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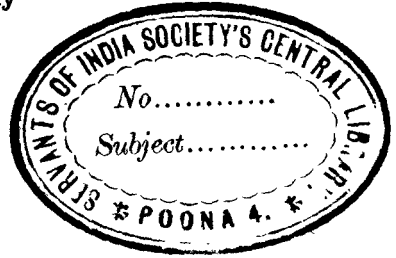
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Government of His Highness the Maharaja of Mysore.

THE
MYSORE REVENUE MANUAL

VOLUME I

Published by Authority



(REVISED EDITION)

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P R E F A C E .

THE first edition of the Mysore Revenue Manual was issued in the year 1874. Subsequent editions followed in 1886, 1901 and 1911. Though the last of these editions aimed at bringing together all orders of general importance on every topic, connected with revenue administration and law in force at the time, the arrangement of the matter was not on quite a logical basis. The Government Orders were mostly reproduced *in extenso* in it, with the result that material instructions intended for guidance were lost in a mass of unimportant matter.

Further, though two supplements were subsequently issued—the first in June 1913 and the second in May 1915, a large number of Government Orders subsequently issued have had to be codified, and a revised edition of the Manual has been in demand for some time past.

Advantage has been taken of this demand to bring out a new manual avoiding the imperfections of the last edition, instead of merely re-printing it, incorporating subsequent Government Orders. The division of the Manual into chapters has been revised. The first 15 chapters of the Manual follow the numbering of chapters in the Land Revenue Code and comprise Government Orders and Rulings bearing on the respective sections of the Code. Chapters on other matters concerning Revenue administration and the work of Revenue Officers follow next, namely, Inams, Cesses and Taxes, Revenue Accounts, Returns and Statistics, Irrigation, Loans, Land Acquisition, Rural Development and the various other miscellaneous matters for which a revenue officer is held responsible.

A glossary of terms in use in revenue correspondence is also appended and the index has been made more exhaustive.

An attempt has been made throughout the book to codify and summarise the instructions contained in Government Orders, leaving out, as far as possible, discursive portions. It has thereby been found possible to reduce very materially the size of the Volume, in spite of its wider scope, as compared with the previous editions.

Appendices and forms referred to in this Volume are printed in Volume II, and all miscellaneous Regulations and Rules required for reference by a Revenue Officer have been, for the first time, collected together and published in a handy form in Volume III.

A comparative table showing in parallel columns the respective chapters of the previous editions of the Revenue Manual and the corresponding chapters of the present edition is attached.

Suggestions for the improvement of this Manual and intimation of errors and omissions will be thankfully received by the undersigned.

By Order,
B. RAMASWAMAIYA,
Revenue Secretary to Government.

BANGALORE,
2nd August 1921.

**SCHEME OF ARRANGEMENT OF THE REVISED MYSORE
REVENUE MANUAL.**

Subject	Mysore Revenue Manual, 1886	Mysore Revenue Manual, 1901	Mysore Revenue Manual, 1911	Order of Chapters in the revised Manual
Preliminary ... ..	.....	.....	.....	I
Constitution and Powers of Revenue Officers ... ..	.....	II	I	II
Village Officers ... ..	.....	III	IV	III
Security to be furnished by certain Revenue Officers and the liabi- lity of principals and sureties...	.....	.....	One or two paragraphs of Chap. IV	IV
Certain prohibited Acts and punish- ment for misconduct ... ..	.....	.....	II and III	V
Land and Land Revenue	I	.....	Portions of V, VI & VII	VI
Occupation of Government lands and the rights of occupants	I, V & XII	.....	V, VI & VII (portions)	VII
Superior and inferior holders ... ..	.....	.....	.....	VIII
Survey and Settlement ... ..	.....	V	VIII	IX
Settlement of boundaries; construc- tion and maintenance of bound- ary marks ... ..	.....	V	VIII	X
Lands within the sites of villages, towns and cities ... ..	.....	.....	Some paras of V & VI	XI
Realization of Land Revenue and other Revenue Demands	III	.....	V & VI (portions)	XII
Procedure of Revenue Officers ... ..	.....	.....	III (some paras)	XIII
Appeals and Revision ... ..	.....	.....	III, V & VI (some paras)	XIV
Revenue Jurisdiction ... ..	.....	.....	.....	XV
Inams	IV	VI	X	XVI
Cesses and taxes	VII & X	VII, VIII & X	IX	XVII
Revenue accounts ... ..	.....	.....	Para 9, Sec. II of Chap. I & Sec. IX of Chap. VII	XVIII

DETAILED TABLE OF CONTENTS.

CHAPTER I.

INTRODUCTION.

Section.	PAGE.
I. Revenue System prevailing in Mysore	1
II. Administrative Divisions of the State	3
III. Functions of Revenue Officers	3

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

I. Revenue Commissioner— His Powers and Duties	5
II. Deputy Commissioners— Memoirs of Important matters	10
Tour Statements	11
Inspection work	12
Availment of Casual Leave	13
Summary of additional powers	14
Relation with Forest Officers	15
III. Assistant Commissioners— Powers of Sub-Division Officers	17
Tours and Inspections	18
Monthly Diaries and Correspondence	19
IV. Amildars and Deputy Amildars— Rules for recruitment	22
Training	24
Maintenance of mounts	26
Inspection Tours	28
Other powers and duties	28
V. Revenue Probationers	30
VI. Shekdars— Prospects Qualifications required, etc.	30
Training	33
VII. Revenue Establishments	35

CHAPTER III.

VILLAGE OFFICERS.

I. Charges	40
II. Recruitment	41
III. Discipline— Form of addressing Patels and Shanbhogs	44
Punishment of village officers	44
Residence of Patels and Shanbhogs in their respective villages	46

	PAGE
IV. Remuneration	47
V. Shanbhogs	49
VI. Patels	51
VII. Minor Village servants	54
VIII. Alienated Villages—	
Village Officers in Inam Villages	55
Accounts of Inam Villages	56
IX. Miscellaneous—	
Succession questions	57
Limitation	59
Barabaluti	60

CHAPTER IV.

Security to be furnished by certain Revenue Officers ...	62
--	----

CHAPTER V.

PROHIBITED ACTS AND PUNISHMENTS FOR MISCONDUCT.

Collection of Public Subscriptions by Government servants	65
Punishment	66

CHAPTER VI.

LAND AND LAND REVENUE.

I. Government property—	
Charge of forts and other property	67
Care of Government vacant lands	68
Encroachments	69
II. Rights to Metals and Minerals—	
Mining	71
Licenses for lime-stone	72
Kuranga stones in Inam Villages	73
III. Alienation of lands and Gomal lands—	
Alienation statements	74
Extension of villages	75
Burial grounds	75
Gomal lands in alienated villages	75
Soppinabetta lands and Malnad Kans	76
Allotment of Gomal	76
IV. Disposal of grass growing on Government lands	79
V. Right to trees—	
Trees in Shraya villages	83
Trees on tank bunds	83
Avenue trees	84
Unauthorised felling of trees	85
Minor Forest produce	86
Public topes	87
Charitable topes	88

	PAGE
VI. Water rates—	
General Instructions regarding water rates ...	89
Water taken from Jungle Streams ...	90
Liability of lands commanded by the Vani Vilas	
Sagara to water rates ...	91
Do Krishnaraja Sagara Channels	92
Payment of commission to Inamdars ...	93
Applications for use of Government water ...	93
VII. Miscellaneous ...	94

CHAPTER VII.

OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS.

Hulgaval tenure ...	97
Disposal of darkhasts ...	97
Upset price ...	103
Grant of Gomal lands for cultivation ...	104
Treatment of gomal lands during re-survey ...	105
Grant of gomal lands for gram cultivation ...	106
Large landed estates scheme ...	107
Grant of assessed waste lands for Eksal cultivation ...	111
Disposal of lands commanded by Krishnaraja Sagara ...	111
Expansion of cultivation under the Vani Vilas Sagara	
Channels ...	113
Grant of tank beds for cultivation ...	115
Cultivation of lands over-grown with lantana or prickly pear ...	116
Grant of Amrut Mahal Kaval lands for cultivation ...	119
Lands containing date trees ...	121
Coffee or Cinchona cultivation ...	123
Cardamom cultivation ...	125
Rubber cultivation ...	126
Tea cultivation ...	127
Lands containing sandal trees ...	130
Sisal hemp cultivation ...	132
Unauthorised cultivations ...	133
Darkhast sales ...	133
Construction of houses on agricultural lands ...	135
Registry of lands ...	136
Relinquishment of lands ...	138
Remedies against forfeiture of occupancies and alienated holdings ...	139

CHAPTER VIII.

SUPERIOR AND INFERIOR HOLDERS.

Kadim Tenants ...	142
Assistance to superior holders in collecting rents ...	143
Issue of Commissions to Inamdars ...	144

CHAPTER IX.

REVENUE SURVEY AND SETTLEMENT.

	PAGE
Sub-Divisions of Survey numbers ...	146
Recognised Shares of Survey numbers ...	147
Procedure in fixing assessment ...	148
Assessment of well-irrigated lands ...	149
Measurement and demarcation of lands ...	150
Classification of lands ...	151
Survey Guarantee ...	153
Objects of Revision Survey ...	157
Procedure in Revision Settlements ...	159
Principles of do ...	161
Appeals against do ...	162
Introduction of Survey and Settlement into Inam Villages	163
Survey Records ...	167
Marking of hikkals, etc., in Survey Maps ...	169

CHAPTER X.

SETTLEMENT OF BOUNDARIES AND BOUNDARY MARKS.

Bandhs ...	171
Bandh Pahani Rules ...	172
Village Boundary disputes ...	173
Frontier Boundary Disputes ...	174

CHAPTER XI.

LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Localities in Bangalore City where house-building is prohibited ...	177
Race Course Lands ...	178
Golf club lands ...	179
Conversion of Agricultural lands in towns into building sites ...	180

CHAPTER XII.

REALIZATION OF LAND REVENUE AND OTHER
REVENUE DEMANDS.

Responsibility for payment of Kandayam ...	181
Protection of interests of persons other than registered occupants ...	182
Proceeding against shares of inam villages for recovery of Government revenue ...	184
Revenue receipts of Sub-Taluks ...	185
Revenue Money Order system ...	187

	PAGE
Special Notice Register	191
Forfeitures	192
Distrain	194
Attachment of Villages	195
General principles of remission	195
Remission of irrecoverable arrears	199
Chowtayi remissions	199
Revenue Sale procedure	201
Liabilities of purchasers in revenue sales	204
Compensation to the purchaser, when a sale is set aside	205
Confirmation of sales	206
Other items recoverable as revenue arrears	209

CHAPTER XIII.

PROCEDURE OF REVENUE OFFICERS.

Hearing parties in Regular cases	211
Appearance of Legal Practitioners in Revenue Courts	212
Service of notices under the Income Tax Regulation	213

CHAPTER XIV.

APPEALS AND REVISION.

Grant of copies in Revenue Appeals	215
Notice in Revenue Appeals	216
Channel offence cases	217

CHAPTER XV.

Revenue Jurisdiction	218
----------------------------	-----

CHAPTER XVI

INAMS.

Introductory note	219
Inam Rules	221
Settlement of Ardhamanya lands	230
Settlement of resumed inams	231
Resignations of inams	232
Kayamgutta villages	233
Agrahar inams	235
Malnad inams	236
Commutation into cash inams	237
Service inams	239
Restoration of alienated inams	240
Resumptions of inams for failure of service	241
Umbli inams	242
Alienations of village service inams	244
Kodagi inams	247

	PAGE
Rights and liabilities of Kodagidars	250
Bavadi Dasavandams	251
Definition of quit-rent	251
Rules for the valuation of whole inam villages ...	252
Collection of quit-rent in-excluded minor inams ...	255
Combined Jodi and quit-rent	256
Quit-rent Registers	257
Rules for the treatment of excess in maidan inams ...	258
Excess in Inams held under different title-deeds ...	260
Excess in malnad warg Inams	261
Excess in inams granted to chattrams, topes, etc. ...	262
Excess in Devadaya Inams	264
Title-Deeds	264
Inamdars' rights to timber, sayar and other revenues ...	266
Grant of copies of inam decisions	267
Sub-divisions of lands in inam villages	268

CHAPTER XVII.

CESSES AND TAXES.

Incidence of Local Cess	269
Items on which Local Cess is levied	270
Utilisation of Irrigation Cess	273
Items of Irrigation Cess Fund	274
Administration of the Irrigation Fund	275
Levy of acreage cess	278
Supari cess	279
Railway cess	281
Mohatarfa taxation	282
Mohatarfa of Inam villages	283
Cart tax	284
Shop tax	285
Tax payable by itinerant traders	286
Tax on vacant sites	287
Manufacture of earth-salt	288
Levy of tolls	290

CHAPTER XVIII.

REVENUE ACCOUNTS.

Demand, Collection and Balance Statements ...	293
Refund bills	295
Remission statements	296
Atohkat Register	296
Alienation statements	297
Potgi Register	298
Object of Jamabandi	299
Examination of Village Accounts	300
Duties of Jamabandi Officers	301
Establishment accompanying the Jamabandi Officer ...	304

	PAGE
Adjudication of Stamps	408
Powers of Assistant Commissioners and Amildars in stamping instruments	411
Stamp vendors	411
Commission to stamp vendors	413
Refund of value of unused stamps	414
Origin and constitution of Representative Assembly	416
Persons qualified to elect members	417
Persons eligible for election	418
Rules for election	418
Local Self-Government	419
Powers of Deputy Commissioners in respect of Local Boards and Municipal matters	421
Famine relief	423
Normal and warning rates of staple food grains	425
Income Tax	426
Malnad Improvement work	428
Arrangement of vernacular records	429
Grant of copies of Government Records	430
Archæological finds	432
Preservation of ancient monuments	433
Correspondence in Educational matters	436
District and Taluk Conferences	437
Government Quarters for Taluk officials	439
Concession to Settlers in Malnad	440
Branding of cattle	441
Intimation of cattle diseases	442
Construction and repair of Government buildings	443
District Surveyors	444
Mojinidars	445

CHAPTER XXV.

