specially empowered by the Chief Commissioner under the Acts.
29-A	Cases under the Agriculturists' Loans Act	D. C. and A. C.*	Act XII of 1884 ...	

30	Applications and proceedings regarding trees on occupied and unoccupied land.	A. C. and T.	...	Sections 41 to 48 of the Land Revenue Code.
31	Acquisition of land for public purposes ...	D. C.	...	Act I of 1894.
32	Execution of orders of civil courts ...	D. C.	...	Chapter XIX of the Civil Procedure Code, Act XIV of 1882. Sections 320 to 327.
33	Cases relating to partition of land under civil court decrees.	D. C.	...	Section 265 of the Civil Procedure Code, Act XIV of 1882.
34	Cases of anticipated defaults ...	A. C. and T.	...	Sections 109 to 114 of the Land Revenue Code.
35	Proceedings relating to Government or public money and records.	D. C.	...	Sections 23 to 28 of the Land Revenue Code.
36	Applications for, and proceedings relating to, use of water.	D. C.	...	Section 55 of the Land Revenue Code.
37	Proceedings relating to mines and minerals	D. C.	...	Section 67 of the Land Revenue Code.
38	Applications or proceedings in respect of melon beds, alluvion and diluvion.	D. C.	...	Sections 38, 50, 51, 61 and 62 of the Land Revenue Code.
39	Miscellaneous revenue ...	To be disposed of by officers having necessary powers according to rules or circular orders that may be in force.		

Pending the issue of rules under section 55 of the Code, applications under this class are to be disposed of under the existing rules.

APPENDIX XXII.—(Referred to in rule 279.)—(Concl'd.)

Classification of revenue business.

Serial No.	Description of case.	Lowest grade of court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
	MAJOR HEAD B.—Revenue General ...	To be disposed of by officers having necessary powers according to rules or circular orders that may be in force.		
	MAJOR HEAD C.—Cases under certain special Laws and Rules.			
1	Proceedings under the Excise Act, XII of 1896, the Opium Act, and the rules made under the above Acts.	Do.	...	
2	Proceedings relating to income-tax ...	Do.	Act II of 1886.	
3	Proceedings under the Stamp Act ...	D. C.	Act II of 1899.	
4	Appropriation of forest lands for purposes of quarrying, etc.	D. C.	...	

In this Appendix D. C. = Deputy Commissioner.

.. .. A. C. = Assistant Commissioner or Extra-Assistant Commissioner who has been invested with necessary powers under section 12 of the Land Revenue Code.

.. .. T. = Tahsildar.

APPENDIX XXIII.—(Referred to in rule 279.)

Register of Revenue Cases.

Serial No.	Date on which case commenced.	Date of receipt of case in court.	Village in which the matter in dispute lies or to which it relates.	Name and residence of the persons concerned.	Cases referred for enquiry and report.			Date of final order.	Brief note showing the nature of the final order and the manner in which the order was executed.	Disposed of cases (in original) and Parwanas sent or received for communication of order.				Record where finally deposited or sent.		Remarks.
					To whom sent.	Date of transmission.	Date of return.			To whom sent or from whom received.		Date of transmission or receipt.	Date of return.	Date.	Initials of Record-keeper or name of the office to which the record has been sent.	
										Original cases.	Parwanas.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Explanation.

(a) *Column 2.*—This date will be the same in all courts through which the case passes.

(b) *Column 9.*—The date to be shown here is the date on which—

(1) the case is finally disposed of; or

(2) transferred for disposal and not merely for inquiry and report to another court.

NOTE.—No case should be shown as disposed of as long as any action remains to be taken.

Illustration (1).—A person is fined under section 59 of the Land Revenue Code by an Assistant Commissioner. The case should not be shown as disposed of till the fine is reported to have been actually recovered and credited.

Illustration (2).—A substitute patel resigns or is removed. The case should not be shown as disposed of till another person is appointed in his place.

Illustration (3).—An encroachment has been ordered to be removed. The case should not be shown as disposed of till it is ascertained that the encroachment has been actually removed.

(c) Cases transmitted to another court for investigation only, and not for final disposal, are to be retained on the register of the transmitting Court as undisposed of. Such cases are to be registered in red ink in the register of the court to which they are transmitted.

(d) In the pages of the register appropriated to the mouzawar sub-head "Miscellaneous Revenue" and to the major head "Revenue—General" a column No. "5-A" is to be introduced and headed "nature of case." The entry in this column is to be as brief as possible,

APPENDIX XXIII-A.--(Referred to in rule 295-A).

REVENUE ORDER SHEET

In the Court of _____

Class no. _____ Case no. _____ of _____ 19 .

Subject _____

Date and place of order or proceedings.	Order of proceedings with signature of presiding officer.	Signature of parties or pleaders when necessary.
1	2	3

APPENDIX XXIII-B.—(Referred to in rule 279.)

Register of Mutation Cases, taluq, district.

Village.	Serial no. in Mutation Register.	Survey no. and sub-division no.	Name of new occupants, if any.	Date of entry in Mutation Register.	Date of disposal,	Remarks.
1	2	3	4	5	6	7

NOTE.—This register will run continuously from year to year (a blank page being left at the end of each year) till the record-of-rights is rewritten. A new register of mutation cases will then be opened and the old register will be kept for 12 years and then destroyed.

APPENDIX XXIV.—(Referred to in rules 280 and 294.)

Register of revenue appeals.

Serial no.	Date of institution of appeal.	Village in which the matter in dispute lies or to which it relates.	Name and residence of the parties concerned.	Date of final order.	Brief memo. showing the nature of the final order.	Note regarding the disposal of the record of the case.	
						Date.	Initials of the record-keeper.
1	2	3	4	5	6	7	8

. APPENDIX XXV.

Cancelled.

APPENDIX XXVI.—(Referred to in rule 294.)

Register of cases returned in original with the Commissioner's orders endorsed thereon.

Commissioner's serial no.	Class and number of case.	Name of village, taluq and district.	Date of receipt.	Order of Commissioner.	Date of return.	To whom returned.
1	2	3	4	5	6	7

APPENDIX XXVII.—(Referred to in rule 293.)

Record pass book.

Date.	Number of case and class under which it falls,	Brief description.	Person to whom sent.	Signature of person receiving; if sent by post, a note should be made to that effect.	Remarks.
1	2	3	4	5	6

APPENDIX XXVIII.—(Referred to in rule 296.)

Name of Officer, _____.

Classification no.	Nature of case.	Lowest court competent to give final orders.	Pending.	Brought on file.			Total of columns 4 and 7.	Disposed of				Pending.	Number of cases pending more than six months.	Date of oldest case pending.	Remarks.
				By petition presented or report of village officials, circle inspectors, etc.	Received by transfer.	Total.		By final order.	By submission to superior court.	By transfer to other courts.	Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Settlement record ...	D. C.													
2	Waste Land grants ...	D. C.													
3	Field boundaries ...	T.													
4	Village boundaries ...	A. C.													
5	Claims to jagir, etc.	D. C.													
6	Succession and resumption of jagirs.	D. C.													
7	Claims to pension ...	D. C.													

APPENDIX XXVIII.—(Referred to in rule 296)—(Contd.)

Name of Officer, _____.

Classification no.	Nature of case.	Lowest court competent to give final orders.	Pending.	Brought on file.			Total of columns 4 and 7,	Disposed of				Pending.	Number of cases pending more than six months.	Date of oldest case pending.	Remarks.
				By petition presented or report of village officials, circle inspectors, etc.	Received by transfer.	Total.		By final order.	By submission to superior court.	By transfer to other courts.	Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
8	Dispute among pensioners.	D. C.													
9	Proceedings regarding enhancement of rent.	T.													
10	Proceedings relating to pre-emption.	T.													
10-A	Pre-emption proceedings between co-occupants.	A. C.													
11	Patels' cases	... D.C. & A.C.													
12	Patwaris' cases	... D.C. & A.C.													