STATISTICS.

Explanatory note on Statistics... ..	446
Forecasts of crops in general	447
Pahani Takhta	448
Forecasts of cotton crops	449
Wheat forecasts	450
Monthly rainfall statements	451
Quinquennial Cattle Census	452
Returns of wages	454
Vital statistics	455
Village statistics	456

CHAPTER XXVI.

REPORTS AND RETURNS.

Tabular statement of Reports and Returns	457
Reports and Returns common to all Departments	461

XV

	PAGE
Season reports ... ..	... 461
Monthly return of cotton goods ... ..	... 462
Statement of Woollen Mills ... ..	... 462
Darakhast Quarterly Returns ... ..	... 463
Revenue Administration Rēport ... ..	... 464
Transfers of Amildars ... ..	... 465
Reports and Returns relating to the restoration of	
Minor tanks ... ..	... 466
Half-yearly returns of Village Forests ... ..	... 467
Glossary ... ..	... 469
Index ... ..	... 483

3. An hereditary right of occupation was attached to all *kandayam* lands, and as long as the occupant paid the Government dues, he had an absolute tenant right, so that when the Government required any occupied land for a public purpose, they had to pay compensation fixed either by mutual consent or under the Land Acquisition Regulation.

4. For purposes of assessment all cultivated land in Mysore was classed either as *kushki* (dry), *tari* (wet), or *bagayat* (garden). The first class is cultivated with dry grains which are entirely dependent on the rainfall; the second with rice, sugar-cane or such other staple productions as require artificial irrigation; and the third with cocoanut and arecanut trees and other garden produce "*Dhruva Pairu*." The land-measures in Mysore at the time corresponded with the measures of capacity and depended on the area of land which could be sown with a given quantity of seed. The measures therefore varied greatly on dry and on wet or garden land. For example, a *kandi* of dry land measured approximately 64,000 sq. yards, while a *kandi* of wet or *bagayat* land measured 10,000 sq. yards. This mode of measurement, however, afforded incompetent or dishonest revenue officials, plausible excuses for laxity of practice and fraud.

5. After much consideration and discussion, it was decided in 1863 to introduce a regular system of survey and settlement into the State on the lines of that in force in Bombay, as this was found cheaper and more expeditious than the Madras system. The Survey and Settlement Department started work in 1863-64 with the following objects, namely:—

(i) the regulation of the customary land tax so as to secure an adequate revenue to Government;

(ii) the progressive development of the agricultural resources of the country; and

(iii) the preservation of all proprietary and other rights connected with the soil.

Under the Settlement, the assessment was fixed for thirty years and the cultivator or occupant secured the full advantages of a thirty years' lease, without, however, incurring the obligation to continue in possession and pay assessment throughout the period; for he was simultaneously given the privilege of resigning his lands in any particular year before the beginning of the cultivation season.

6. Until the year 1888, however, there was no codified law regulating the land revenue administration of Mysore. The Mysore Land Revenue Code (IV of 1888) supplied this deficiency and this is now the principal law relating to Revenue Officers, to the assessment and recovery of land revenue and to other matters connected with the Land Revenue administration.

II.

7. Under the Code, the State is divided for administrative purposes into districts (eight in number) each of which is in charge of a Deputy Commissioner who works under the orders of the Revenue Commissioner in respect of land revenue and allied matters. Each Deputy Commissioner is assisted by an Assistant Commissioner in charge of a District Treasury (except in Bangalore where the Treasury is under the direct control of the Comptroller) and two or more Assistant Commissioners in charge of Sub-Divisions (twenty in number).

8. The primary unit of revenue administration is the taluk, of which there are 68 in the State. There are also 9 sub-taluks which are ordinarily smaller in extent than the taluks but are independent units like the taluks, though they have no separate Taluk Treasury. Each taluk is under the charge of an Amildar, the officers in charge of sub-taluks being called Deputy Amildars. The Deputy Amildars, however, are in no way subordinate to the Amildar and exercise practically all the powers of an Amildar under the direct supervision of the Sub-Division Officers. Each taluk is sub-divided into a number of hoblies, for each of which a Shekdar is appointed, whose principal business is that of obtaining information required by the higher revenue officers and carrying out of orders issued to him in all revenue matters. He has no powers of independent disposal. The existing administrative divisions are shown in Appendix I.

III.

9. The officers of the Revenue Department are not merely responsible for the collection of the revenue, but are concerned also with the manifold relations existing between the Government and the agricultural as well as non-agricultural classes. In the words of the Decentralization Commission, the Deputy Commissioner "is the local

representative of Government in its general dealings with the people, and is also the District Magistrate. He is concerned with questions relating to the registration, alteration, relinquishment or partition of land-holdings which pay revenue direct to Government, and has to deal in these respects with an immense number of petty peasant proprietors. He is likewise concerned with the adjudication of disputes between land-lords and tenants, and also with the administration of estates taken under the management of the Government. He has to keep a careful watch over the general circumstances of his district, and in times of famine or severe agricultural distress, he is responsible for the administration of relief and other remedial measures. He also deals with the grant of loans to agriculturists, and with the preparation of agricultural and other statistics; and he has a general control over the working of the Forest Department in his district, in so far as this touches on matters affecting the economic or other interests of the people. It is his duty to guide and control the working of Municipalities, and he is often the actual Chairman or Presiding Officer of one or more of these. He usually also presides over the District Board. Finally, he has to furnish information on all important occurrences in his district, and he is called upon to advise on any general schemes affecting it which may be under consideration. As District Magistrate, he is responsible for all matters affecting the peace of the district, and exercises a general supervision over the local police officers, while he controls the working of subordinate criminal courts and has himself a certain amount of original and appellate magisterial work."

10. The same is true of the Sub-Divisional Assistant Commissioner and the Amildar also; and though the latter officers have recently in certain districts been divested of the duty of trying criminal cases, they still exercise the powers of a Magistrate and are responsible for the prevention of crime and the preservation of public safety and tranquillity. In the discharge of their manifold duties, the Revenue Officers are governed by the Land Revenue Code, Regulation IV of 1888 (as amended from time to time) and the Rules issued thereunder as well as by several other Regulations and a large number of executive orders of Government. These last are set forth concisely in the following chapters.

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

SECTION I.

Revenue Commissioner.

The chief controlling authority in all matters connected with the land revenue is vested in the Revenue Commissioner, subject to Government. He exercises the powers and discharges the duties conferred and imposed on him under the Land Revenue Code or other law for the time being in force, and consistently therewith all such other powers or duties, as may, from time to time, be prescribed by Government. (Section 4 of the Mysore Land Revenue Code.)

Statutory provisions.

11. The office of the Revenue Commissioner was created in August 1902 to provide for the more efficient control and supervision of the Revenue Department. In September 1906, certain additional powers were delegated to him to enable him to effectually carry out all measures calculated to promote the industrial and agricultural progress of the country; certain powers were conferred on him in regard to the Revenue, Forest and Treasury administrations also, and he was authorised to dispose of certain periodical returns (*vide* Chapter XXVI of this Manual). A further delegation of powers took place in 1916 and 1918, in connection with the measures adopted for the decentralization of work in the Revenue Department.

R. 3105-44—
L. R. 212-06-1,
dated 11th
Sept. 1906;
R. 5042 80
—L. R. 199-06-
2, dated 15th
Nov. 1906;
4426-65—Ft.
86-06-1, dated
31st Oct. 1906;
3228-37—G. F.
134-06-1, dated
3rd Nov. 1906;
R. 936-6—L. R.
542-07-2, dated
18th August
1906;
R. 6185-253
—L. R. 641,
dated 16th
Dec. 1906;
and 6030-81—
L. R. 193-17-2,
dated 18th
Nov. 1918.

POWERS AND DUTIES.

12. The following are the powers and duties of the

Revenue Commissioner (excluding those specified in the Land Revenue Code and other enactments) :—

General.

(1) To review Administration Reports of districts and prepare and submit to Government a consolidated report for the whole State.

NOTE.—These reports are confined only to matters over which the Revenue Commissioner has control.

(2) To review the reports of Jamabandi officers.

(3) To administer rules *re* local cesses on land revenue, supari cess and salt pans, and also to sanction refunds and remissions in respect of these minor items of revenue to the extent laid down *infra* as regards Land Revenue.

Land Revenue.

(4) To deal with the reports of the Deputy Commissioner, regarding the sufficiency and realisable nature of the securities taken from Revenue officers [Rule 8 (e) of the Revenue Rules.]

(5) To sanction appropriation of lands for roads whether Provincial or Local Fund, and for schools, *dharmasala* and other public purposes, where no compensation has to be paid by Government for lands taken up; subject to the limitation that the extent of the land is not more than 50 acres and that the market value thereof, if unassessed, does not exceed Rs. 100 in any case [Rule 11 B (ii), Revenue Rules.]

NOTE.—Half-yearly returns showing the alienations sanctioned should be submitted to Government.

(6) To sanction appropriation of assessed Government lands for extension of village sites. [Rule 11 (c), Revenue Rules.]

(7) To exercise the special powers reserved to Government in the grant of lands for garden cultivation under Appendix I of the Land Revenue Rules of 1890, subject to the condition that the assessment of the land so granted in any case does not exceed Rs. 500.

(8) To sanction refunds admissible under the Rules (submitting to Government half-yearly returns of the same).

(9) To sanction refunds of such minor items of revenue as are realised in the Revenue Department and credited to XIX Mis. (*e.g.*, fines, forfeitures, license fees to cut trees on Government waste lands, fees produced for copies of survey records, etc.)

R. 11764-811—
L. R. 229-16-8,
dated 26th
May 1917;
R. 8758-67,
dated 27th
March 1908;
and
R. 985-6—
L. R. 542-07-2,
dated 18th
Aug. 1908.

R. 5118-27,
dated 11th
Nov. 1910.
R. 3610-9—
L. R. 76-16-8,
dated 11th
Oct. 1917;
and
R. 11440-500—
L. R. 248-19-4,
dated 1st
April 1920.

(10) To direct the remission of irrecoverable arrears of revenue in all cases where the amount involved is more than Rs. 50 (submitting to Government half-yearly returns of the same).

(11) To grant relinquished coffee lands laying waste for more than three years, either free of upset price, or for a fair valuation, according to the merits of each case. (Rule 6A of Appendix E to the Land Revenue Rules, 1890.)

R. 141-2—
L. R. 268-14-4,
dated 4th
July 1916.

(12) To direct under Section 160 of the Land Revenue Code, from time to time, by what officers distraint of defaulters' property is to be made.

(13) To condone delay in the payment of the full amount of purchase money of coffee or cinchona lands within the period prescribed by Rules (Rule 10A of Appendix E to Revenue Rules).

R. 18165-286—
L. R. 376-18-2,
dated 16th
April 1919.

(14) To sanction disbursement of potgi, according to decennial revision.

Tanks and other works of irrigation.

(15) To administer the rules with regard to :—

(i) the maintenance of tanks and other works of irrigation in the charge of the Revenue Department ;

R. 8105-44—
L. R. 212-06-1,
dated 11th
Sept. 1906.

(ii) the imposition and recovery of contribution ;

and
(iii) the working of the Minor Tanks Restoration Scheme.

Land Acquisition.

(16) To control the progress of land acquisition proceedings by obtaining periodical reports, in view to direct their completion with all reasonable despatch and to write off the assessment on lands acquired under the orders of Government.

Financial.

(17) To sanction purchase of furniture, etc., by Revenue officers within budget allotments.

(18) To sanction investigation of arrear claims, under Article 10 of the Mysore Account Code, Volume I.

(19) To sanction arrears of increment under Government Order No. Fl. 4280-329—S. A. 21-15-18, dated 3rd March 1916.

Powers in respect of Loans.

R. 3105-44—
L. R. 212-06-1,
dated 11th
Sept. 1906.

(20) To distribute among the districts allotments of funds for the two classes of loans,—Land Improvement and Agricultural Loans,—after sanction of the provincial allotment by Government.

(21) To transfer the unexpended balance of the allotment from one district to another.

(22) To sanction loans under the Land Improvement Loans Regulation up to a limit of Rs. 2,500; and loans under the Rules framed under Section 194 of the Mysore Land Revenue Code, up to a limit of Rs. 1,000.

(22) To confirm the proceedings of Deputy Commissioners suspending payment of instalments of loans or to pass other suitable orders in such cases.

(24) To write off irrecoverable items up to Rs. 100 in each case.

Famine Administration.

R. 3105-44—
L. R. 212-06-1,
dated 11th
Sept. 1906.

(25) In the absence of a specially appointed Famine Commissioner, the Revenue Commissioner is *Ex-officio* Famine Commissioner and exercises all the powers delegated to that officer under the Famine Code and is responsible for the due enforcement of its provisions both under ordinary and abnormal conditions.

N.B.—He has not only to acquaint himself with current agricultural conditions at all times, but also to concert necessary measures in reasons of stress or difficulty to prevent the occurrence of distress or to ensure the relief thereof.

Powers in regard to Appointments, Leave, etc.

(26) He is competent:—

R. 3105-44—
L. R. 212-06-1,
dated 11th
Sept. 1906;
R. 6185-233—
L. R. 641-13-
14, dated 16th
Dec. 1916;
and R. 5310-8
—L. R. 192-
19-2, dated
7th Nov. 1919.

(a) To approve or sanction all appointments below Rs. 100, or not progressing to Rs. 100, and beyond the competence of Deputy Commissioners in their offices, or in those of Assistant Commissioners, Amildars and Deputy Amildars, other than appointments, in the Police and Forest Branches of the offices of Deputy Commissioners. (Appointments on or above, or progressing to, Rs. 100 require the sanction of Government.)