13	Jaglias' cases ...	D.C. & T.																		
14	Village servants' cases ...	T.																		
15	Realization of balances ...	T.																		
16	Un-authorized occupation or appropriation of land in municipal nazul areas.	A. C.																		
16 A	Unauthorized occupation or appropriation of land outside municipal nazul areas.	A C.																		
17	Maintenance of boundary marks.	T.																		
18	Applications for fields ...	T.																		
19	Transfer of fields ...	T.																		
19-A	Applications for alienation of lands the transfer of which is restricted.	D. C.																		
20	Applications for unassessed fields,	. C.																		
21	Mutation ordinary ...	T.																		
22	Mutation special cases ...	A C.																		
23	Relinquishment of fields ...	T.																		
24	Assignment of land ...	D. C.																		
25	Appropriation of assigned land.	A. C																		
26	Village khatedars, grazing fields.	T.																		
27-A	Building sites outside municipal nazul areas.	A.C. & T.																		
28	Applications to quarry, etc.	A.C & T.																		
29	Land Improvement Loans Act	D.C. & A.C.																		

APPENDIX XXVIII.—(Referred to in rule 296.)—(Concl'd.)

Name of Officer _____

Classification no.	Nature of case.	Lowest court competent to give final orders.	Pending.	Brought on file.			Total of columns 4 and 7.	Disposed of				Pending.	Number of cases pending more than six months.	Date of oldest case pending.	Remarks.
				By petition presented or report of village officials, circle inspectors, etc.	Received by transfer.	Total.		By final order.	By submission to superior court.	By transfer to other courts.	Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
29-A	Agriculturists' Loans Act ...	D. C. & A. C.													
30	Trees on occupied and un-occupied land.	A. C. & T.													
31	Land for public purposes ...	D. C.													
32	Civil court orders ...	D. C.													
33	Partition of land under civil court decree.	D. C.													
34	Anticipated defaults ...	A. C. & T.													

35	Proceedings relating to Government money.	D. C.																		
36	Applications for use of water.	D. C.																		
37	Mines and minerals ...	D. C.																		
38	Applications or proceedings in respect of melon beds, alluvion and diluvion.	D. C.																		
39	Miscellaneous ...	...																	
	Total ...	...																	
	Revenue General B. ...	...																	
	MAJOR HEAD C.																			
1	Cases under Excise Act, XII of 1896, and Opium Act.	...																		
2	Proceedings relating to income-tax.	...																		
3	Cases under the Stamp Act...	D. C.																		
4	Appropriation of forest lands for purposes of quarrying, etc.	D. C.																		
	Total ...	...																	
	GRAND TOTAL ...	...																	

Red ink entries.

Total for red ink cases should be shown separately from those for black ink cases.

All red ink cases will appear in column 10 or column 11.

When the investigation which a court has been ordered to make is complete, and the case is submitted to the court which ordered the investigation, the entry will be in column 10.

General.

Column 11.—A separate memorandum should be submitted explaining the cause of delay for each case pending over six months.

APPENDIX XXIX.—(Referred to in rule 298.)

Classification of revenue miscellaneous khatewari cases.

Serial No.	Nature of case.
1	Sanitation.
2	Supply and sale of village and taluq maps.
3	Sarbarai.
4	Recovery of taxes levied by local bodies under— (a) the Central Provinces Local Self-Government Act, 1920, as applied to Berar; (b) the Central Provinces Municipal Act, 1922, as applied to Berar; (c) the Central Provinces Village Sanitation and Public Management Act, 1920, as applied to Berar; (d) the Central Provinces Village Panchayat Act, 1920, as applied to Berar.
5	Appointment and dismissal of clerks and peons.
6	Leave for period exceeding one month to village officials.
7	Excise miscellaneous cases,
8	Miscellaneous, including applications for formation of village panchayats under the Central Provinces Village Panchayat Act, 1920, as applied to Berar.

APPENDIX XXX—(Referred to in rule 304.)

Index of papers for A and B files.

Note here whether the record is to be retained permanently; if not, up to what year.

Class no. Case no. (Signature.)
 Name of village. pargana Village no.
 Name of parties. taluq.
 Date of disposal.
 Abstract of final order.

Record-room no.

List of papers.

Description of papers.	Number of pages.	Date of removal.	How removed.	Signature of official removing.
1	2	3	4	5

NOTE.—This form will be used for indexing both A and B files. But in the case of B files, the following particulars only may be entered:—

- (a) Class no.
- (b) Case no.
- (c) Village no.
- (d) Name of village.
- (e) Name of taluq.
- (f) Date of disposal.
- (g) Description of papers.

APPENDIX XXXI.—(Referred to in rule 314.)

Fly index sheet No. _____ of mauza _____ pargana _____ taluq _____ (Initials of Assistant or Extra-Assistant Commissioner).

Serial No.	Date of making entry.	Date of final order.	No. of case with class number.	Names and fathers' names of plaintiff and defendant,	Final order.	Number of papers in the case.	Date of elimination of whole record.	Signature of eliminating officer,	Remarks.
1	2	3	4	5	6	7	8	9	10

Column 2.—Is for the date on which the entry on the fly index is made.

Column 3.—It will be the duty of the record-keeper to enter cases on the day he receives them, hence it will often happen that the entries in this column will not be strictly chronological.

Column 5.—The terms plaintiff and defendant will not always be appropriate, but they serve to indicate the nature of the entry to be made in this column.

Idem.—When the parties do not reside in the village then residence may be added.

Column 6.—The entry here should be quite brief.

Column 7.—Will prevent the abstraction of any papers from a misl.

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APPENDIX XXXII.

Cancelled.

APPENDIX XXXIII.—(Referred to in rules 319 and 320.)

Form of register for "B. Revenue—General" cases and khatewari cases.

Class _____

Serjal no.	Number of case in court register.	Name of court.	Nature of case with date and purport of final order.	Date of depositing case in record-room.	Date of elimination of record.	Signature of eliminating officer.	Remarks,
1	2	3	4	5	6	7	8

APPENDIX XXXIV.—(Referred to in rule 325.)

Stock of village maps of the _____ taluq _____ district.

1	Index number.	
2	Name of village.	
3	Name of pargana.	
4	Total survey numbers.	
5	Number of maps in hand with date.	Stock of maps.
6	New supply received with date.	
7	Total stock.	
8	Number of copies issued.	Maps issued free.
9	Date of issue.	
10	To whom issued.	
11	Reference to the order under which issued.	
12	Number of copies sold.	Maps sold.
13	Date of sale.	
14	To whom sold.	
15	Reference to the order under which sold.	
16	Balance.	
17	Remarks.	

APPENDIX XXXV.—(Referred to in rule 329.)

Register showing the periodical statements, etc., received in the record-room.

Serial No.	Description of registers and bundles of returns, statements, etc.	Period to which it relates.	Department or office of the official delivering it.	Period of retention.	Date of elimination.	Signature of eliminating officer.	Remarks.
1	2	3	4	5	6	7	8

APPENDIX XXXVI—(Referred to in rule 331.)

Register of revenue cases sent out of the record-room.

Name of court _____.

Serial No.	Date of issue.	Description of case.	Signature of recipient; if sent by post, a note should be made, to this effect.	Date of return.	Signature of record-keeper, and remarks.
1	2	3	4	5	6

APPENDIX XXXVII.—(REFERRED TO IN RULE 332.)

Memorandum for retention in basta showing record taken from it.

Name and number of villages.	Major head and class.	Number of case.	Record-room no.	Name of court by which the case was decided.	Name of officer to whom the record has been sent.	Date of despatch.	Remarks.
1	2	3	4	5	6	7	8

APPENDIX XXXVIII.—(REFERRED TO IN RULES 335 AND 337.)