(b) To grant permission to subordinate gazetted officers to utilize the Dasara and Christmas holidays.

(c) To grant privilege leave not exceeding one month to Assistant Commissioners, when no subordinates are required and to Amildars and Deputy Amildars for

F1. 1305-54-
G. F. 70 13-1,
dated 3rd
Sept. 1916;
and

R. 3105-44—
L. R. 212-06-1,
dated 11th
Sept. 1906.

like period, making arrangements for the charge of their current duties under Article 59, M.S.R.

(d) To grant leave to non-gazetted officers of their Department under Article 473 (a) of the M.S.R. and

(e) To dispose of applications for change of name of public servants whose appointment is within his powers of sanction.

Fl. 1305-54—
G. F. 70-18-1,
dated 3rd
Sept. 1918.

Treasuries.

(27) (i) The Revenue Commissioner has control over the Treasuries, and their administration devolves on him (*vide* Articles 2 and 52 to 55 of the Mysore Account Code, Vol. II, for further instructions on this head).

3228 80—
G. F. 134-06-
1, dated 3rd
Nov. 1906.

(ii) All the District Treasuries should be inspected at least once a year by the Revenue Commissioner, in addition to a detailed inspection by the Deputy Commissioners.

R. 3482-14—
G. F. 134-06-6
dated 2nd
Dec. 1907 ;
and R. 6799-
809—L. R.
-225-07-5,
dated 23rd
April 1908.

CONTROL OF OFFICIAL CORRESPONDENCE.

I. Revenue Matters.

(28) (a) (i) The Deputy Commissioners of Districts must address all their communications on revenue matters, including acquisition or appropriation of land, Government management of Inam villages, large landed estates, Village Forests and Village Improvement Schemes and questions connected with Revenue Officers to the Revenue Commissioner, who will address Government on such matters as may not be within his powers of final disposal.

R. 2466-74,
dated 1st
Dec. 1902.

(ii) The Revenue Commissioner should in all cases submit a self-contained letter to Government incorporating the proposals or opinions he has received and his views in the matter and not copies of reports of his subordinates.

R. 2145—
L. R. 179-19-
1, dated 9th
Aug. 1919.

(iii) In all urgent matters and in cases in which a report has been called for by Government, a duplicate of the communication addressed to the Revenue Commissioner, by a Deputy Commissioner, should at the same time, be forwarded to the Secretary to Government in the Revenue Department.

(b) The reports of the Superintendent, Revenue Survey, relating to (i) the revision settlement of taluks and (ii) re-classification of lands affected by a change in the irrigation facilities should be forwarded to Government for orders through the Revenue Commissioner.

II. *Forest Matters.*

Communications relating to the following matters should be forwarded to Government through the Revenue Commissioner:—

- (i) Formation of new forests (*i.e.* all forests—State, District, etc.)
- (ii) Closure of District Forests and reserved lands against the public.
- (iii) Grazing in District Forests and reserved land.
- (iv) Classification and value of timber trees likely to be required by the public (not only in District Forests but also elsewhere).
- (v) Acquisition of lands for forests.
- (vi) Throwing open forests (including State and District Forests) for pasturage.
- (vii) All proposals affecting the use of District Forests and waste lands, and
- (viii) Generally all subjects having a direct bearing on the welfare of the people in the neighbourhood of forests.

SECTION II.

Deputy Commissioners.

The Deputy commissioners of Districts are subordinate to the Revenue Commissioner. (Section 6, L.R.C.) The Deputy Commissioner exercises, throughout his district, all the powers and discharges all the duties conferred and imposed on a Deputy or Assistant Commissioner by the Revenue Code or other law; and in all matters not specially provided for by law he has to act according to the instructions of Government.

In the case of a temporary vacancy of a Deputy Commissioner, the Assistant Commissioner of highest rank present in the District succeeds temporarily to his office pending sanction of other arrangements by the Government. (Section 9, L.R.C.)

Memoirs of Important Matters.

13. All District Officers should keep a memoir of all matters of importance connected with the administration

of the district as they occur, in view to its being readily availed of by their successors.

This memoir should contain (among other matters) :—

No. 1982-34,
dated 27th
May 1879, and
para 19 of G.
O. No. E.
6910-9, dated
4th March
1909.

(i) The various matters of importance with which they have been long officially connected.

(ii) The manner in which the incidence of the land revenue assessment affects the district.

(iii) The portions which require particular care on the occurrence of drought or high prices.

(iv) The working of Municipal Councils and Local Boards.

(v) The names and character of the more important private gentlemen or headmen of the district and their activity in local affairs.

Tour Statements.

14. Deputy Commissioners should submit a tour statement every month in the prescribed form (*vide* Appendix 99 to the District Office Manual).

R. 1710-9—
L. R. 42-14-18,
dated 7th Aug.
1915; and
R. 16968-71—
L. R. 46-18-17
dated 30th
June 1919.

The following are the rules regulating itineration of Deputy Commissioners and the submission of tour statements :—

(i) The minimum period to be spent by the Deputy Commissioners on touring is 120 days for the whole year.

(ii) The period during which each officer held charge of the district should be given in the abstract annexed to the statement, except when one officer was in charge during the entire month.

(iii) The amount of travelling done by each of several officers who may have successively been in charge of the district during the month, whether such officers are in the district or not at the time of the submission of the statement, should be shown with a total for each officer and a grand total for all of them. The previous touring of officers in other districts for any portion of the month should not be exhibited, as it will be shown in the statements for those districts.

(iv) Halts at sanitarium and other halts of convenience should be shown in a foot-note and the time so spent should not be taken credit as having been spent on tour, except where an officer for any special reason urged by him is allowed by Government to reckon such a halt as part of his tour.

(v) Journeys within a radius of five miles from headquarters for which no travelling allowance is drawn,

should not be taken into account in calculating the number of days spent in touring.

(vi) The Deputy Commissioners should submit their monthly tour statements to the Revenue Commissioner on or before the 10th of the succeeding month.

(vii) The Revenue Commissioner should submit the statements with his review on or before the 15th of the month in which he received them.

(viii) A note of tanks and other irrigational works inspected by them should be made in the remarks column of the statement.

(xi) One of the chief objects of Government to getting the tour statements is to see how far the District Officers keep in touch with the people. Sufficient information should be given in column 13 of the statement to indicate the exact nature of the inspections or other work done on tour.

Inspection of Villages in the Interior.

15. Deputy Commissioners and Sub-Divisional Officers should not confine their visits to roadside villages but visit villages in the interior as well.

Record should be kept in the Revenue Commissioner's Office and the Deputy Commissioners' Offices of the number of roadside and interior villages visited by each Deputy Commissioner and Sub-Division Officer respectively, and this information should be incorporated in the annual confidential reports.

Maintaining suitable Horses.

16. Every Deputy Commissioner and every Assistant Commissioner in charge of a Revenue Sub-Division should maintain at least one serviceable horse of 14 hands or more for inspection work.

The Revenue Commissioner should obtain and review at the end of every half-year, the return of horses and saddlery owned by officers who should certify, in their tour statements, the fact of their maintaining at least one horse.

Inspection of Taluk and Sub-Division Offices.

17. (1) Every Taluk Office should be inspected by the Deputy Commissioners at least once in two years and every Sub-Division Office once a year.

6006-18—
R. 2348, dated
23rd Dec.
1895, and
R. 5505 18
—L. R. 55-
04-36, dated
6th Nov. 1905.

R. 6799 803—
L. R. 225-07-5,
dated 23rd
April 1908.

R. 13015-24—
L. R. 65-18-15,
dated 9th
April 1919.

R. 12342-05—
L. R. 524-16-1,
dated 26th
June 1917 :
and

(2) The working of the whole office should be inspected, and if any matters requiring notice of the Government are found in the Muzrai, Local Fund and Excise Branches, the Deputy Commissioners should address the Heads of Departments concerned, sending extracts of their inspection notes regarding such matters.

R. 4212-22—
L. R. 59-18-6,
dated 14th
Sept. 1918.

(3) Inspection notes of only the Revenue Department need be submitted to the Revenue Commissioner.

(4) The Assistant Commissioners should inspect the working of all the Taluk Offices [including Excise Branch] in their Sub-Divisions once a year. Their inspection reports should be reviewed by the Deputy Commissioner who will send a copy of his review on the Revenue portion to the Revenue Commissioner and on the Excise portion to the Excise Commissioner.

Leaving Jurisdiction.

18. Deputy Commissioners should obtain the previous sanction of Government before leaving their districts, except—

6489-96—
R. 2225, dated
22nd June
1897.

- (i) when they avail themselves of casual leave after placing an Assistant in charge of the current duties, or
- (ii) when acting in pursuance of orders of Government which involve travelling beyond their jurisdiction.

Casual Leave.

19. (i) Deputy Commissioners of Districts are authorised to avail themselves of casual leave for a period not exceeding *seven* days at a time reporting the same simultaneously to the Government and to the Revenue Commissioner.

Fl. 3497-545—
G. F. 144-16,
dated 22nd
Dec. 1926.
Fl. 5118-62—
S. and A.
90-19-3, dated
23rd Feb.
1920.
R. 2514-55,
dated 26th
Feb. 1921.

(ii) Departure and return from leave should be reported on the respective dates.

(iii) The Senior of the Assistant Commissioners at Headquarters will be in charge of the current duties of the Deputy Commissioner during his absence.

(iv) Deputy Commissioners should not leave their districts in anticipation of Government sanction to any leave other than casual leave and no Head of Department is competent to anticipate the sanction of Government in such cases and to authorise the Deputy Commissioner to avail himself of it.

20. Summary of Additional Power.

G. O. No. and date	Nature of power vested	Remarks
LEAVE, TRANSFERS, Etc.		
R. 8848-83—L. R. 585-08-2, dated 21st March 1905.	Grant of casual leave to Assistant Commissioners (including Treasury Officers), Amildars and Deputy Amildars.	
R. 6185-238—L. R. 641-18-14, dated 16th December 1916, and Notification No. R. 10180—L. R. 895-16-7, dated 5th April 1917.	Grant of leave not exceeding three months to officials in their districts drawing pay up to Rs. 100 per mensem.	Necessary acting arrangements may also be made.
R. 6125-85—L. R. 248-19-1, dated 26th November 1919.	Transfers of officials in the district and subordinate offices drawing pay not exceeding Rs. 50 per mensem, with the exception of Taluk Sheristadars.	The power of appointing all officials on pay not exceeding Rs. 50 (except Taluk Sheristadars) is conferred by Rule 7 (B) of Revenue Rules. The power of appointing Sheristadars of all grades vests in the Revenue Commissioner.
REVENUE ACCOUNTS.		
R. 8810-9—L. R. 75-16-6, dated 11th October 1917; R. 11440-500—L. R. 248-19-4, dated 1st April 1920.	Sanctioning the remission of irrecoverable arrears of revenue in all cases where the amount involved is not more than Rs. 50.	Quarterly statements of cases sanctioned to be submitted to Revenue Commissioner.
R. 6185-288—L. R. 641-18-12, dated 16th December 1916.	Writing off demands made in error and sanctioning refunds of all sums (including departmental fines) collected by any department under their control, where it is clear that Government were not, in the first instance or have since ceased to be, entitled to such amounts (as for instance, when an original assessment, fine, etc., has been cancelled or reduced in appeal), subject to a period of three years' limitation and provided the amount does not exceed Rs. 500.	All cases of doubt to be referred to the Revenue Commissioner for sanction. This power does not extend to the Forest revenue, collected by Forest Officers, as the refunds in these cases are governed by Section 119 of the Forest Code. Deputy Commissioners are however, competent to sanction refunds on the case of realisations from District Forests, etc., collected by the Revenue agency and credited to the Treasury under Forest remittances.
Notification No. R. 10180—L. R. 895-16-7, dated 5th April 1917, and G. O. No. R. 12680-90—L. R. 895-16-9, dated 22nd June 1917.	Writing off assessment on all assessed unoccupied lands whether whole or part of survey numbers situated within the prescribed margin of the State Forests.	
R. 11853-68—L. R. 490-16-7, dated 18th May 1917.	Sanctioning petty estimate for the purchase of tools and office furniture.	
R. 7711-18—L. R. 826-16-4, dated 28th January 1917.	Sanctioning petty estimate for the purchase of tools and office furniture.	Purchases or manufacture or repairs of tools and plant (excluding machinery) to the extent of Rs. 200 in each case. Purchase of office furniture up to Rs. 100.
GOVERNMENT SUITS.		
J. 144-56—Cts. 269-10-4, dated 10th July 1911; and J. 993-1005—Cts. 67-11-2, dated 19th September 1911.	To refer to the Public Prosecutors cases of recovery of institution fees in suits admitted in <i>forma pauperis</i> for conducting execution proceedings.	Previous orders of Government to be obtained in doubtful cases and Deputy Commissioners to be responsible that money is not wasted on bad cases.
	NOTE. —In cases where Public Prosecutors have to be summoned for conducting such proceeding in courts situated at a place other than the headquarters of a Civil Division, a competent local practitioner should be engaged on terms not exceeding those prescribed in Government Order No. 1982-85—J. 137-02, dated 16th March 1904.	

G. O. No. and date	Nature of power vested	Remarks
R. 999-41 -L, R. 855-17-4, dated 21st April 1918.	In Civil Suits instituted for recovery of rents, etc., from tenants of private estates under Government management, to incur incidental expenditure up to a limit of Rs. 50 in each case on his own responsibility, the charge being debited to the estate concerned.	Sanction of Revenue Commissioner necessary for expenditure up to, a limit of Rs. 100 and of Government, if the amount exceeds Rs. 100.

Relation with the Forest Officers.

21. The rules regulating the relations of the Deputy Commissioner with the District Forest Officer in regard to the Forest Administration of his district are as follow:—

R. 19161-71—
Ft. 143-16-6,
dated 22nd
March 1919.

(i) (a) The District Forest Officer shall be responsible for the general management of the State and Reserved Forests and plantations situated in his district and shall exercise control over the forest establishment employed therein. His powers in respect of District Forests will be subject to the control of the Deputy Commissioner under the standing orders of Government.

(b) The Conservator shall have complete control over the District Forest Officer in respect of all matters connected with the Forest Administration of the district, except, in cases where his control is subject to the powers vested in the Deputy Commissioner.

(c) The Deputy Commissioners shall be presumed to be interested in all matters where the Forest Department comes into direct contact with the raiyats or with other departments, such as, proposals for reservation and disafforestation rules for the management of reserved and unreserved lands and levy of seigniorage, game rules, timber and other transit rules, grazing, supply of firewood to the public, the issue of timber for domestic and agricultural purposes and the like. In all these matters proposals emanating from the District Forest Officer should be submitted through the Deputy Commissioner, and those emanating from the Conservator of Forests should be submitted to Government after consulting the Deputy Commissioners of the districts to which the proposals relate.

(d) In cases of orders passed by the Deputy Commissioners under the existing rules relating to District Forests, which the District Forest Officer considers

prejudicial to Forest interests, he should address a communication to the Conservator through the Deputy Commissioner who shall forward it with his remarks to the Conservator simultaneously sending copies of both to the Revenue Commissioner for information. In case of difference of opinion, both the Revenue Commissioner and the Conservator may address Government.

(ii) Confidential reports on the work of the gazetted officers attached to districts will be submitted by the District Forest Officers through the Conservator and those on the work of the District Forest Officers and others by the Conservator himself along with those of the Deputy Commissioners.

SECTION III.

Assistant Commissioners.

Statutory provisions.

All Assistant Commissioners appointed to each District and all other officers employed in the land revenue administration of the District are subordinate to the Deputy Commissioner. (Section 7, L.R.C.)

Assistant Commissioners placed in charge of the revenue administration of one or more Taluks exercise, in respect of the Taluk or Taluks in their charge, such of the powers, and perform such of the duties of a Deputy Commissioner as the Government may, from time to time, direct by a general or special orders.

An Assistant Commissioner not in charge in a Taluk performs such particular duties as may from time to time be assigned to him by the Deputy Commissioner, under the general or special orders of Government. (Section 8, L.R.C.)

The Mysore Civil Service.

General rules relating to the Mysore Civil Service are given in paragraphs 202 to 216 (pages 49 to 55) of the Manual of General Circulars and Standing Orders and pages 22 and 23 of the First Supplement thereto.

Supplementary instructions for the training of Probationary Assistant Commissioner (in addition to those enumerated in paragraph 209) are given in paragraphs 217

and 218 (pages 55 and 56) of the aforesaid Manual and also pages 23 to 26 of the First Supplement thereto.

Designation of Assistant Commissioners in District Charge.

22. When the senior Assistant Commissioner is in charge of the District under section 9 of the Land Revenue Code, he will designate himself as "Assistant Commissioner in District charge, for Deputy Commissioner."

6968-71—Cir.
122, dated
16th Sept.
1891.

NOTE.—Whether expressly appointed to officiate or not, an officer in charge of a district is entitled to be treated as a Deputy Commissioner for presiding at meetings of District Boards and other purposes.

17484—48—
L. P. 81-99,
dated 12th
June 1903.

Designation of Assistant Commissioners' Charges.

23. The taluk or taluks placed under the charge of an Assistant Commissioner under the Land Revenue Code is called a "Sub-Division" and the Assistant Commissioner in charge of a Sub-Division is called a "Sub-Division Officer."

R. 4408—
L. R. 259-06-2
dated 31st
Oct. 1906.

Headquarters of Sub-Division Officers.

24. The Sub-Division Officers shall reside in the Headquarters fixed for their Divisions. They shall not leave their Division without the permission of the Deputy Commissioner.

R. 8894—885,
dated 14th
April 1908.

NOTE.—Neither the headquarters nor the extent of jurisdiction of a Sub-Division Officer can be altered by the Deputy Commissioner without the previous sanction of Government.

Powers of Sub-Division Officers.

25. (1) In pursuance of clause (2) of section 8 of the Land Revenue Code, Sub-Division Officers are authorised to exercise within their sub-Divisions, subject to the control of the Deputy Commissioner of the District under Chapter XIII thereof, all the powers and to perform all the duties of a Deputy Commissioner under the Land Revenue Code and the Rules thereunder, subject to the following modification:—

R. 8894—935,
dated 14th
Sept. 1908;
R. 4319—Agri.
91-08.4, dated
2nd Jan. 1909;
R. 0180—L.
R. 895-6-7,
dated 5th
April 1917.

Sub-Division Officers will confirm or set aside sales of land in their Divisions where the sale proceeds do not exceed Rs. 1,000. (All other sales should be submitted for the orders of the Deputy Commissioner).

(2) The Sub-Division Officers have also been empowered to:—

(i) grant advances for agricultural purposes not exceeding Rs. 500 in each case;

(ii) to order transfers of officials except Taluk Sheristedars within their Sub-Divisions and of Shekdars with the approval of the Deputy Commissioner.

NOTE.—The Sub-Division Officer's order should be communicated within a week to the Deputy Commissioner who may cancel it for specific reasons which should be communicated to him.

Tours and Inspections.

(Vide *Instructions given in paragraphs 1 to 3 of section II, Chapter IX, pages 17 and 18 of the Sub-Division Office Manual.*)

R. 8894 985,
dated 14th
April 1908;
R. 7406 16—
L. R. 384-14-2
dated 24th
Feb. 1915;
and
R. 1047-528
L. R. 384-15-2,
dated 15th
May 1916.

26. Sub-Division Officers should tour in the taluks of their divisions not less than six months in the calendar year and during that time visit every taluk in their charge. The Revenue Commissioner should see that the prescribed itineration is strictly enforced and that adequate inspection work is done.

The Deputy Commissioners should see that touring by Sub-Division Officers is done according to a well-considered, systematic programme, with due regard to the requirements of each taluk in the sub-division and that it is not characterised by aimlessness.

Inspecting officers should, for each taluk or district, keep with them lists of important things to be done and check progress from time to time.

The diaries of Sub-Division Officers should be carefully scrutinised and suitable instructions given from time to time by Deputy Commissioners.

R. 8894-985,
dated 14th
April 1908.

Marches should be slow, so that proper inspections can be made and the local requirements advantageously studied.

R. 7822-69—
L. R. 229-16-8,
dated 31st
Jan. 1917;
R. 7789-838—
L. R. 256-17-5,
dated 30th
Jan. 1918.
No. 9516-71—
81-18, dated
1st April 1898.

All Taluk Offices must be inspected periodically and surprise inspection should also be made by supervising officers whenever possible. No neglect or omission should be allowed to occur in carrying out the above instructions on the subject of itineration and inspection.

The Assistant Commissioners should, in course of their tours, pay particular attention to the following matters:—

- (a) The inspection of Taluk Treasuries.
- (b) Inspection of Sub-Registrars' Offices.
- (c) The inspection of Taluk Offices (including the Taluk accounts and records).
- (d) The inspection of boundary marks under Rule 85 of the Land Revenue Rules and of frontier boundary marks in frontier taluks.

(e) The examination of village accounts, raiyats' receipts books and the register of births and deaths.

(f) The inspection of tanks and other irrigation works.

(g) The inspection of alienated villages brought under Government management under section 165 of the Land Revenue Code or otherwise.

(h) The inspection of lands improved with the aid of loans from Government.

(i) The inspection of Muzrai Institutions.

(j) The inspection of schools.

(k) The supervision of crop experiments.

(l) The inspection of avenue trees.

(m) The improvement of sanitation and water-supply in villages.

(n) The inspection of rain-gauges.

(o) The inspection of Trigonometrical Survey Stations.

(p) The progress of vaccination.

Memoranda of Important Matters.

27. Every Sub-Division Officer should record the results of his observations and enquiries, and maintain a memorandum book for the purpose (*para 303 of the Manual of General Circulars and page 19 of the Sub-Division Office Manual*).

R. 5963 72—
L. R. 55-09-5,
dated 1st
March 1910.

Monthly Diaries.

28. On or before the 5th of every month the Assistant Commissioners should submit their diaries in the prescribed form* to the Deputy Commissioner who will submit them to the Revenue Commissioner with his remarks.

R. 8694-985,
dated 14th
April 1908;
R. 4467-9—
L. R. 239-18-2,
dated 18th
Sept. 1910.

Correspondence between the Amildar and the Deputy Commissioner.

29. Except in regard to matters relating to the Treasury and the preparation of periodical reports and returns, all correspondence relating to Land Revenue matters between the Deputy Commissioner and the Amildar shall, as a rule, pass through the Sub-Division Officer. Cases of emergency are excepted, copies of communications in such cases being forthwith forwarded to the Sub-Division

* Appendix 9 (pages 34 and 35) of the Sub-Division Office Manual.

Officer for information. The four statements of Amildars, within the Division, should be forwarded to the Deputy Commissioner through the Sub-Division Officer.

Jamabandi.

30. Sub-Division Officers should conduct the Jamabandi of their own taluks with the exception of such as may be reserved by the Deputy Commissioner for himself. The instructions for conducting jamabandi are given in Proceedings No. 3231-8-R 1053, dated 17th October 1900. (*vide* Chapter XVIII of this Manual). Every Assistant Commissioner should, at the time of doing jamabandi or examining the records, etc., keep in his own hand notes of the results and the statistics necessary for his report. All such notes should be handed over on transfer, and the fact that this has been done should be mentioned in the usual report of giving over and receiving charge.

Miscellaneous.

31. (i) Sub-Division Officers are responsible for the issue of timely orders to the Amildars for collection of revenue and for the punctual submission of all periodical returns to the District and shall submit progress reports of revenue collections of their Divisions to the Deputy Commissioner.

(ii) They should keep the Deputy Commissioner informed of all matters of importance in their Divisions.

Annual Reports.

(iii) They should submit to the Deputy Commissioner on or before the 15th August of every year an annual report of their work on the subjects indicated in Appendix 109 (page 74) of the District Office Manual.

Charge of Treasuries.

R. 1091-40—
G. F. 246-04-6,
dated 7th
Aug. 1907;
E. 11118-27
—L. B. 569-
15-1, dated
29th May 1916

32. Assistant Commissioners should, before being placed in independent charge of a Treasury, undergo special training in all branches of treasury work, in accordance with the scheme* approved by Government *vide* Article 6 of the Mysore Account Code, Vol. II).

Personal Assistants to Deputy Commissioners.

(*Vide paras 4 and 5 of Chapter I, page 2 of the District Office Manual.*)

*Appendix I (pages 147 to 152) of the Mysore Account Code, 1919 Vol. II.

33. The following additional instructions are issued regarding the duties of Personal Assistants to Deputy Commissioners :—

B. 5104-11—
L. R. 281-18-1,
dated 2nd
Oct. 1918.

(i) They should relieve Deputy Commissioners of routine work and the Treasury Assistant Commissioner of all kinds of miscellaneous work which he has now to attend to, when the Deputy Commissioner goes on tour.

(ii) They should—(a) exercise effective supervision over the whole office establishment* ;

(b) systematise and co-ordinate the office administration ; and

(c) guard against delay and unbusinesslike method of dealing with papers.

(iii) They should also be available for any special work outside headquarters which the Deputy Commissioner may deem fit to give them.

NOTE.—They should not be placed in charge of the taluks now under the direct charge of the Deputy Commissioners without the specific sanction of Government in any case.

Casual Leave.

34. Officers applying for casual leave should invariably state the amount of such leave they have had from the beginning of the calendar year in which application for leave is made, quoting the dates on which the leave was availed of.

R. 8609—L. R.
20-05-10, dated
18th Sept.
1905.

SECTION IV.

Amildars and Deputy Amildars.

The local revenue administration of a Taluk is entrusted to the Amildar. (Section 10, L. R. C.) His duties and powers are (1) those that have been expressly imposed or conferred upon him by law, and (2) those delegated to him by the Deputy Commissioner under the general or special orders of the Government. Whenever necessary, the Government may appoint a Deputy Amildar to be in charge of a defined portion of a Taluk and may assign to

Statutory
provisions.

*The District Sheristadar is not a subordinate of the Personal Assistant. The latter has no independent jurisdiction over arrangements in the Deputy Commissioner's Office (G. O. No. R. 16100-49—L. R. 403-18-2, dated 17th June 1919).

him such of the duties and powers of an Amildar as may, from time to time, be considered necessary. (Section 11, L. R. C.)

In the case of a temporary vacancy of an Amildar, the Deputy Amildar, or if there is no Deputy Amildar in the Taluk, Sheristedar of the Taluk, succeeds temporarily, until the Amildar resumes charge, or until such time as a successor is duly appointed and takes charge. (Section 13, L. R. C.) —

Rule 3 of the Rules under the Mysore Land Revenue Code enumerates the duties and powers which may be delegated to the Amildars under Section 10 of the Code, and Rule 4 authorises Deputy Amildars to exercise the same powers as Amildars, in the absence of an express direction of law or order of Government or of the Deputy Commissioner to the contrary.

Rules for Recruitment.

35. (i) When long-term and permanent vacancies arise, the appointments will be made by selection in the case of Amildars from an approved list of 40 eligible officers, 35 belonging to the Revenue Department and 5 to the Office of the Private Secretary to His Highness the Maharaja and the General and Revenue Secretariat. In the case of Deputy Amildars, the selection will be made from a separate list of 8 eligible candidates made up in the same proportion, *viz.*, 7 from the Revenue Department and one from the Office of the Private Secretary to His Highness the Maharaja and the General and Revenue Secretariat.

(ii) The Revenue Commissioner, the Private Secretary to His Highness the Maharaja and the Chief Secretary to Government should submit lists of officers in the prescribed form (Appendix II) once a year on the last day of August. The order in which the names appear should be determined by considerations of both seniority and efficiency.