PART I.—*Revenue cases.*

No.	Description of cases.	Length of time for which to be kept.	Remarks.
1	Papers containing final orders regarding amendment of settlement records (Class I).	To be kept permanently.	
1-A	Proceedings for the correction of the Record-of-Rights other than the correction of clerical errors (Class 1-A).	Twelve years after the re-writing of the Record-of-Rights to which they refer.	
1-B	Proceedings for the settlement of, and the preparation of the Record-of-Rights in non-agricultural lands (Class 1-B).	To be kept permanently.	
2	Proceedings regarding grants under Waste Land Rules of 1865, 1876, 1879 and 1880, and also regarding resumptions and transfers of grants (Class II).	Do.	
3	Proceedings regarding election of lessees of either proprietary or Patelki right in villages granted under the Waste Land Rules of 1865 (Class II).	Do.	
4	Disputes regarding village boundary-marks (Class IV).	Do	
5	Papers relating to the settlement of boundary disputes when such disputes have not been finally decided by the survey officers.	Do.	
6	Claims to jagirs, inams, palampat, tenures, and the like, not being disputes of jagirdars, etc., <i>inter se</i> , or claims under section 5 of the Pensions Act (Class V).	Do.	
7	Cases of succession to and registration of shares in jagirs and inams, also lapses and resumptions of jagirs and inams (Class VI).	Do.	
8	Proceedings regarding correction or grant of inam certificate (Class VI).	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
9	Papers regarding claims made to Government under the Pensions Act (Class VII).	To be kept permanently.	
10	Proceedings regarding disputes among parties interested coming under the Pensions Act, and proceedings under the rules framed under the Pensions Act (Class VIII).	Do.	
11	Proceedings relating to pre-emption (Class X).	Do.	
12	Pre-emption proceedings between co-occupants regarding priority (Class X-A).	Do.	
13	Proceedings regarding appointment and dismissal of patels and patwaris and claims to, and connected with, the offices (Classes XI and XII).	Do.	
14	Old proceedings regarding distribution of emoluments of these offices among several sharers (Classes XI & XII).	Do.	
15	Proceedings regarding lapses of patel's and patwaris' <i>watans</i> (Classes XI & XII).	Do.	
16	Disputes regarding office or remuneration of village servants (Class XIV).	Do.	
17	Applications for assessed waste fields in which the fields applied for were either granted or sold (Class XVIII).	Do.	
18	Proceedings for failure to report acquisition of right or to supply information as required by sections 96-C and 96-E (Class XIX).	Three years.	
18-A	Proceedings regarding the alienation of land the transfer of which is restricted (Class XIX-A).	Permanently.	
19	Applications for unassessed waste lands granted (Class XX).	To be kept permanently.	
20	.....	...	Cancelled

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
21	Applications for mutation made on the ground of error in the proceedings in the course of which the entry to be corrected was made (Class XXII).	To be kept permanently.	
22	Papers regarding relinquishment of fields (Class XXIII).	Do.	
23	Proceedings regarding assignment of land for special purposes (Class XXIV).	Do.	
24	Proceedings regarding appropriation of lands so assigned for other purposes (Class XXV).	Do.	
25	Applications regarding village (not-free) grazing lands resulting in mutation of names of khatedars (Class XXVI).	Do.	
26	Applications sanctioning grant of sites for building purposes (Class XXVII).	Do.	
27	Applications in which permission is granted to occupants to appropriate land in their occupancy permanently for building or other non-agricultural purposes (Class XXVII).	Do.	
28	Applications in which sanction is given to appropriate land from unoccupied culturable or unculturable waste for similar purposes (Class XXVIII).	Do.	
29	Proceedings regarding acquisition of land for public purposes (Class XXXI).	Do.	
29-A	Execution of orders of civil courts (Class XXXII).	If dismissed in default or at decree-holder's request, one year; if sale takes place, permanently; if a lease is given, three years from termination of lease; otherwise three years from date of final order.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
30	Papers regarding partition of fields in execution of civil court decrees (Class XXXIII).	To be kept permanently.	
31	Proceedings relating to mines and minerals (Class XXXVII).	Do.	
32	Applications and proceedings regarding melon beds, alluvion and diluvion (Class XXXVIII).	Do.	
33	Cases regarding settlement records in which no alterations or corrections have been ordered (Class I).	Twelve years.	
33-A	Applications under section 96-K for correction of record-of-rights when the application is rejected.	Do.	
33-B	Papers in which "sanads" for improvement of fields are issued to the kabjedars.	For the term of settlement.	
33-C	Papers regarding corrections made in survey papers in connection with the construction of new wells and putting up stones in place of warulis, mounds, etc.	Do.	
34	Disputes regarding field boundary marks (Class III).	Three years.	
35	Complaints regarding removal of or injury done to boundary marks (Class III).	Do.	
36	Proceedings against jagirdars and inamdars failing to render the stipulated service or to fulfil conditions under which the grants were made, not resulting in resumption (Class VI).	Do.	
37	Proceedings against jagirdars and inamdars who fail to pay quit-rent, not resulting in resumption (Class VI).	Do.	
38	Applications for certificates under section 6 of the Pensions Act (Class VIII).	One year.	
39	Proceedings regarding notice of enhancement of rent by superior holder (Class IX).	Twelve years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
40	Applications under Act X of 1859 (Class IX).	To be destroyed at once.	
41	Suits under Act X of 1859 (Class X)...	Do.	
42	Proceedings regarding the appointment and dismissal of agents or substitutes on behalf of patels and patwaris (Class XI & XII).	So long as the agent or substitute is in office.	
43	Proceedings against patels and patwaris or their agents or substitutes for breach of duty, misconduct, etc., not resulting in the dismissal of principals (Classes XI & XII).	So long as the patel, patwari or the agent or substitute for patel and patwari is in office.	
44	Proceedings regarding the renewal of powers of attorney (Classes XI & XII).	So long as the power of attorney is not cancelled.	
45	Complaints from members of patels' and patwaris' families against the office-holder regarding non-payment of their share of emoluments.	To be destroyed at once.	
46	Complaints from patels and patwaris regarding emoluments payable to them having been paid to ex-pargana officers (Classes XI & XII).	Do.	
47	Proceedings regarding appointment and dismissal, etc., of jaglias (Class XIII).	Three years.	
48	Applications for entertainment of jaglias (Class XIII).	Do.	
49	Proceedings regarding transfer of jaglias (Class XIII).	To be destroyed at once.	
50	Cases regarding mahars' huqs in which there is no dispute as to the rates at which huqs should be paid, but which only involve dispute as to payment (Class XIV).	Twelve years.	
51	Proceedings against land revenue defaulters (Class XV).	Three years.	
52	Proceedings in respect of unauthorized occupation or appropriation (Class XVI).	Six years.	
53	Proceedings against persons who fail to erect or maintain boundary-marks (Class XVIII).	Three years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
54	Applications for assessed waste fields not granted (Class XVIII).	One year.	
55	Applications for unassessed fields not granted (Class XX).	Do.	
56	Applications for melon beds (Class XX).	Do.	
57	Cases in which the applications for relinquishment are rejected (Class XXIII).	Three years.	
58	Cases in which the appropriation of assigned land is not granted (Class XXV).	Twelve years.	
59	Applications regarding village (not free) grazing lands not resulting in mutation of names (Class XXVI).	One year.	
60	Applications for building-sites not granted and cases of encroachments (Class XXVII).	Do.	
61	Applications which were rejected for permission to appropriate permanently occupied or unoccupied culturable or unculturable lands for purposes other than agriculture (Class XXVIII).	Do.	
61-A	Applications to quarry, dig, etc. (Class XXV. II), in which the order has effect for more than one year.	So long as the order remains in force.	
62	Applications to quarry, dig, etc. (Class XXVIII), other than those referred to in Article 61-A.	One year.	
63	Applications under the Land Improvement Loans Act (Class XXIX).	Do.	} After the repayment in full.
64	Applications under the Agriculturists' Loans Act (Class XXIX-A).	Do.	
65	Applications and proceedings regarding trees on occupied and unoccupied lands (Class XXX).	One year.	
66	Proceedings regarding acquisition of land for public purposes in which the application for the land asked for was subsequently withdrawn (Class XXXI).	Three years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
67	Proceedings regarding acquisition of land for public purposes in which the land sought to be acquired was not granted (Class XXXI).	Three years.	
68	Applications for acquisition of land for village purposes not granted (Class XXXI).	Do.	
68 A	Papers regarding temporary acquisition of land for public purposes.	Three years after date of relinquishment.	In cases where paper relating to permanent and temporary acquisition are combined in one file all the papers should be retained permanently.
69	Proceedings regarding anticipated defaults (Class XXXIV).	Three years.	
70	Proceedings relating to Government or public money (Class XXXV).	Twelve years.	
71	Applications for and proceedings relating to use of water (Class XXXVI).	Do.	
71-A	Major head—The Berar Alienated Villages Tenancy Law, 1921.		
	MINOR HEAD.		
	(1) Cases regarding grant of permission to deposit rent [section 9 (c)].	Three years.	
	(2) Cases regarding disposal of the amount of rent (section 13).	Do.	
	(3) Application for attachment and sale of produce for arrears of rent [sections 22 and 26 (1)].	Do.	
	(4) Proceedings regarding imposition of penalty for illegal distraint by landlord, etc. [sections 29 (1) and (3)].	Six years.	
	(5) Cases regarding reduction of rent of a permanent tenant's holding section 50 (2)].	12 years after the Record of Rights is re-written.	
	(6) Proceedings regarding enhancement of rent payable by a permanent tenant, etc. [section 51 (c)].	Do.	
	(7) Cases regarding execution of decrees for arrears of rent of ejectment of a land (section 69).	Do.	
	(8) Cases regarding reinstatement of tenant illegally ejected (section 4).	Do.	

APPENDIX XXXIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
	(9) Proceeding regarding reinstatement of a tenant ejected on or after 1st January 1916, and fixation of rent (section 75).	12 years after the Records of Rights is re-written.	
	(10) Cases of disputes as to the right to make improvements [section 34 (6)].	For currency of settlement or three years if the application is rejected or struck off in default.	
	(11) Proceedings regarding imposition of penalty (sections 15 and 18).	Six years.	
	(12) Cases regarding determining the amount of compensation for improvement, etc. [section 31 (2) and (3)].	Three years.	
	(13) Application to set aside transfer of permanent tenant's right (section 49)— If rejected ... If granted ...	Three years. Permanently.	
	(14) Proceedings regarding alteration or remission or suspension of rent consequent on increase or decrease of holding (sections 19 and 20).	For the currency of settlement or three years, if the applications are struck off in default or rejected.	
72	Applications from field holders for services of a circle inspector to enable them to restore marks of their fields	One year.	
73	Applications from jagirdars, izardars, etc., for assistance in recovering rent from their tenants	To be destroyed at once.	
74	Papers regarding grant of leave to village officers and jagtias.	One year.	
75	Proceedings against village mahars for negligence, etc., in performance of their duties.	Three years.	
76	Proceedings regarding renewal of inam certificates, of sanads to patels and patwaris, and of pension payment orders to ex-pargana officers.	Do.	

APPENDIX XXXIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
77	Applications or reports for supply of village maps.	Six years.	
78	Proceedings regarding restoration of boundary marks washed away.	Three years.	
79	Proceedings against field holders for closing roads in their fields which were recognized by the Survey Department.	Do.	
80	Applications from village officers for remuneration on collections made by them on account of municipal taxes, forest dues, bazar revenues, etc.	Do.	
81	Applications from agents, patels, patwaris for remuneration due to them from their principals.	Do.	
82	Proceedings regarding the recovery of instalments due on account of takavi advances.	Do.	
83	Cases regarding abkari sales, sales of bazars, town fund assessment, etc. (Revenue B—General).	Do.	
84	Applications for licences for the sale of foreign spirits (Class C-I).	Do.	
85	Applications for licenses for the sale of opium (Class C-I).	Do.	
86	Other proceedings under Excise Act, XII of 1896, Opium Act, and the rules framed thereunder (Class C-I).	Do.	
87	Proceedings under the rules relating to Town Fund (Class C-II).	Do.	
88	Proceedings relating to income-tax (Class C-II).	Six years.	
89	Proceedings under the Stamp Act (Class III).	Three years.	
90	Appropriation of forest lands for purposes of quartering, etc. (Class C-IV).	Six years.	
91	Proceedings under the Treasure Trove Act and Circulars	Three years.	
92	Municipal appeals ...	Do.	

APPENDIX XXXVIII.—(Contd.)

PART II.—List of miscellaneous papers in the offices of Deputy Commissioners and Tahsildars.