(iii) The following rules should be observed in the preparation of the lists :—

(a) Graduates, and specially deserving non-graduates already in service in the Revenue Department, who have undergone treasury, shekdari and survey training should be included in the list.

(b) The officers selected should be qualified in the Revenue Higher, Criminal Higher and Accounts (Higher or Lower), departmental tests.

(c) No one who is above the age of 45 and whose previous record of service is unsatisfactory should be included.

(d) The minimum pay qualifying for inclusion in the Amildari list should be Rs. 75, and in the Deputy Amildari list, Rs. 50.

NOTE.—(i) In the case of officials of the Revenue Department, officials holding posts carrying the progressive salary of Rs. 50-4-70 are eligible for inclusion in the Amildari list.

R. 8610-61—
L. R. 80-18-4,
dated 4th
Sept. 1918.

(ii) The names of officials of the Revenue Department lent to the Municipal and Local Fund Departments may also be included provided they have not been employed outside the Revenue Department for a period exceeding five years.

(iv) The Government will communicate to the Revenue Commissioner the final lists as approved by them, arranged in order of precedence.

(v) In the case of temporary vacancies, however, the following rules will be observed:—

(vi) For short acting vacancies of one month's duration or less, the Deputy Amildar of the Sub-Taluk, attached to the Taluk, if any, may be placed in charge of the current duties of the Amildar, by the Revenue Commissioner, in addition to his own. In taluks, where there is no Sub-Taluk, the Sheristadar, if qualified, may be placed in charge of the current duties of the Amildar. If the Sheristadar is not qualified, he may be placed in charge of the current duties only for a period not exceeding fifteen days.

(vii) Once a quarter, the acting appointments made will be scrutinized with a view to see that deserving seniors do not lose by reversion owing to exigencies of service.

(viii) No person will ordinarily be confirmed as Amildar or Deputy Amildar until he has put in full one year's duly approved active service and produced the prescribed certificate in equitation* and has undergone the required training in survey work.

NOTE.—Acting Amildars and acting Deputy Amildars should produce certificates of equitation within one year from the commencement of their acting appointments, failing which they should be reverted.

R. 7582-634—
L. R. 811-18-1
dated 18th
Dec. 1918.

* That is, a certificate signed by a Regimentdar, or by the Chief Commandant, Mysore State Troops, stating that he is capable of riding a distance of 20 miles across country continuously within four hours, without unduly distressing himself or his horse, and that he is also capable of riding 8 miles in one hour. (Government Notification No. R. 4524, dated 10th June 1903).

(ix) For vacancies among Amildars exceeding one month's but not two months' duration, the Deputy Amildar of the nearest sub-taluk, if any, should be appointed to act, and if there is no such Deputy Amildar, the official who is first in rank in the approved list in the district concerned, may be chosen as Amildar, provided that the local Taluk Sheristadar shall be preferred to such official, if his name is included in the list. In the case of a vacancy of Deputy Amildar, the officer first in the list in the district should be appointed to act.

(x) Deputy Amildars with two years' experience will be given preference in filling up long-term, *sub pro tem* and permanent vacancies among Amildars.

(xi) All first appointments of Amildars will be in the last class and promotions from one class to the next higher will be regulated by efficiency in the discharge of duties and not entirely by seniority.

Qualities Essential in an Amildar.

[Vide paragraph 4 (c) of Chapter I, Taluk Manual, Part I].

No. 5036—G.
27, dated 10th
Oct. 1874.

36. No Amildar or Deputy Amildar will be considered fit for the delicate and important duties of his office who excites against his proceedings strong feelings of hostility on the part of the raiyats.

Practical Training.

R. 8006-18—
L R. 554 16-4,
dated 4th
Feb. 1918.

37. Training in a Treasury for six weeks and Survey training for six weeks and experience of Shekdari work for a minimum period of three months are absolutely necessary to aspirants for the posts of Amildars and Deputy Amildars.

The following rules are laid down to provide for the said training :—

(1) The Deputy Commissioners and Heads of Departments concerned will prepare lists of the officials of their districts or departments who wish to qualify themselves for the above posts and who are otherwise qualified for the same, and forward them to the Revenue Commissioner at the end of August and February of every year. The list will be confined to officials drawing a pay of at least Rs. 50.

(2) The Revenue Commissioner will, on receipt of such lists, select about 16 officials therefrom and attach

them to Taluk Treasuries for undergoing Treasury training in the first instance for six weeks.

(3) After this training is over, the Revenue Commissioner may direct the officials to report themselves to the Survey Superintendent for being trained in Survey work for six weeks. The Survey Superintendent should arrange to have a class for this purpose at Bangalore for about three months in a year.

(4) These officials should, after training as above, be posted by the Revenue Commissioner (in consultation with Deputy Commissioners) as Shekdars in leave or other vacancies and when such vacancies do not exist, the officials may be attached to hoblis where there is heavy work.

(5) Arrangements should, be made, as far as possible to attach officials to taluks nearest to places where they are employed and they are granted their usual pay during such periods.

(6) When travelling in this connection, the officials are granted half the travelling allowance otherwise admissible to them under the rules.

(7) The periods of training counts as service for pension and increments, but not for privilege leave. This is not, however, treated as an interruption involving forfeiture of privilege leave already earned.

(8) No *seriatim* promotions should be given in the vacancies of officials so deputed, but where absolutely necessary, extra hands may be appointed for the lowest clerical places in the offices, the object being to minimise expenditure as far as possible.

(9) After the required period of training is over, the Deputy Commissioners of Districts concerned, will, on satisfying themselves, furnish the officials with certificates as to their being qualified in the work in which they were employed. Thereupon, the names of such of the subordinates who are not in the Amildari list will be included in the list in order of seniority.

(10) In appointing Amildars or Deputy Amildars, preference is ordinarily given to officials who are qualified as above.

Survey Training.

38. (i) All Amildars of less than seven years' standing and all Deputy Amildars who have not already had survey training should be made to undergo a course of training in

B. 580 94 -
L. S. 11-07-3
dated 29th,
Jan. 1910.

survey work to enable them to carry out properly the inspection of boundary marks and stones and check the measurement and other records prepared by Shekdars.

(ii) The course of training consists chiefly of original measuring operations and the inspection of boundary marks and method of replacing missing ones.

(iii) Each officer or other person admitted to the school should furnish himself with a pair of compasses, a set of scale and offset and a drawing pen.

(iv) After the completion of the course, the Superintendent of Survey should send a statement through the Revenue Commissioner showing the names of the Amildars, Deputy Amildars and other officials who have, in his opinion, qualified themselves satisfactorily.

(v) A deputation allowance of Rs. 30 is paid to all Amildars and Deputy Amildars, in lieu of travelling and other allowances during the course of their training.

Maintenance of Mounts.

39. (i) Every Amildar or Deputy Amildar should maintain at least one good horse or pony with suitable saddlery.

(ii) Every such officer appointed on probation or for a period of not less than six months should, within one month after joining his appointment, provide himself with a good serviceable horse or pony and suitable saddlery. The period of one month may, upon sufficient cause being shown, be extended by the Deputy Commissioner to three months. If after the lapse of such period, he is still unprovided with a horse and saddlery as above, the fact should be reported for the orders of the Revenue Commissioner.

(iii) If an officer's horse dies or becomes permanently unserviceable from any cause, he may be allowed one month (or three months by special extension) for replacing the animal.

(iv) Deputy Commissioners should submit to the Revenue Commissioner, at the end of every half year, a descriptive return of the horses kept by the Amildars and Deputy Amildars in their districts and also of the saddlery owned by every such officer.

(v) Deputy Commissioners should see that the foregoing rules are properly observed and should verify by personal inspection during their tours or on other occasions the correctness of the entries in the half-yearly

return of horses and saddlery referred to in Rule (iv). They should also test the riding capacity of their Amildars and Deputy Amildars and report the result for the information of the Revenue Commissioner in the half-yearly return.

(vi) If the pay bill of an Amildar or Deputy Amildar does not contain a certificate to the effect that he maintains a suitable horse, as required by these rules, the Comptroller places his pay under objection and reports the fact for the orders of the Revenue Commissioner.

Cadre of Amildars.

40. The present cadre of Amildars is as follows:—

1st class (Rs. 250)	12
2nd class (Rs. 200)	15
3rd class (Rs. 175)	20
4th class (Rs. 100)	25
	—

Total ... 72 of whom four are de-
— puted as District
Excise Officers.

R. 3184-6—L.
R. 210-16-2
dated 21st
Sept. 1916.

Special Deputy Amildars, Krishnarajasagara Works.

41. (i) In the matter of the settlement work of the respective Taluks, these Deputy Amildars are practically in independent charge and are directly subordinate to the Special Land Acquisition Officer and *not* to the Amildars.

R. 5427-30—
L. R. 25-17,
dated 17th,
Dec. 1917.

(ii) They should concern themselves with only settlement and ordinary revenue work including collections; but the work relating to Village Improvement, Economic Conference, Union Administration, Muzrai, etc., should be left to the Amildars.

(iii) They have no powers of disciplinary control over village officers. The defaulting village officers should be reported by the Deputy Amildars to the Amildars of the respective Taluks in the first instance.

Diaries.

As to the diaries to be kept by Amildars and Deputy Amildars, vide Paragraph 4 (a) of Chapter I of the Taluk Manual, Part I.

Inspection Tours.

42. *In addition to the instructions contained in Paragraph 4 (b) of Chapter I, Taluk Manual, Part I, the following rules are in force:—*

R. 12880-79--
L. R. 870-18-1,
dated 26th
March 1919.

1. Every Amildar and Deputy Amildar should tour not less than fifteen days in each month.

2. The day or days on which he returns to headquarters after midday are included in calculating the period of fifteen days.

3. He should visit every village in his charge at least once in six months. For this purpose, a register of villages in the taluk or sub-taluk, noting therein the villages inspected each month, should be maintained by them in the form given in Appendix 6, Part II of the Taluk Manual. Villages with a population of 1,000 and over should be inspected once in every quarter.

4. He should attach to his monthly journals a statement showing the names of the villages visited by him during the month and the dates of inspection.

5. The Deputy Commissioners and Sub-Division Officers should carefully scrutinize and check the diaries of the Amildars and Deputy Amildars and satisfy themselves that these rules are strictly observed.

Other Powers and Duties.

R. 10180--
L. R. 895-16-7,
dated 5th
April 1917.
R. 4319--
Agri. 91-08-4,
dated 2nd
Jan. 1909.
R. 11822 80--
Agri. 86-16-15,
dated 26th
May 1917;
No. 5599-610
--982-51,
dated 20th
Dec. 1892.

43. *In addition to the powers and duties conferred by the Rules under the Mysore Land Revenue Code and other enactments, Amildars have been vested with the following powers and duties:—*

(i) To grant casual leave to the Taluk Sheristadar when he (the Amildar) is at headquarters and is himself in charge of the Treasury.

(ii) To sanction loans under the Land Improvement Loans Regulation up to a sum of Rs. 250.

(iii) To inspect rain-gauge stations in their taluks, at least once every year.

(iv) To attend to the duty of lopping avenue trees, under orders of Deputy Commissioners. (*Vide also Chapter XVI of the Taluk Manual for other miscellaneous powers of Amildars.*)

(v) To fine village officers up to a limit of Rs. 2. (Rule 23 of V. O. Rules.)

Miscellaneous.

Relation between Sub-Assistant Surgeons and Amildars.

[Vide Paragraph 4 (d) of the Taluk Manual Part I.]

13355-88—
Mis. 1879,
dated 11th
June 1898.

Annual Transfers.

44. (i) Recommendations for the transfer of Amildars or Deputy Amildars on either public or private grounds shall be dealt with comprehensively once every half-year, except in the case of extreme urgency. All such proposals should be submitted on or before the 15th December and 15th June every year with a confidential report of the grounds in support of the same. The Revenue Commissioner will review these proposals and submit them in a consolidated form to Government.

7478-81—
R. 2601, dated
20th March
1901;
R. 10180
—L. R. 395-
16-7, dated
5th April
1917.

(ii) No change should be made in the incumbency of an Amildar's office for six months prior to the Settlement of the Taluk being introduced and for three months subsequent thereto. This rule holds good in the case of Revision Settlement also and is applicable to both Amildars and Taluk Sheristadars, the restrictive period being fixed at 9 months prior to and six months subsequent to the Revision Settlement.

Nos. 10768-G
207, dated 25th
Jan. 1877;
R. 2781-2,
dated 11th
March 1904.

Communication to Amildars on Personal Matters.

45. Amildars should on no account be addressed by Deputy Commissioners and their Assistants or other public officers on *personal matters*, such as purchase of provisions, etc., for them.

5101-128,
dated 10th
Nov. 1892.

Work of Amildars.

46. (i) Promotion to the grade of Assistant Commissioners is not guaranteed to Amildars. It is only those Amildars who have done good work and proved their capacity for the higher grades that could be selected for the Assistant Commissioner's grade. If non-promotion to such grade should be made the excuse for bad or perfunctory work, the Amildar so behaving will be first warned and then removed from the service altogether.

R. 6782-608—
L. R. 295-07-5,
dated 23rd
April 1908.

(ii) The names of Amildars singled out for praise or blame in each district should be given in the Administration Report invariably.

No. R.
5910-90—L. R.
120-10-5,
dated 23rd
April 1911.

SECTION V.

Revenue Probationers.

R. 16591-629—
L. R. 741-05-1,
dated 30th
June 1906 ;
R. 1698-76—
L. R. 104-06-1,
dated 6th
Aug. 1906.
G. 9060-102—
G. M. 401-16-1,
dated 2nd
Jan. 1917.
G. 6890-906—
G. M. 401-16-
22, dated 24th
Nov. 1917.

47. The principles governing the appointments of Revenue Probationers in view to their being eventually promoted to the grades of Deputy Amildars and Amildars were first formally enunciated in the marginally noted Government Proceedings.

In January 1917, revised rules were laid down regarding the qualifications and the mode of selection of candidates for appointment as Probationers in the various departments, including revenue, (*vide* Chapter IX, paragraphs 219 to 222 of the Manual of General Circulars and Standing Orders).

The starting pay of a Probationer of the Revenue Department is fixed at Rs. 70 per mensem and the appointments in which the Revenue Probationers may be confirmed on satisfactory completion of the period of probation and on their passing all the necessary departmental tests during the said period are declared to be Head clerks, Head Accountants and Sheristedars. Their further prospects depend on their work and capacity and the occurrence of vacancies in the higher grades.

SECTION VI.

Shekdars.

Prospects, Qualifications, etc.

R. 9172—L. R.
553-05-2, dated
5th Jan. 1906 ;
R. 2509-21—
L. R. 150-06-1,
dated 20th
Aug. 1906.
R. 10450-97—
L. R. 607-14-1,
dated 20th
May 1915 ; R.
9971-9—L. R.
416-15-2, dated
26th April
1916 ; R. 1561-
70—L. R. 363-
16-2, dated
14th Feb.
1917 ; R. 944-
63—L. R. 307-
16-5, dated
19th July
1918.

48. (1) From the 1st July 1904 to the end of June 1918, the pay of shekdars stood at Rs. 35 for the first class, Rs. 30 for the second class and Rs. 25 for the third. From 1st July 1918, the pay has been raised to Rs. 40, 35 and 30 respectively.

(2) The total number of shekdars is 375, and their number in each class should not exceed the following proportion, pending re-constitution of hobli charges :—

Twenty per cent of the total number in the first class, *i.e.*, 75 at Rs. 40 each.

Thirty per cent of the total number in the second class, *i.e.*, 112 at Rs. 35 each.

Fifty per cent of the total number in the third class, *i.e.*, 187 at Rs. 30 each.

NOTE.—The benefit of the revised scale should be given only to those who have duly qualified themselves by undergoing training under the new scheme.

(3) The shekdars draw a horse allowance of Rs. 10 each per month, and the malnad allowance, wherever allowed, will continue as heretofore.

(4) Every shekdar should keep a decent riding pony and spend at least 20 days in every month on tour in his hobli.

(5) No one is eligible for appointment as a shekdar,

(a) who has not passed a University Examination not lower than the Matriculation or the Secondary School Leaving Certificate Examination.

NOTE 1.—With a view to afford facilities to candidates belonging to communities who do not usually resort to higher education, and who are insufficiently represented in the Government service, to secure a fair proportion of these appointments, Deputy Commissioners are empowered to grant exemptions in the case of candidates coming under that description from obtaining the higher educational qualifications subject to the following conditions :—

(i) The total number of cases in which such exemptions are given should not exceed twenty-five per cent of the number of candidates, whom it is deemed desirable to train as shekdars.

(ii) All such candidates should be required to pass at least the Lower Secondary Examination in English, and as between candidates deserving exceptional treatment, preference should be given to the candidates having higher educational qualifications.

(iii) No candidate should be selected unless he is considered to possess special aptitude for the work, and he should not be appointed shekdar, unless he has undergone the prescribed training and passed the required tests satisfactorily.

(iv) The reasons for which exemption has been granted should be specifically recorded in each case, and a quarterly statement of exemptions should be submitted for the information of Government through the Revenue Commissioner.

NOTE 2.—The restriction as to the general educational qualifications laid down above may also be relaxed in the case of all officials, who, without such educational qualifications, had undergone shekdari training and fully qualified themselves for shekdari, prior to the issue of the Government Order of the 20th May 1915.

(b) who is above the age of twenty-five years, unless he be already in service;

(c) who is not pronounced physically fit by a Medical Officer not inferior in rank to a District Medical officer;

(d) who has not passed the Local Service Revenue Examination (Lower Grade); and

(e) who is not able to read and write Kanarese with facility.

(6) Candidates satisfying the conditions mentioned in Rule (5) above, shall undergo the training prescribed *infra*.

(7) In the introduction of the new service in place of the old, the existing shekdars should be replaced, and men qualified under the rules appointed as vacancies occur.

(8) Promotions from the third class to the second class, and from the second to the first in the new scale are regulated in the following manner:—

(a) Till the maximum number of vacancies is filled up in each class, two years' efficient service in one class of a shekdar qualified as above entitles him to promotion to the next higher class.

(b) When the full number of shekdars in the first and second classes is appointed, promotion is regulated by vacancies occurring from time to time and depends upon the comparative merits, qualifications and services of men in the lower classes.

(c) No shekdar that has not duly qualified himself is entitled to the pay of any of the new classes, but gets only the pay to which he is entitled under the old rules.

R. 6238-47—
L.R. 195-11-2,
dated 4th
May 1912.

NOTE.—Deputy Commissioners are given discretion to promote competent shekdars of the old* scale from the third to the second class (old scale), after seven years' approved service and from the second to the first class after five years' approved service. If they desire higher promotion, they should become fully qualified under the new rules.

(9) (a) Every new appointment made under the foregoing rule will be on probation for two years, and if the candidate does not prove his fitness for the place within that period, he will be liable to be removed.

(b) Persons who have undergone training for shekdari, but have not passed the Revenue Examination, may, when fully qualified men are not available, be appointed as Probationers against vacancies in the shekdari grade, on a pay of Rs. 20 per mensem, on condition of their passing the Revenue Examination within one year or two years, at the discretion of the Deputy Commissioners,

* That is, the scale which was prevailing prior to the scheme of July 1904.

failing which they will be liable to be removed from their places and their services dispensed with.

(c) If officials already in service are appointed shekdars in similar circumstances, their minimum salary will be Rs. 20 per mensem, unless they are entitled to more according to the Mysore Service Regulations. They will be liable to be reverted to their permanent posts, if they fail to pass the Revenue Examination within the time prescribed.

Training.

49. (1) A school exists at Bangalore under the control of the Revenue Commissioner for the training of shekdari candidates. Instruction is given there in the following subjects for a period of twelve months:—

B. 4010-61—
L. R. 227-18-6,
d/ 12th Sep.
1918.

1. Revenue Law and Procedure.
2. Village and other accounts.
3. Elementary ideas about statistics.
4. Office routine and correspondence.
5. Field surveying.
6. Elementary Engineering.

NOTE 1.—In the case of officials who have passed the Clerkship examination or put in five years' service, instruction in office routine is unnecessary.

NOTE 2.—In the case of candidates who have passed the Revenue Lower Examination, exemption may be given from attending the course on Revenue Law and Procedure. The period of training in the case of such subordinates may be reduced, at the discretion of the Revenue Commissioner, to a period not exceeding one year including the period of practical training.

NOTE 3.—The rules regarding qualifications required of Shekdars are sufficient for all purposes. The lower Educational qualification, viz. the Lower Secondary, is fixed for admission of members of backward communities; it is not necessary to deny them this privilege and reserve 25 per cent of the seats in the Shekdari Training School for them.

B. 10428-79
L. R. 227-18-6,
d/ 15th Feb.
1918.

In the case of men already in service, the rule may be relaxed at the discretion of the Revenue Commissioner so as to allow admission, into the school, of persons who have passed the Lower Secondary Examination and who have put in a service of five years and who, in the opinion of the Deputy Commissioners, have sufficient experience and practical knowledge of English.

(2) The training in survey work will have special reference to effecting sub-division of survey numbers.

(3) The candidates are examined in the several subjects, as soon as the course in each subject is completed, and those that pass the test successfully are given certificates entitling them to appointments as shekdars as vacancies occur.

(4) The school admits candidates who are not in the State service and also those already in service.

(5) The period of practical training may be dispensed with or reduced at the discretion of the Revenue Commissioner in the case of official candidates. Those not so exempted and private candidates should undergo practical training for six months as Probationary Shekdars. Their pay and prospects will be regulated according to G.O. No. R. 8561-70—L. R. 353-16-2, dated 14th February 1917. [Clause (c) of sub-para (9).]

(6) The strength of the school is fixed at 50. Officials and private candidates are admitted in the proportion, roughly, of four to one.

(7) Instruction is free, and the officials during the period of their training get their full pay but no deputation or other allowance, except travelling allowances, at rates admissible under the Mysore Service Regulations for journeys to and fro, between Bangalore and the stations where they may be employed.

(8) Time spent in training counts for pension but not for privilege leave or increment. This is not however treated as an interruption involving forfeiture of the privilege leave already earned. Private candidates must undergo the training at their own cost. They will not be allowed any stipend.

(9) Officials deputed for training are seconded in their posts which are filled up by the temporary promotion of men in the same office in the lower ranks.

(10) The staff of the school consists of:—

	Pay Rs.
(1) Superintendent, [Deputy Amildar's grade]—Revenue Law and Correspondence	100
(2) Instructor—Accounts and Statistics	75
(3) Allowance to a P. W. Subordinate—Elementary Engineering	30
(4) Mojinidar of the Survey Department—Field Survey Training	30
(5) Clerk	25

General Powers and Duties, etc.

These are enumerated in para 6 (Pages 6 and 7) of Chapter I of the Taluk Manual, Part I.

As to the monthly diaries of Shekdars, vide sub-para (2) of para 7, ibid.

SECTION VII.—REVENUE ESTABLISHMENTS.

The appointment of members of the establishments of the Revenue Commissioner, the Deputy Commissioner, the Survey Superintendent and such other officers as may be directed by Government, are made by the respective officers, subject to the rules or orders made by Government (Section 20, L. R. C.)

Statutory provisions.

Clause (3) of revised Rule 7 of the Rules under the L. R. C. regulates the powers of patronage of Deputy Commissioners and clauses (2) and (1) of the same, regulate the powers of patronage and disciplinary control of Assistant Commissioners and Amildars (including Deputy Amildars) respectively.

Rules for Recruitment.

50. *In addition to the Clerkship Rules, contained in paragraphs 354 to 367 and 367 (a) of the Manual of General Circulars and Standing Orders, attention should be paid to the following rules which have not been repealed by the same:—*

R. 1678—L.R.
106-06-1, d.
7th Aug. 1906.

(1) A fair proportion of the vacancies in the offices of Deputy and Assistant Commissioners should be filled by the selection of Taluk Gumastas of approved qualifications, conduct and efficiency.

(2) Not less than a fourth of the total number of vacancies among Taluk Sheristedars during each official year should be filled by persons chosen from among the most capable and qualified Shekdars, and not less than a fourth by persons chosen from among the most capable and qualified Taluk Head Gumastas, the remaining vacancies being filled by duly qualified clerks in other offices of the Revenue Department.

(3) Graduates who have undergone training for a period of not less than six months in the Account Branch and not less than six months in the Revenue Branch, of a Taluk Office, and for not less than a year as Shekdars, will, if otherwise qualified by passing the Local Service Departmental Tests, have preferential claims over other graduates of a similar standing, and over candidates of

lower general educational qualifications of longer standing, for the following offices:—

- (i) Taluk Sheristedars.
- (ii) Revenue Head Munshi, Deputy Commissioner's Office, and
- (iii) Head Clerk, Assistant Commissioner's Office.

Deputy Commissioners should take special steps to train graduates as above.

(4) No one shall be appointed to any of the appointments mentioned below, unless he has passed the test or tests shown against it:—

- | | | |
|--|--------|---|
| 1. Any appointment in the Account Branch of the Deputy Commissioner's Office | ... | Account Test. |
| 2. Taluk Sheristedar | ... | Revenue and Criminal Tests (Lower Grade) and Account Test (Lower Grade). |
| 3. Head Clerk, Revenue Head Munshi and Judicial Head Munshi of the Deputy Commissioner's Office, and Head Clerk, Assistant Commissioner's Office | ... | Revenue and Criminal Tests (Lower Grade). |
| 4. Head Clerk in the Office of the Revenue Commissioner or Survey and Settlement Superintendent | ... .. | Revenue Test (Higher Grade). |
| 5. District Sheristedar | ... | Revenue and Criminal Tests (Higher Grade), and Account Test (Lower* Grade). |

R. 11155-64—
L. R. 623-14-1,
d. 1st June
1915.

NOTE.—The average pay of a progressive appointment and not its maximum pay should be deemed the pay of that appointment for the purpose of determining the prescribed qualifications.

Appointments, etc.

51. (i) Applications for appointments should be made in the prescribed form (*Appendix 17 of the Manual of General Circulars and Standing Orders*).

(ii) Instructions issued for larger employment of members of backward communities in the Public Service are contained in paragraph 225 (a), *ibid*.

(iii) All appointments whether permanent, temporary or officiating, carrying salaries fixed at or above or progressing to Rs. 100 should be reported to Government for sanction (Paragraph 224, *ibid*).

* *Vide* Govt. Notn. No. 3109—Examn. 19-09-4, dated 29th September 1910.

(iv) (a) Only Natives of Mysore by birth or domicile should be entertained for permanent and temporary appointments, in the superior service in all departments and in all grades of the service. Where it is found necessary to appoint any person other than a native of Mysore, the matter should be reported to Government and their sanction obtained.

1270-920—
E. A. G. 817,
d. 7th Nov.
1918.

(b) Recommendations for the entertainment of non-Mysoreans in the State service should be accompanied by a full statement of reasons and a certificate that no qualified subject of His Highness the Maharaja of Mysore was available for the post, though the vacancy had been duly advertised.

NOTE.—The term "Native of Mysore by domicile" means a person who has voluntarily fixed the habitation of himself and his family in the Mysore State, not for a mere special or temporary purpose, but with the intention of making it his permanent home. A continued residence for five years shall be *prima facie* evidence of his having acquired a domicile.

52. Irresponsible and unpaid persons should not be employed in public offices to assist the paid establishments.

201-42—P. F.
5-98, d. 30th
June 1898.