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Inam papers.			
1	Vernacular record of inam inquiry ...	To be kept permanently.	
2	Papers relating to yeomiah grants or grants of cash allowances.	Do.	
3	Papers relating to mokasa ...	Do.	
4	Papers relating to assignment of land to deostans (temples).	Do.	
Survey papers.			
5	Papers relating to survey settlement which may be of use for future-reference.	Do.	
6	All papers (other than registers) handed over by the Survey Department for record on the completion of revision of assessment.	Do.	
7	Village maps ...	On receipt of the revised printed copies of village maps prepared at the new settlement all old printed village maps of last settlement should be destroyed except two, viz., one to be put in as an extra copy in the settlement misl and the other to be kept for reference, Settlement sheets should be preserved permanently.	
General.			
8	Genealogical trees and sanads ...	To be kept permanently.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
General.—(Contd.)			
9	All papers regarding abolished taxes, huqs, duties, etc.	To be kept permanently	
10	Papers relating to measurement of paiki numbers.	Do.	
11	Papers regarding transfer of villages from one district or taluq to another district or taluq.	Do.	
12	Papers relating to inclusion of newly made survey numbers in the land revenue patraks.	Do.	
13	Papers regarding demarcation of bazar sites.	Do.	
14	Papers relating to the Lonar Lake ...	Do.	
15	Papers showing water-supply in each village.	Do.	
16	Papers relating to satta transactions...	Do.	
17	Correspondence regarding, and lists of, objects of archæological interest and ancient monuments.		
18	Correspondence restricting the use of free grazing lands to the cattle of the village to which the lands belong.	Do.	
19	Correspondence stopping jagirdars issuing passes for grazing in khalsa viliages.	Do.	
20	Correspondence regarding mode of assessment in the Melghat taluq.	Do.	
21	Papers showing rights of village officers and zamindars or ex-pargana officers.	Do.	
22	Old Moglai papers of importance ...	Do.	
23	Papers containing orders, reports, statements and correspondence which appear to be of permanent value.	Do.	
24	Translation of Government orders, circulars, letters, etc., for the information of the vernacular department.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
General —(Concl..)			
25	List of villages transferred from and to His Highness the Nizam's Dominions.	To be kept permanently.	
26	List of villages on the borders of His Highness the Nizam's Dominions.	Do.	
27	Papers regarding working of salt wells and returns of salt produced.	To be destroyed at once.	
28	Old papers relating to the <i>huqs</i> of joshi pan.	To be kept permanently.	
29	Decisions as regards ownership of certain sites.	Do.	
30	Papers regarding sale of watans ...	Do.	
31	Papers regarding mahars' <i>huqs</i> ...	Do.	
32	Papers regarding kazis' watans ...	Do.	
33	All Acts, rules, circulars and orders in force. Forest.	Do.	
34	Correspondence regarding keeping up in repair only the outer boundary marks of State Forests.	To be destroyed at once.	
35	Correspondence regarding recovery of forest <i>huqs</i> of Melghat Rajas.	To be kept permanently.	
36	Complaints of the Forest Department against the Melghat Rajas regarding their indifference in protecting the interests of the Forest Department.	Twelve years	
37	Papers regarding planting of trees on road sides.	Do.	
38	Papers regarding sale of grazing lands	Three years.	
39	Papers relating to repairs of forest boundary marks.	Do.	
40	Papers regarding unauthorized felling of trees on Government lands.	Two years.	
41	Petitions for forest produce ...	One year.	
42	Papers regarding rumnahs, babul bans, bori bans, etc.	To be destroyed at once.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Forest.—(Concl'd.)			
43	Correspondence regarding babul seed and statements of babul trees.	To be destroyed at once.	
44	Correspondence regarding planting of sindhi trees.	Do.	
45	Applications for permission to cut grass on Government lands.	Do.	
46	Papers regarding sale of grass in rumnahs and other State forests, including kabuliats taken from purchasers.	Do.	
Excise.			
47	Taluq maps showing abkari circles and shops.	To be preserved till revised maps are prepared.	
48	List of shops (liquor, opium, ganja, and toddy).	Three years.	
49	Kabuliats from sub-contractors of abkari.	One year.	
Bazar.			
50	Applications against bazar contractors	Three years.	
51	Papers relating to opening of new bazars.	Two years.	
52	Papers relating to sale of teakwood in bazars.	Do.	
53	Applications for exemption of certain bazars from the bazar cess.	Do.	
54	Applications for supply of bazar pass books.	One year.	
55	Security bonds and kabuliats taken from bazar contractors.	Do.	
56	Correspondence regarding closing of bazars on account of prevalence of infectious diseases.	Do.	
57	Papers regarding levy of bazar cess on cotton brought for sale.	Do.	
58	Applications from bazar contractors to levy cess at fairs and urus.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
59	Bazar.—(Concl'd.) Applications from bazar contractors for assistance in recovering their dues from sub-contractors.	To be destroyed at once.	
	Sanitation.		
60	Vernacular correspondence regarding starting Sanitary Boards in large towns and villages.	To be destroyed, keeping orders only.	
61	Vernacular correspondence regarding setting aside in rotation for two years certain areas of occupied land at villages for purposes of resort.	Twelve years.	
62	Papers regarding sale of rubbish in the gaothan, etc.	One year.	
63	Vernacular correspondence regarding sanitation villages.	Do.	
	Medical.		
64	Vernacular correspondence relating starting of hospitals and dispensaries.	Three years.	
65	Papers relating to subscriptions for charitable dispensaries.	Two years.	
66	Reports regarding outbreak of cholera, small-pox, or other infectious diseases.	Do.	
67	Remarks on inspection of vital statistics registers.	Do.	
	Vaccination.		
68	Reports against vaccinators . . .	Two years.	
69	Correspondence regarding supply of vaccination registers.	One year.	
	Education,		
70	Vernacular correspondence regarding opening, etc., of libraries.	Two years.	
71	Vernacular correspondence regarding opening, etc., of presses.	Do.	
72	Vernacular correspondence regarding establishment of schools.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
	Education.—(Concl'd.)		
73	Papers relating to the appointment of members of School Committees.	Two years.	
74	Reports or applications against members of Schools Committees or schoolmasters.	Do.	
	Local Fund.		
75	Executive orders of permanent interest passed by Local Committees and proceedings of Local Committees.	To be kept permanently.	
76	Correspondence regarding jaglia clothings.	One year.	
77	Papers regarding construction and repairs of village chauris.	Do.	
78	Miscellaneous correspondence between Local Committees, including Boards, etc., and the Deputy Commissioner.	Do.	
79	Executive orders of Local Committees of no permanent interest.	To be destroyed at once.	
80	Vernacular papers of inquiry as to the rate at which jaglia cess was recovered in 1870-71.	Do.	
81	File of miscellaneous applications to Local Committees.	Do.	
	Cattle Pound.		
82	Papers regarding appointment of pound-keepers and pound-servants.	One year.	
83	Papers regarding repairs to cattle pounds.	Do.	
84	Reports accompanying remittances of pound receipts.	Do.	
85	Papers regarding sale of impounded cattle.	Do.	
86	Inspection remarks on pound registers.	Do.	
87	Papers regarding sale of stray cattle...	Do.	
88	Applications for refund of sale-proceeds of impounded cattle.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Miscellaneous.			
89	Papers relating to punishments inflicted on Government servants.	Three years, subject to verification of the entries in the service book, the establishment return and the pay bills. Papers which affect the official career of a man should be preserved till his retirement, or death if earlier.	
90	Lists of suitable camping grounds ...	To be preserved till revised lists are prepared.	
91	All repealed Acts, rules and circulars	One copy to be retained and the rest destroyed.	
92	Papers regarding entertainment of temporary establishment in record-rooms for elimination of old records.	Twelve years.	
93	Papers showing measures taken to relieve the distressed in a year of famine.	Do.	
94	Inspection memos of Commissioner and Deputy Commissioners.	Six years.	
95	Papers relating to exhibitions or horse shows.	Ten years.	
96	Papers relating to subscriptions collected for the celebration of the Jubilee.	Do.	
97	All orders, papers, etc., relating to the census.	Do.	
98	Correspondence regarding supply of office furniture.	Six years.	
99	Papers relating to dharmadaya ...	Three years.	
100	Correspondence regarding jamabandi forms.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks
Miscellaneous—(Contd.)			
101	Papers regarding sale of produce of Government mango and mohwa trees.	Three years.	
102	Reports regarding remittances of town fund assessment collected .	Do.	
103	Papers regarding issue of passes to pilgrims to Mecca and Hedjaz.	Do.	
104	Papers regarding removal by mahars of dead bodies of animals which have died in municipal limits.	Do.	
105	Applications for licences to write petitions.	Do.	
106	Applications for refund of revenue paid in excess.	Do.	
107	Papers regarding grant of certificates of honour.	Two years.	
108	Papers regarding new appointments of Government servants.	Do.	
109	Indents for vernacular lithographed forms.	Do.	
110	Memoranda on inspection of stamp vendors' books.	Do.	
111	Orders, reports, petitions and statements which obviously appear to be of no permanent value or interest.	Do.	
112	Correspondence regarding supply of printed forms, registers, stationery, etc.	One year.	
113	Memoranda prepared at the time of transfer of charge of officers.	Do.	
114	Papers regarding sarbarai. ...	Do.	
115	Applications, reports and orders regarding leave to ministerial officers, peons, etc.	Do.	
116	Papers relating to departmental examinations.	Do.	
117	Applications for permission to use belts and badges for private peons.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Miscellaneous.—(Concl'd.)			
118	Papers of inquiry regarding heirs to deceased pensioners.	To be destroyed at once.	
119	Inspection memos. of subordinate officers.	Six years.	
120	Application for licences to measure grain.	To be destroyed at once.	
121	Papers regarding buildings for the Customs Department.	Do.	
122	Old kabuliats from patels in connection with collection, etc., of revenue assessment.	Do.	
123	Security bonds taken from village officers in order to ensure correctness in the village papers.	Do.	
124	Papers regarding dress of village officers.	Do.	
125	Correspondence regarding preparation of maharki register.	Do.	
126	Papers regarding trade establishments (i.e., entertainment and abolition).	Do.	
127	Applications to mortgage watans (old).	Do.	
128	Applications for carpenters' huqs (old).	Do.	
129	Papers relating to manpan (old) ...	Do.	
130	Application for permission to adopt (old).	Do.	
131	Application for ghugry (old) ...	Do.	
132	Applications from zarekar watandars (old).	Do.	

APPENDIX XXXVIII.—(Contd.)

PART III.—*List of registers maintained or deposited in the offices of the Commissioner and Deputy Commissioners and in tahsils.*

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Inam Registers.			
1	Register of inam certificates ...	To be kept permanently.	
2	Faisal book or English record of inam inquiry made by the inam investigating officer.	Do.	
3	Inam registers in tahsils ...	Do.	
4	Register or statement of shares in jagir and inam grants.	Do.	
5	Register of charitable grants ...	Do.	
6	District register of inam certificates ...	Do.	
7	District register of intermediate mutations.	Do.	
8	District register of mutations in inam certificates on and after 1st January 1898.	Do.	
Survey and Settlement Registers.			
9	Measurer's field book ...	To be kept permanently.	
10	Measurer's pakka book ...	Do.	
11	Classer's field book ...	Do.	
12	Bagait takhta ...	Do.	
13	Pahani sud ...	Do.	
14	Akarband ...	Do.	
Survey and Settlement Registers.			
15	Wasul-baki-patrak ...	To be kept permanently.	
16	Faisal book ...	Do.	
17	Inam patrak ...	Do.	
18	Co-sharers' register (bhagni register)...	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Ex-Pargana and Village Officers Registers.			
19	Register of emoluments paid to patels and patwaris.	To be kept permanently.	
20	Cancelled.		
21	Register of payment of rusums to ex-pargana officers.	Do.	
22	Patelki register ...	Do.	
23	Rotation registers of patels and patwaris.	Do	
24	Patels' and patwaris' past officiation registers.	Do.	
25	Kamal patrak ...	Do.	
26	Registers (lists) showing villages at which patwaris are to keep vital-statistics registers.	To be preserved till revised lists are prepared.	
27	Register of punishments inflicted on patels and patwaris.	Twelve years.	
Revenue Court and Office Registers.			
28	Classwari register of revenue cases ...	To be kept permanently.	
Revenue Court and Office Registers.			
28-A	Tahsil register of Mutation Cases ...	To be kept for two years after the record-of-rights to which the entries relate has been rewritten.	
28-B	Record-of-rights and papers relating to the correction of clerical errors therein.	Twelve years after rewriting.	
28-C	Mutation Register ...	Twelve years after the rewriting of the record-of-rights to which it refers.	
28-D	Register of disputes ...	Do.	
29	Classwari register of miscellaneous cases.	To be kept permanently.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Revenue Court and Office Registers.			
30	Register of appeals to Deputy Commissioners and Commissioners.	To be kept permanently.	
31	Register of execution of orders passed by revenue courts.	Do.	
32	Register in Form B kept under Resident's Judicial Book Circular No. II of 1892 regarding execution of civil court decrees.	Do.	
33	Register of building-sites and rents fixed on them.	Do.	
34	All inward and outward barnavisi registers.	Do.	
35	Register of licences granted to petition-writers.	Do.	
36	Register of recovery of loans under the Land Improvement Loans Act and the Agriculturists' Loans Act.	To be destroyed after the recovery of advances.	
37	Register of suspensions of takavi instalments.	Do.	
38	Register of fines imposed by revenue courts.	Twelve years.	
39	Register of cases remanded by higher authorities.	Do.	
40	Register of court and process fees realized by revenue courts-	Six years.	
41	Register of coercive processes issued by revenue courts.	Do.	
42	Register of instruments dealt with by the Collectors under Chapters III and IV of the Stamp Act.	Three years.	
43	Register of sites granted for quarrying, etc., kept in tahsils.	Do	
44	Register of processes issued (kamgir register).	Do.	
45	Register of realization of court-fees in pauper suits.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Revenue Court and Office Registers.—(Concl'd.)			
46	Register of applications for copies of documents.	Six years.	
47	Cash book of copying fees realized ...	Do.	
48	Book of counterfoils of receipts granted to applicants for copies.	Do.	
49	Book of chalans for copying fees ...	Three years.	
50	Register of municipal appeals ...	Do.	
51	Register of powers of attorney granted by village officers in favour of their agents.	Two years.	
51-A	Registers showing the periodical statements and registers received in the record-room.	Permanently.	
51-B	Record pass-book (Appendix XXVII)	Two years.	
51-C	Register of applications for inspection	One year.	
Excise Registers.			
52	Pass book of opium and ganja ...	Three years.	
53	Register of acknowledgments of receipt of opium passes.	Do.	
54	Register of permits to import opium from Indore.	Do.	
55	Register of permits to transport opium.	Do.	
56	Register of opium confiscated ...	Do.	
57	Register of retail vendors of foreign liquor.	Do.	
58	Register of passes to import durgs, no. IV.	Do.	
59	Register of deposits of ganja and imported bhang, no. V.	Do.	
60	Register of withdrawals of ganja, no. IV.	Do.	
61	Pass book of drugs deposited in warehouse, no. VII.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Discription of registers.	Length of time for which to be kept	Remarks.
Excise Registers.—(Concl'd.)			
62	Pass book for the removal of drugs, no. VIII.	Three years.	
63	Form of application tendering duty, no. IX.	Do.	
64	Register of dues in the warehouse, no. X.	Do.	
65	Register of local bhang destroyed, no. XI.	Do.	
66	Pass for removal of drugs from one warehouse to another, no. XII.	Do.	
67	Abstract register of deposits and withdrawals, etc., no. XIII.	Do.	
68	Register of passes to cover liquor in transit.	Do.	
69	Register of passes granted by the examining officers at Amraoti and Khamgaon.	Do.	
70	Register of passes to cover opium in transit.	Do.	
71	Register of threads ...	Do.	
General Registers.			
72	Register of rainfall ...	To be kept permanently.	
73	Register of pay of jaglias ...	Twelve years.	
74	Register of wholesale and retail prices of food-grains.	During the term of settlement.	
75	Wasulbaki register of sale-proceeds of mango and mohwa trees.	To be destroyed after recovery of sale-proceeds.	
Local Fund Registers.			
76	Pay registers or acquittance rolls kept by Local Committees.	To be destroyed at once.	
77	Cash books and ledgers of Local Committees.	Do.	
78	Remark books kept by Local Committees.	Do.	

APPENDIX XXXIII.—(Contd.)

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Local Fund Registers.—(Concl.)			
79	Register of permanent advance ...	Three years.	
80	Mauzawar receipt register of land-revenue, Form A.	To be destroyed six years after the revenue is collected in full.	
81	Mauzawar receipt register of fluctuating collections, Form B.	Do.	
82	Register of land-revenue fixed collections within municipal limits.	Do.	
83	Wasulbaki of money recovered in execution cases under civil court decrees	Do.	
83-A	Registers returned by licensed stamp vendors.	Thirty years.	
84	Register of service stamps used ...	Two years.	
85	Despatch book (post book) ...	Do.	
86	Register of casual leave ...	One year.	
87	Register of field boundary marks ...	Three years.	
88	Office stationery register ...	Two years.	
89	Indents of vernacular and English Forms.	Three years.	
90	Register of vital statistics ..	To be kept permanently.	

APPENDIX XXXVIII.—(Contd.)

PART IV.—Reports, statements and returns.