Appointments on Rs. 50 and more.

53. With a view to regulate appointments to posts carrying a pay of over Rs. 50 per mensem in the Revenue Department, a list of all officials eligible for such appointments must be maintained in the prescribed form (Appendix III).

R. 8701-10—
L. R. 178-14-1,
d. 3rd Feb.
1915;
R. 8978-87—
L. R. 178-14-
19, d. 20th
March 1916.

The following instructions are issued for the preparation, etc., of the list:—

(i) Each Deputy Commissioner should send up to the Revenue Commissioner before the end of January and July of each year, three lists showing officials in the district eligible for the post of:—

- (a) District Sheristedar;
- (b) Head Clerk; and
- (c) Other posts of over Rs. 50;

giving full particulars regarding the official's pay, service, qualifications, character, etc.

(ii) On receipt of the above lists, the Revenue Commissioner should prepare three corresponding consolidated lists, the names being arranged in the order of seniority as determined by the length of total service of the officials and send them up to Government for approval, before the end of February and August of each year

(iii) After the consolidated lists are approved by Government, they will be circulated among the Deputy Commissioners for selecting therefrom suitable candidates for appointments, as vacancies arise.

(iv) The names of Sub-Registrars need not be included in these lists.

Miscellaneous.

54. Rules on the following matters are given in Chapter XV of the Manual of General Circulars and Standing Orders:—

(i) Prefixing "Mr." to the names of certain officials. (Paragraph 368).

(ii) Leave applications of Ministerial Officers. (Paragraph 356).

(iii) Confidential Reports to be submitted annually in respect of officials drawing Rs. 70 and above. (Paragraph 370).

(iv) Maintaining Character Rolls or Books for Ministerial Officers in all offices. (Paragraphs 371 and 372).

Taluk Establishments.

55. The sanctioned scale of Taluk Establishments is as in Appendix IV.

CHAPTER III.

VILLAGE OFFICERS.*

SECTION I—CHARGES.

Each village (old or new) has a headman or patel and such other village officers as Government consider necessary. (Rule 1 of the Rules under the Village Offices Regulation). Statutory provisions.

The power of grouping, amalgamating, creating or dividing villages vests in the Government, (Section 6, V. O. R. and Rules 1 to 8 of the V. O. Rules.)

*Except in the case of single villages, no one officiator holds charge of villages with a collection of more than about Rs. 2,500; when five or more villages are combined in one charge, a single officiator does not, as a rule, hold more villages than give a revenue of about Rs. 1,600 (Rule 4, *ibid*).*

*The Shanbhog's charges once determined by the Survey Department should not be split up or re-arranged without the special sanction of Government (Rule 5, *ibid*).*

In all cases in which villages with different hakdars are combined and made into one firka, the person having the largest share gets the office, and the names of all other sharers are entered in the registers as subordinate hakdars for the combined village, possessing a fractional share in

* Shanbhogs and Patels also come under the general definition of "Revenue Officers," inasmuch as they are employed in or about the business of the land revenue and accounts or records connected therewith. [Clause (1) of Section 3, L. R. C.].

"Village Officer" is an officer holding a village office, that is, an office to which emoluments are attached and which is held for the performance of duties connected with the (i) administration or collection of the revenue, or (ii) the settlement of boundaries, or (iii) other matters of civil administration pertaining to a village (Section 4, Village Offices Regulation).

*the hak, the fraction being determined by the ratio which the revenue of the minor villages bears to that of the combined village, at the time of the amalgamation. The minor hakdars have a preferential claim to the entire hak, when the major hakdars fail, and to officiate during the minority or other disability of the major hakdar (Rule 6 *ibid*).*

*Charge of Circles.**

4484-91—P. F.
18-1900, d.
10-11th Dec.
1900.

56. (i) A single officiator should not have charge of more than one circle, and payment of any portion of potg allowance by one to another is not authorised by rules.

8791—P. F.
48-1900, d. 2nd
May 1901.

(ii) A joint-hakdar to a shanbhogi office is entitled to have the entire *hak* on failure of male heirs to the other *hakdar*.

505—P. F.
56-95, d. 8th
Sep. 1901.

(iii) When there are two eligible candidates in a family which has the right to the shanbhogi *hak* of certain Government villages and Inam villages, one of them should be given one circle, comprising the Government villages, and the other the second circle comprising the Inam villages.

786—P. F.
42-92, d. 10th
March 1902.

The Patel of a *Dakhla* village is not entitled to be continued as such, even after its amalgamation with the *Asli* village, to the prejudice of the proper *hakdar* thereof; nor is he entitled to get himself entered as a *hakdar* to come in, on the extinction of the family of the latter.

(Appeal No. 11 of 01-02).

R. 2291—R.
M. 225-07-5,
d. 15th Octr.
1908.

But, the heirs of the Patel of *Dakhla* village do not lose their rights to hold the office, if and when it is revived, simply because the office was extinguished by the inclusion of that village in the *Asli* village.

(Appeal No. 1 of 1908-09).

Division of Circles.

1760-67—Pet.
248, d. 13th
Aug. 1897.

57. (i) Division of villages into separate shanbhogi charges is an act of administrative convenience and cannot be regulated with reference to its result on the amount of the potg allowance which becomes payable to the officiators. There should be a separate officiator for each such charge.

* NOTE.—The use of the term "scale" to denote the villages formed into a circle and placed in charge of a single officiator shanbhog is inappropriate and should be discontinued. The proper term is "circle." No. 749-48—P. F. 36-02, dated 4th November 1902.

(ii) When two villages formed two charges and there was an agreement between the parties to the effect that one of them should get one village and another the other, it was held that the agreement was equitable and might be conformed to.

(Appeal No. 8 of 1908-09.)

R. 10490-8—
R. M. 24-08-7,
d. 12th June
1909.

Partition of Firkas by Hakdars.

58. Revenue officers are not competent to re-adjust sanctioned shanbhogi charges, in order to equalise the benefits derived from potgi by two sharers under a partition deed.

(Appeal No. 121 of 1905-06.)

R. 1857—R.
M. 298-05-4,
d. 26th July
1908.

A partition of the duly constituted *firka* by the members of a hakdar's family should not be countenanced and given effect to by the local Revenue Authorities. The splitting up of the *firka* should not be ordered, *except with the sanction of the Government*, and except when such a course is deemed necessary for administrative convenience or other reasons.*

(Appeal No. 2 of 1907-08; 4 of 08-09.)

R. 92-100—R.
M. 846-08-5, d.
4th July 1908.
6979—R. M.
118-07-8, d.
8th March
1909.

SECTION II.—RECRUITMENT.

Deputy Commissioners are competent to appoint, under the general orders of Government and of the Revenue Commissioner, a stipendiary Patel or Village Accountant† in villages where no hereditary Patel or Shanbhog exists (Section 14, L. R. C.). In choosing persons to fill the offices of new villages, the best qualified persons from among the last holders of the offices which have ceased to exist or the members of their families should be selected [Clause (2) of Section 6, V. O. R.]

Statutory
provisions.

The general principles to be observed in making appointments (permanent and temporary) to the offices of Patel, Shanbhog, Toti or Talari, in unalienated villages are enumerated in Section 8 of the V. O. Regulation and the general educational qualifications required of Patels and Shanbhogs are described in Rules 24 and

* *Fide* also Rule 5 of the Village Offices Rules.

† This expression is defined in clause 24 of Section 4, L. R. C.

25 of the Rules under the said Regulation. No one is eligible for appointment to a village office who is not of the male sex; in the case of Nirganti, Toti and Talari an exception is made in favour of females otherwise competent.

[Proviso to clause (1) of Section 8, V. O. R.]

Duties of Patels and Shanbhogs are enumerated in Rules 81 and 82, *ibid.*

The right to a Shanbhogi office is inseparable from the efficient discharge of duties connected therewith, the only exception allowed being in the case of a minor on whose behalf a gumasta may be appointed. (Rule 83, *ibid.*)

Filling up Offices in New Villages.

59. A person has no right to question the act of Government in respect of appointments made for newly* created village offices.

(Appeal No. 55 of 1892-98.)

EFFICIENCY OF VILLAGE OFFICERS.

(a) Survey training to Shanbhogs.

60. Arrangements should be made by Deputy Commissioners in all districts to hold a *Mojani* class under the District Surveyor at the district headquarters for imparting instruction in:—

- (i) the nature and use of the chain and cross staff and testing rod,
- (ii) plotting scales, etc.,
- (iii) preparation of field books and village maps,
- (iv) measurement of survey numbers, and
- (v) inspection of boundary marks.

Deputy Commissioners are authorised to incur an expenditure not exceeding Rs. 25 a month for the purpose. They should induce as many of the village officers as possible to get themselves trained in the schools.

(b) Replacement of Inefficient Men.

61. Illiterate patels and incompetent shanbhogs should be gradually replaced by duly qualified men and the work of this useful class of public servants gradually improved in quality.

* Clause (2) of Sec. 6 V. O. R. and Rule 8 of the Rules thereunder.

4479—P. F.
85-98, d. 1st
Sep. 1898.

R. 5180-94—
L. S. 11-07-3,
d. 29th Jan.
1910; R.
8903-11—L.
R. 298-18-3,
d. 18th May
1914.

R. 7561-9—L.
R. 335-14-3, d.
26th Feb. 1915.

Appointment of Gumastas.

62. (i) The interests of the minor *baravardar* should guide the choice of a gumasta. One who will take care of the minor, educate him and train him for his future duties should always be selected.

R. 4641-S—P.
F. 21-1900,
d. 19th Dec.
1900.

Vide also last para of the Statutory provisions *supra*.

(ii) In the case of a female *baravardar*, her wishes should invariably be consulted in selecting gumastas.

R. 7889—L.
R. 888-14-6,
d. 27th Jan.
1916; R. 768
—L. R. 467-
15-4, d. 17th
July 1916.
R. 8065—L.R.
174-18-4, d.
8rd Sept.
1919.

(Revn. Petn. No. 56 of 1914-15; Review Petn. No. 3 of 1915-16).

(iii) A Patel gumasta cannot be removed from his appointment, merely on the ground of old age. The requisite condition is that he continues to be physically and mentally fit to carry on the duties of patel.

(Appsal No. 17 of 18-19.)

SECTION III.—DISCIPLINE.

The powers of various grades of Revenue Officers to punish the village officers are regulated by the provisions of Section 7 of the V. O. Regulation, and the limits of fines and suspensions are laid down in Rule 23 of the Rules thereunder.

Statutory
provisions.

*A hereditary village officer who has been convicted of a criminal offence may be dismissed from employment; but his right to the office should not be confiscated to the detriment of his heirs, unless the criminal act was done in the execution of his office and affects the responsibility of the officer to Government. (Rule 21, *ibid*).*

*No patel or shanbhog shall absent himself from his charge for more than seven days, without previously obtaining leave from the Amildar of the Taluk. (Rule 92, *ibid*).*

An Amildar or Deputy Amildar grants leave to village officers and appoints substitutes for the period, reporting his action to the Assistant or the Deputy Commissioner for approval or other orders [Clause (5) of Section 8, V. O. R.].

Both the Patel and the Shanbhog should reside in the village or one of the villages constituting their charge. (Rule 92, V. O. R.).

Form of addressing Patels and Shanbhogs.

760-809—L.
R. 217-174,
d. 10th July
1918.

63. Both shanbhogs and patels as heads of villages should be addressed by subordinate officers of a department *other than Revenue*, drawing a salary of less than Rs. 50, by means of *Yadis* and not *hukums*.

Punishment of Village Officers.

Do.

64. Revenue Officers should invariably obtain and record the explanation of the village officer concerned before punishing him. (*Vide Rules 9 and 10 of the V. O. Rules.*)

Dismissal and Deprivation of Haks.

927-94-17, d.
9th May 1891.

65. (i) *Succession in Case of Dismissal*.—In nominating a successor to a dismissed shanbhog or other official holding a hereditary office, preference should be given to divided members with totally separate interests; if such persons are not available, a stranger should be appointed for a limited period, say 10 or 20 years, with a reversion of the office at the end of that term to the heirs of the dismissed official.

1841—P. F.
11-94, d. 18th
July 1894.

NOTE.—When a village office is transferred by Government to a third party for offences committed by *hakdars*, there can be no suit.

(Appeal No. 124 of 1893-94.)

Dismissal Unwarranted for Non-payment of Arrears.

Decision, d.
26th August
1892.

(ii) The dismissal of a shanbhog for non-payment of arrears is unwarranted. Insolvency may be a good ground for dismissing a patel from his office and not a shanbhog who has no charge of money.

(Appeal No. 77 of 1891-92.)

4817-24—Ptn.
884, d. 6th
Sept. 1894.

Innocent default to pay arrears of revenue is quite different from misappropriation; and though a *hakdar* may be required to recoup misappropriated amount to keep the *hak* alive, an analogous course of action cannot be allowed in the case of a man innocently failing to pay *arrears of revenue due*.

The proceedings for the recovery of revenue arrears are quite different and should not be mixed up with the shanbhogi *hak*.

Prosecution necessary in Serious Cases.

Decision,
d. 4th July
1889.

(iii) When a responsible village officer is accused of the very serious offence of theft or misappropriation of

Government property, the accused should be prosecuted criminally before the proper tribunal.

(Appeal No. 208 of 1889-90.)

Recoupment of Embezzled Money.

(iv) Money embezzled by a village officer has to be made good even by a successor to the *hak*, before he can succeed to the office.

7279—P. F.
168, d. 26th
Nov. 1892.

(Appeal No. 82 of 1891-92.)

Money embezzled by a village officer should not be recovered from a stranger and the appointment conferred on him. A divided member of the dismissed man's family who has not participated in his misdoings should be given preference, if he is prepared to pay the whole of the embezzled money.

1416—P. F.
14-94, d. 18th
July 1894.