No	Description of papers.	Length of time for which to be kept.	Remarks.
Inam.			
1	Mauzawar returns of inam lands ...	To be kept permanently.	
2	Inam statement of village and pargana servants.	Do.	
3	Statements of payments on account of yeomiah grants.	Do.	
4	Kaifiat or statement of jagir villages	Do.	
5	List of ante-jagir tenants (old survey papers).	Do.	
Waste Land Rules.			
6	List of grants under the Waste Land Rules.	To be kept permanently.	
7	List of ante-izara tenants ...	Do.	
Village Officers.			
8	Statements fixing the centres of patwaris' circles.	To be kept permanently.	
9	Statements of villages where patels and patwaris are working on behalf of Government.	Do.	
General.			
9-A	Measurement fee lists ...	Three years.	
9-B	Counterfoils of receipts for measurement fees.	Do.	
10	All jamabandi annual returns received in district offices from tahsils.	During the term of settlement.	
11	District annual reports on the revenue administration together with its appendices	To be kept permanently.	
12	Statement showing the number of Government and private trees.	Do.	
13	Statement showing the right of private persons to the produce of trees on Government lands.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
General.—(Concl.)			
14	List of villages in taluqs ...	To be kept permanently.	
15	Dafas relating to watandar mahars ...	Do.	
16	Statement showing works of public utility	Do.	
17	Statement showing income of Melghat Rajas.	Do.	
18	Statement of unclaimed watans ...	Do.	
19	Statement of waste villages ...	Till revised statement is made.	
Annual Jamabandi Returns.			
20	Jamabandi statements of occupied field (mauzawar).	During the term of settlement.	
21	Jamabandi statements for other fields	Three years.	
22	Return of mutation of names of khatedars and real decrease and increase (mauzawar).	Do.	
23	Statement showing the land, the revenue of which was assigned to individuals and societies (mauzawar).	Do.	
24	Annual crop statement (mauzawar)...	During the term of settlement.	
25	Statement giving details of uncultivated occupied lands (mauzawar).	Three years.	
26	} }	...	Cancelled.
27			
Annual jamabandi returns according to the new Patwari Manual, 1908.			
27 (a)	Jamabandi statement } Do. abstract }	During the term of settlement.	
27 (b)	Crop statement	Do.	
27 (c)	Return of transfers	Three years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
	Annual jamabandi returns according to the new Patwari Manual 1908.—(Concl'd.)		
27 (d)	Statement of inam grants ...	Three years.	
27 (e)	Remittance challan of land revenue...	Do.	
27 (f)	Remittance challan of forest collection.	Do.	
27 (g)	Diary ...	Four years.	
27 (h)	Monthly return of receipts and issues of forest passes. Old jamabandi returns.	Three years.	
28	Pahani kharda (memorandum of Inspection of fields).	To be destroyed at once.	
29	Laoni patrak or tala lagwan ...	Do.	
30	Pere patrak (crop statement) ...	Do.	
31	Padit patrak (return of unoccupied lands).	Do.	
32	Faisal patti (fluctuations in collections).	Do.	
33	Awarja (ledger of each cultivator) ...	Do.	
34	Wasulbaki (prior to survey) ...	Do.	
35	Nazar andaja patrak (guess measurement).	Do.	
36	Nafargat (statement of balances) ..	Do.	
37	Kamavis zadati (statement showing realization of land-revenue.)	Do.	
38	Khamzada or khampatruk or sadar patrak.	Do.	
39	Wasalati ...	Do.	
40	Kaifat of kamjast ...	Do.	
41	Jarib statement ...	Do.	
42	Dasdan patrak (rent rates) ...	Do.	
43	Jama wasulbaki or wasul patrak ...	Do.	
44	Jamin zada ...	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
	Old jamabandi returns.—(Concl'd.)		
45	Sub-jama wasuli ...	To be destroyed at once.	
46	Kamjasti partrak of bighas ...	Do.	
47	Sadr jama wasulbaki ...	Do.	
48	Tala zadati (abstract of settlement of each village).	Do.	
49	Istawa patrak ...	Do.	
50	Statements of tenants and sub-tenants	Do.	
51	Statement showing distribution of land revenue on cultivators.	Do.	
52	Statement of cultivated and waste lands.	Do.	
53	Statement showing caste of khatedars.	Do.	
	Forest.		
54	Statement of Government mango and mohwa trees, and the yearly sale of their produce.	Three years.	
55	Statement showing remittances of forest collections to tahsils.	Do.	
56	Return showing amount of grazing dues.	Do.	
57	Statement showing receipts and issues of forest passes.	Do.	
58	Statements in connection with arboriculture.	Two years.	
59	Old statements of grazing ...	To be destroyed at once.	
	Abkari.		
60	Statement showing the number of sindhi trees on Government lands.	To be retained till revised returns are prepared.	
61	Hal and baquaya towji returns of abkari revenue.	Three years.	
62	Statements showing receipts and sale each year of abkari contracts under the several heads of abkari.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Abkari.—(Concl.)			
63	Jama wasulbaki of abkari revenue ...	Three years.	
64	Return of breweries ...	Two years.	
65	Periodical returns regarding import and sales, etc., of opium and drugs.	Do.	
66	Statement showing opium in hand of several contractors on 1st April each year.	One year.	
67	Statement regarding opium cultivation.	To be destroyed at once.	
68	Statement regarding ganja cultivation	Do.	
69	Returns of outturn of opium (old) ...	Do.	
Bazars.			
70	Wasulbaki on account of bazar sale.	One year.	
Medical.			
71	Returns regarding births and deaths..	Two years.	
72	Reports or returns regarding deaths from cholera, small-pox, etc.	Do.	
Vaccination.			
73	Weekly returns from vaccinators ...	Two years.	
Cattle-pounds.			
74	Pay abstracts of pound establishments	One year.	
75	Returns showing number of cattle sold and feeding charges recovered.	Do.	
76	Accounts of feeding charges for impounded cattle brought to tahsils.	Do.	
77	Indent for pound registers ..	Do.	
Local Fund.			
78	File of bills submitted by Local Committees.	To be destroyed at once.	
79	File of estimates submitted by Local Committees.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Miscellaneous.			
80	Annual report on crop experiments...	During the term of settlement.	
81	Statement showing prices current of food-grains (mauzawar)	Do.	
82	Statement of wages of labour ...	Do.	
83	Printed list of agricultural and other returns.	To be retained till revised lists are prepared.	
84	List of licensed vendors ...	Do.	
85	Declarations regarding lands held by public servants.	To be preserved so long as the public servant is in service.	
86	Returns of lands taken up for railways in several villages and towns.	To be preserved till revised returns are prepared.	
87	Statement of increases due to revision of settlement and calendar of revenue settlements.	Twelve years.	
88	Return of rainfall ...	Ten years.	
89	Statement of boundary-marks out of repair.	Five years.	
90	Return of minerals and gems ...	Three years.	
91	Statements for the General Administration Report, fiscal and agricultural (A to H).	Do.	
92	Returns of agricultural statistics ...	Three years.	
93	Returns of mining concessions ...	Do.	
94	Annual return of village expenses ...	Do.	
95	Statement regarding irrecoverable balances of land revenue and town fund.	Do.	
96	.....	...	Cancelled.
97	Forecast of cotton, sesamum, wheat and linseed.	Three years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Miscellaneous.—(Concl'd.)			
98	Hal and baquaya towji return of land revenue collections.	Three years.	
99	Reports and correspondence relating to charitable funds.	Do.	
100	Reports on the agricultural condition of taluqs and districts.	Do	
101	Return of stock of food grains (mauzawar).	Do.	
102	Irsalpatti or memorandum accompanying remittances of land revenue and ceases to tahsils.	Do.	
103	Statement of inspection of village daftars.	Two years.	
104	Annual and monthly returns of cattle disease.	One year.	
105	Annual returns of titles.	Two years.	
106	Annual returns of goods received and sold in fairs.	Do.	
107	Return of pensioned soldiers in Government employ.	Do.	
108	Return regarding levy of fines and penalties under the Stamp Act.	Do.	
109	Statement under the Cotton Duties Act.	Do.	
110	Weather and crop reports	Do	
111	Reports from munsarims or circle inspectors on state of crops (discontinued).	To be destroyed at once.	
112	Reports on the condition of trigonometrical stations	Do.	
113	Diaries of Tahsildars, their Naibs, and Superintendents and Assistant Superintendents of Land Records.	Two years.	
113-A	Diary of the revenue inspector	One year after the close of the year to which they refer.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
113-B	Diary of measurer	One year after the close of the year to which they refer.	
114	Quarterly and annual revenue business statements.	To be destroyed at once.	
115	Quarterly and annual statements of revenue appeals.	Do.	
116	Return of fees realised on account of inspection of public documents.	Do.	
117	Statement of manufactures ...	One year.	
118	Return of persons and number of animals killed by wild beasts and snakes.	Do.	
119	Statement regarding destruction of wild animals.	Do.	
120	Return of agricultural stock and implements.	Do.	
121	Memos from village officers regarding emoluments.	Do.	
122	Office copies of bills for payments to village officers.	Do.	
123	Returns submitted by naka karkuns on trade establishments.	To be destroyed at once.	
124	Statement of banjaras and naikwaris...	Do.	
125	Reports relating to the state of jagir villages.	Do.	
126	Kaihats of village officers ...	Do.	
127	Statement showing from whom charges incurred by the revenue inspector on account of boundary- marks repairs are to be recovered.	Two years	
128	Circle book ...	To be kept permanently.	

General.

NOTE 1.—Papers and proceedings in revenue cases include proceedings before the appellate courts

NOTE 2.—The periods prescribed above shall be taken to run—

- (1) In cases where an order for execution has been issued, from the date on which the order has been fully executed.
- (2) In cases where no order for execution is required to be issued, from the date of the final order in the case.
- (3) In cases where money has to be realized, from the date on which the money has been recovered in full.
- (4) In the case of the takavi advance register and other similar registers in connection with realizations of Government money, from the date on which the advance money due is fully recovered as per entries in the registers.
- (5) In the case of the registers, from the date of last entry.

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APPENDIX XXXIX.

Cancelled.

APPENDIX XL.—(REFERRED TO IN RULE 368.)

Register of processes made over for service to Tahsil peons.

Serial No.	Date of issue of process.	Number of case with the name of court issuing the process.	Date of receipts of process in tahsil.	Nature of process, such as notice, warrant, parwana, etc.	Name of peon to whom the process is made over with date.	Date fixed by jamadar for return of process by peon.	Date of return of process by peon.	Date fixed by court for return of process.	Date of return to the court which issued the process.	Remarks as to whether, the process was served or not.
1	2	3	4	5	6	7	8	9	10	11

APPENDIX XLI.—(REFERRED TO IN RULE 369.)

Register of attendance of tahsil peons.

Month _____

Serial No.	Name of tahsil peon.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			

APPENDIX XLII.—(REFERRED TO IN RULE 370.)

Register showing information required for filing in Appendix V to the Revenue Administration Report for the year 192 , talug.

Number of case.		Amount of arrears in respect of which the writ is issued.		Number of writs demanded.		Number of defaulters who were actually imprisoned.		Processes issued against personal property.		Processes issued against immovable property.		Fields forfeited.		Sales of fields for arrears.		Remarks.	
1																	
2																	
3		Issued in respect of balance of current year.	Issued in respect of balance of former years.														
4		For balance of current year.	For balance of former years.														
5		For balance of current year.	For balance of former years.														
6		For balance of current year.	For balance of former years.														
7		For balance of current year.	For balance of former years.														
8		For balance of current year.	For balance of former years.														
9		For balance of current year.	For balance of former years.														
10		For balance of current year.	For balance of former years.														
11		For balance of current year.	For balance of former years.														
12		For balance of current year.	For balance of former years.														
13		For balance of current year.	For balance of former years.														
14		For balance of current year.	For balance of former years.														
15		For balance of current year.	For balance of former years.														
16		For balance of current year.	For balance of former years.														
17		For balance of current year.	For balance of former years.														
18																	

APPENDIX XLIII.—(REFERRED TO IN RULE 403.)

Register to be maintained by every petition-writer.

Serial no. of petition.	Date on which petition was written.	Name, parentage, cast and residence of the person at whose instance the petition was written.	Description of petition.	Value of court- fee label affixed to the petition.	Fees charged for writing the petition.	Signature of petition- writer.	Remarks.
1	2	3	4	5	6	7	8

APPENDIX XLIV.

Form of warrant of arrest.

Section 125 of the Land Revenue Code.

In the court of the

To

The Tahsildar

Whereas A. B., the occupant of field survey no. _____ situated at mauza _____, pargana _____ in the taluq of _____ of the _____ district, has failed to pay Rs. _____ a. p. _____, the amount of land-revenue due on the aforesaid field, you are hereby ordered to arrest the said defaulter A. B., and unless the said defaulter shall pay to you the said sum of Rs. _____ together with Rs. _____ for costs for executing this warrant, to bring the said defaulter A. B., before the court with all convenient speed.

You are further ordered to return this warrant on or before the _____ day of _____ 192____, with an endorsement certifying the day on and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the court, this
day of _____ 192_____.

Signature.

APPENDIX XLV.

Form of attachment of movable-property.

Section 122 of the Land Revenue Code.

In the court of the Tahsildar

To

Whereas A. B., the occupant of field survey no., situated at mauza, pargana in the taluq of the district, has failed to pay Rs. on account of land-revenue due on the aforesaid field, you are directed to attach the movable property belonging to the said defaulter A. B., and unless the said defaulter shall pay you the sum of Rs. together with Rs. for costs of this attachment, to produce the attached property at the tahsil with all convenient speed.

You are further directed to return the warrant on or before the day of 192 with an endorsement certifying the day on and manner in which it has been executed, or the reason why it has been not executed.

Given under my hand and the seal of the court, this
day of 192

Tahsildar.

APPENDIX XLVI.

Form of warrant for attachment of immovable property

Section 123 of the Land Revenue Code.

In the court of the

To

Whereas A. B., the occupant of field survey no. _____ situated at mauza _____, pargana, _____ in the taluq of the _____ district, has failed to pay Rs. _____ on account of land-revenue due on the aforesaid field, you are hereby directed to attach the right title and interest of A. B., in his immovable property as per schedule hereto annexed belonging of the said defaulter A. B., and unless the defaulter shall pay you the sum of Rs. _____ together with Rs. _____ for costs of this attachment, to hold the same until further orders of this court.

You are further directed to return the warrant on or before the _____ days of _____ 192____, with an endorsement certifying the day on and manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the court, this
day of _____ 192_____.

Signature.

Schedule of immovable property.

APPENDIX XLVII.

Form of proclamation of sale of attached property.

Section 134 of the Land Revenue Code.

Whereas the property of A. B., herein specified, has been attached on account of the Government assessment Rs. due by the said A. B., and whereas it is necessary to recover the said amount by sale of the said property, together with all lawful charges and expenses resulting from the said attachment and sale.

Notice hereby given that on the day of 192 ,
at o'clock the Tahsildar (or other person appointed) will at
mauza , pargana in the taluq in
this district sell by auction to the highest bidder, and without
reserve, the right, title and interest of the said A. B., in the
property hereinunder specified, and every power of disposing of
the same or any of them or of the profits arising therefrom which
the said A. B. may now consistently with the law exercise for his
own benefit.

Movable property.

Lot No.	Number and description of articles.	Where attached.	Where now placed.	Where to be viewed.	Whether the sale is subject to confirmation or not.
1	2	3	4	5	6

Immovable property.

Lot No.	Description of lot, including local situation supposed or estimated rent or annual value, and if leased, for how long, on what terms and to whom.	Survey number, municipal number and other fiscal designation.	Government revenue including cesses, any other fiscal charge resting on the lot.	Présent occupant.	(Here should be entered any other particulars the Deputy Commissioner may see fit.)
1	2	3	4	5	6

N. B.—No guarantee is given of the title of the said *A. B.* or of the validity of any of the rights, charges or interests claimed by third parties.

Deputy Commissioner.

“ Any occupant intending to claim a right of pre-emption in the occupancy to be sold must, on pain of forfeiting such right, give notice of his intention to the Deputy Commissioner on an office day before that fixed for the sale.”

APPENDIX XLVII-A.

Form of proclamation of sale of forfeited holding.

Section 134 of the Berar Land Revenue Code.

Whereas the occupancy or alienated holding of A. B. herein-
under specified has been forfeited under section 56 of the Berar
Land Revenue Code on account of the failure of A. B. to pay the
Land Revenue due on the holding, and whereas it is necessary to
levy by sale of the said holdings, the said amount, together with
all lawful charges and expenses resulting from such forfeiture and
sale.

Notice is hereby given that on the _____ day of
19____ at _____ o'clock the Tahsildar (or other person appointed)
will at mauza _____, pargana _____ in the _____ taluq
of this district, sell by auction to the highest bidder, and without
reserve, the occupancy or alienated holding free from all tenures,
incumbrances and rights created by the occupant or holder or any
of his predecessors in title or in anywise subsisting as against such
occupant or holder as provided by section 56.

Description of property.

Lot No.	Description of lot, including local situation, supposed or estimated rent or annual value.	Survey number, municipal number and other fiscal designation.	Government revenue, including cesses, any other fiscal charge resting on the lot.	Present occupant.	(Here should be entered any other particulars the Deputy Commissioner may see fit.)
1	2	3	4	5	6

Deputy Commissioner.

APPENDIX XLVII.

Form of certificate of sale of land.

Section 151 to the Land Revenue Code.

Revenue case No. _____ of class.

In the court of the _____

This is to certify that A. B. has been declared the purchaser at a sale by public auction held on the _____ day of _____ 192 _____ of the property of (here enter name) herein below described situated at mauza _____, pargana _____ taluq _____ in the district of _____, and that the sale has been duly confirmed by the court.

2. The property was (1) forfeited to Government under section 56 of the Land Revenue Code for arrears of land revenue (or rent or otherwise as the case may be) and sold free of all tenures, incumbrances and rights; or

(2) A. B. has purchased the right, title and interest of C. D. deceased in the said property which was sold under section 68 of the Land Revenue Code, or

(3) A. B. has purchased the right, title and interest of C. D. in the said property which was sold under section 123 of the Land Revenue Code for arrears of land revenue (or rent or otherwise as the case may be).

Given under my hand and the seal of the court this _____ day of _____ 192 _____

Signature.

(Here enter the full description of the property sold.)

APPENDIX XLVIII.—(REFERRED TO IN RULE 50.)

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

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

APPENDIX XLIX.—(REFERRED TO IN RULE 65.)

*Register of sites granted for building purposes in
the village of _____.*

Serial No. of Register Entry	Area granted with full dimen- sions.	Descrip- tion of site with bound- aries.	Names of persons to whom the site is granted.	No. and date of the orders in full grant- ing the site.	Condition if any and purpose for which the site is granted.	Date on which possession was given.	Remarks.
1	2	3	4	5	6	7	8

Amendment to Berar Revenue Manual, Volume I (Reprint 1920).

No. 67, dated Nagpur, the 3rd February 1928.

PAGE 144.

(1) In rule 249 *delete* the words "except the Melghat taluq of the Amraoti district".

[No. 6, dated the 3rd February 1928.]

(2) *Cancel* rule 251.

[No. 67, dated the 3rd February 1928.]

D. R. RUTNAM,
*Under Secretary to Government,
Central Provinces.*

Govt. Press, Nagpur :—No. 2148, Rev. Secy.—6-2-28.—600.

**Amendment to Berar Revenue Manual, Volume I,
Reprint of 1920.**

No. 68, dated Nagpur, the 26th March 1928.

PAGE 173.

Add the following at the end of rule 381 (a):—

"Such deposits shall be made only twice a month, *viz.*, on the 10th and 25th and not each time after receipt of a copy from the patwari concerned".

[No. 68, dated the 26th March 1928.]

K. R. JOSHI,
*Under Secretary to Government,
Central Provinces.*

Govt. Press, Nagpur :—No. 132, Rev. Secy.—30-3-28—500.

Amendment to the Berar Revenue Manual, Volume I.

No. 69, dated Nagpur, the 22nd May 1928.

Page 102 of the print of 1920 and page 100 of the reprint of 1928.

From line 4 of rule 72 of the rules under the Berar Land Revenue Code, 1895, *omit* the words:—

"not assigned for special purposes."

[No. 69, dated the 22nd May 1928.]

R. M. CROFTON,
*Revenue Secretary to Government,
Central Provinces.*

Govt. Press, Nagpur :—No. 510, Rev. Secy.—25-5-28.—600.