NOTE.—This principle was emphasized in No. 5731—P. F. 86-97, dated 6th February 1901.

Service Inams of a Dismissed Village Officer.

(v) In cases of dismissal of village officers (holding service inam lands) for criminal offences, the *Inam tenure* should be cancelled and the dismissed man in possession of the *Umbli* lands left on *full* assessment.

9945—P. F.
—282, d. 24th
Dec. 1892.

Offences relating to Government property.

(vi) Deprivation of *hak* of the family is a very necessary element in the punishment for an offence relating to Government property, (e.g., theft of a large quantity of Government sandalwood; felling reserved timber without license).

9940—Pet.
288, d. 9th
Aug. 1893.

(Appeal No. 27 of 1893-93.)

Hak not to be Deprived for Petty Faults.

(vii) Neglect of duty on the part of a shanbhog in ascertaining and submitting the name of the rightful successor to the patel of the village is not such as to debar the shanbhog's son from getting the office.

8169—P. F.
32-93, d. 13th
Nov. 1893.

(Appeal No. 196 of 91-92.)

Complicity in Dacoities.

(viii) Complicity in a case of dacoity is not an offence, entailing a forfeiture of the *hak*.

(Appeal No. 153 of 1903-04; 45 of 1911-12.)

R. 7408—P. F.
272-08-3, d.
16th Dec.
1905 and
R. 6567-9—L.
R. 470-11-3,
d. 10th May
1912.

Cases of Cheating.

5292-174, d.
19th Sep.
1889.

(ix) A conviction for the offence of cheating does not justify the entire alienation of the *hak* from the family of the convicted person; nor is the suspension of his right to the office for an uncertain and indefinitely long period a suitable step. In such a case, his family should be deprived of the office and its emoluments for a limited term, say 12 years, and thereafter the office will revert to another member of the family who is found qualified.

1804—P. F.
87-96, d. 14th
Aug. 1897.

(x) The son of a shanbhog who is dismissed from the office for the offence of embezzlement of Government money and who thereby loses his family *hak*, cannot claim the office on the ground that he has been adopted by his uncle.

12451-8—Pet.
1538, d. 30th
July 1896.

(xi) Dismissal is not a severe punishment for a shanbhog gumasta who fails to report unauthorised cultivation of a gomal land.

8809—P. F.
15-97, d. 25th
June 1900.

(xii) For fraudulent concealment of an unauthorised cultivation by a shanbhog, a suspension of the family *hak* for about 30 years is sufficient.

R. 2796-804—
L. R. 487-09-4,
d. 26th Oct.
1910.

(xiii) In the absence of a judicial investigation, in a Criminal Court, of cases of embezzlement of Government money, it is generally inexpedient to order forfeiture of the *hak* from the family. It is sufficient in such cases to deprive the family of the office during the offender's life-time.

(Appeal No. 15 of 1909-10.)

R. 11067—L.
R. 92-15, d.
27th May
1916.

But, when the prosecution of a village officer who has misappropriated Government money, etc., is prevented by his absconding, and there is no reasonable doubt about his guilt, the family may rightly be deprived of the *hak*.

(Revn. Case No. 1 of 15-16.)

Patel and Shanbhog to reside within their village

R. 3896—B.
M. 215-06-3,
d. 23rd Dec.
1907.

66. The cases referred to in Rule 92 of the Rules under the Village Offices Regulation are as follows:—

- (i) If the village is *bechirak* or depopulated.
- (ii) If it does not contain any other houses of members of their community; or
- (iii) If it is unsuitable for residence on account of
 - (a) general unhealthiness, or
 - (b) scarcity of water-supply.

NOTE 1.—In all such cases, the Deputy Commissioner may permit the patel or shanbhog to reside in some other village, provided the village selected for residence is situated within the hobli, where he holds the office and that it is situated at a distance of not more than 3

miles from the village or any one of the villages comprised in the *firka*, as the case may be.

NOTE 2.—The Deputy Commissioner's order on the question whether any particular case in deserving of relaxation is final.

(iv) The ground that a patel does not permanently reside in the village is not such as to justify his absolute dismissal from office. He may be re-appointed, if he removes into the village and promises to reside in it permanently.

1075—P. F.
78, d. 18th
July 1892.

SECTION IV.—REMUNERATION.

“*Emoluments*” means (i) lands; (ii) assignments revenue payable in respect of lands; (iii) fees in money agricultural produce; and (iv) money salaries and other kinds of remuneration granted or annexed to a village office (Sec. 4, V. O. R.)

The emoluments of village offices are not liable to be transferred, partitioned or encumbered and also not liable to attachment or sale (Sec. 5, V. O. R.)

The remuneration of patels and shanbhogs, is regulated by the Potgi Rules, embodied in Rules 75 to 78 of the Village Offices Rules.

The remuneration of other village officers is regulated by Rule 79, and that of village officers in alienated villages by Rule 80.

Emoluments of Village Officers.

67. The assessment of a land does not represent the full value of it to its possessor. In restraining the alienation of service inam lands, the policy of Government has been to render permanent the sources of official income to a hereditary village officer's family apart from the potgi allowance which is payable to, and enjoyable, by the officiator alone. Deputy Commissioners should not recommend sanction to alienation of such inams and create inconvenient precedents.

Hissedars guilty of unauthorizedly alienating the land are liable to be removed from the register of heirs.

1934-41—Pot
292, d. 20th
Aug. 1897.

Potgi (Cash Remuneration) of Patels and Shanbhogs.

28343—R.
8408, d. 15th
June 1895.

R. 12671-81—
L. R. 323-18-4,
d. 81st March
1919.

906-18—Pet.
923, d. 9th
June 1899;
Petn. 424, d.
26th Aug. .
1901;

R. 1256—Mis.
62104-7, d.
27th July
1905.

R. 1524-92—L.
R. 501-08-2,
d. 17th Aug.
1909.

R. 2904-18—L.
R. 394-09-5, d.
2nd Oct. 1913;
R. 9302-4—L.
R. 12-18-21, d.
6th June 1914;
R. 2770-80—
L. R. 216-14-2,
d. 18th Oct.
1914;

R. 6951-3—L.
R. 19-14-8, d.
11th Feb.
1915;
and R. 14610-
60—L. R. 894-
18-2, d. 15th
May 1919.

R. 14034-44—
L. R. 369-18-2,
d. 8rd May
1919.

R. 1954—L.
R. 235-16, d.
18th Aug.
1917.

68. (i) Potgi allowance is a full and sufficient remuneration for the services rendered by village officers; the enjoyment of other perquisites of whatever kind ceases.

(ii) The railway cess should be included in the gross revenue collections in calculating the potgi.

(iii) There can be no division of potgi amount by, or with the cognizance of, the Government authorities, as under the rules; * it is the officiator's *exclusive* perquisite. A Revenue officer has no jurisdiction to pass a decree for payment of an annuity (out of the potgi amount) or to execute it.

(Appeal No. 126 of 1904-5); (Appeal No. 88 of 08-09.)

Decennial Revision of Potgi.

69. (i) Village Officers are given the benefit of the increased revenue realised by Government every decennium, and their potgi is revised decennially.

(ii) The case of the officers of each village should be treated on its own merits, without reference to the revision in the taluk as a whole.

(iii) When the amount of the potgi of a circle in the case of a shanbhog and a village in the case of a patel, is increased or decreased, in consequence of the revision settlement, the revised potgi should be paid from the date of introduction of the revised settlement in the case of an increase, and from the date of the Government Order sanctioning the revised potgi in the case of a decrease.

(iv) The Revenue Commissioner is competent to sanction disbursement of potgi according to decennial revision.

NOTE.—The decennial revision of potgi in alienated settled villages should be undertaken, only after obtaining the consent of the Inamdars concerned.

70. Before one's right to succeed to the office is established, his suit for recovery of emoluments thereof cannot be entertained.

(Appeal No. 9 of 16-17.)

Miras to Totis, Talaris and Nirgantis.

71. (i) Where the claim to *miras* is disputed and forcible recovery has to be resorted to, the maximum quantity

* The sum of remuneration payable to each officiator shall be his exclusive perquisite on which no other member of the family has any claim (*Vide* Rule XXXVII of old Potgi Rules, Section 5 of the V. O. R.)

R. 6292-902—
L. R. 369-10-
11, d. 81st
Dec. 1915.

of grain that could be levied from the defaulting raiyat should be fixed at the equivalent of one anna in the rupee of assessment, calculated at rates prevailing at the harvest time of the year in which default is made. (Clause VII of Rule 79, V. O. R.)

(ii) Compulsory levy should be ordered only in respect of one year's dues, provided further that the claim has been preferred within the official year in which default is made.

NOTE.—According to the established usage of the country, the *miras* is payable by the person who cultivates the land, the theory being that it is payable from the gross produce, before the crop is divided between the landlord and tenant.

(iii) In cases, where the *miras* is patently inadequate, necessary land inams, may, with the sanction of Government, be granted out of Government waste.

NOTE 1.—The Jamabandi officer should satisfy himself by personal enquiries during Jamabandi that these minor village servants are not deprived of their remuneration through ignorance of rules and procedure and of their rights.

NOTE 2.—Mohatarfa tax payers are not bound to pay *miras* and any *mamul* in this respect should not be recognised.

Batayi lands in an inam village are not exempt from payment of *miras*.

4600-9—Ml.
185-15-2, d.
15th Feb.
1918; 5292-238,
d. 19th Sept.
1899.
8696—P. F.
61-98, d. 29th
Nov. 1898.

SECTION V.—SHANBHOGS.

The shanbhog is the Accountant of the firka (group of villages) or a village and performs the duties prescribed in the Village Manual, the Land Revenue Code and the Rules thereunder. (Rule 82, V. O. Rules).

Statutory
provisions.

*Claimants to shanbhogi offices have to pass a simple qualifying examination (Rule 25, *ibid*).*

*The right to a shanbhogi office is inseparable from the efficient discharge of duties connected therewith, the only exception allowed being in the case of a minor on whose behalf a gumastā may be appointed. (Rule 83, *ibid*).*

The registers, accounts and other records to be kept by a shanbhog are prescribed from time to time (Sec. 15,

L. R. C.). Those now prescribed are described in Part II of the Village Manual.

The custody, production and transfer of accounts and other records kept by shanbhogs and patels are regulated by Rules 89, 90 and 91 of the V. O. Rules.

Rotation of Office among Hakdars.

9989—P. F.
68-98, d. 19th
Dec. 1898.

72. (i) Allowing Shanbhogs to do duties by turns is objectionable and ill-calculated to give them a feeling of responsibility.

R. 4344—L. R.
245-17-4, d.
8th Oct. 1919.

(ii) It is not conducive to efficiency that the duties of the Shanbhogi office should be performed by *hakdars* by rotation; but in the absence of any provisions for the buying out of the hereditary right, the evil will have to be endured, unless the *firkas* are divided and constituted into separate units.

(Review Pet. No. 14 of 1918-19.)

Exchange of Shanbhogi Baravards.

R. 9690-2—L.
R. 885-08-2, d.
20th May
1909.

73. There is no objection to mutual exchange of *baravards* between two Shanbhogs of duly constituted *firkas*, when they belong to the same family and when the sanctioned arrangements in respect of *firkas*, residence, etc., are not violated thereby.

(Appeal No. 49 of 1908-09.)

Lending of Taluk Office Records to Shanbhogs.

2801—P. F.
181, d. 17th
Aug. 1892.

74. Taluk records should not as a rule, be given to shanbhogs for being taken to their villages. When a shanbhog desires to refer to any record in a Taluk, he should only be allowed to do so in the presence of some responsible Taluk Officer.

Supply of Khirdi and Patta Forms to Shanbhogs.

R. 994-1008—
L. R. 867-09-8,
d. 15th Aug.
1910, and R.
743-58—L. R.
468-09-8, d.
6th Aug. 1910.

75. Shanbhogs should get *khirdi* forms printed at their own cost out of their stationery allowance. Printed chellan forms will be supplied to them at Government cost.

They will also be supplied on credit with a sufficient number of *pattas* every year and the cost debited to their *khate* and recovered at the end of the year from their *potgi*, if the same is not repaid earlier from the sale proceeds.

Summoning Shanbhogs to the Taluk Cutcherry.

76. Amildars and shekdars should take full advantage of the opportunity afforded by their tours to examine the village accounts on the spot and minimise the occasions for summoning shanbhogs to the Taluk Cutcherry. When their attendance at the Taluk Office is absolutely necessary, endeavours should be made to send them back as quickly as possible. They should not in any case be detained longer than three days at a time.

B. 760-809—
L. R. 217-17.
4, d. 10th
July 1918.

SECTION VI—PATELS.

Until a regular test is prescribed, ability (i) to write up Registers of Vital Statistics, (ii) to give receipts to raiyats, and (iii) to write reports on ordinary occurrences, should be regarded as necessary qualifications for patels.

Statutory
provisions.

In filling up pateli vacancies, literate members of a hakdar's family should be preferred to illiterate persons. (Rule 24, V. O. Rules).

1. *One Patel for Each Village.*

77. The basis of the Potgi settlement is the unit of a village, and the rules contemplate clubbing of more villages than one, only in the case of shanbhogs. As regards patels, there should be one patel for each village.

2621-9—R.
908, d. 14th
Sept. 1897.

2. *Revenue and Police Patels for a Single Village.*

(i) Where there are two *hakdars* for a single village, the Deputy Commissioner may appoint two patels—one for Revenue duties, and the other for Police duties,—and divide the potgis in the proportion of their shares in the *hak*. Where there are more than two *hakdars*, two of them may be appointed as above directed, and the other *hakdars* appointed when vacancies occur, so that all of them may have their turn in the office. This rule is subject to the condition that the men appointed are fit to hold the office, reside in the village, and hold lands in them.

10267-75—R.
1055, d. 8rd
Jan. 1894.

(ii) But, it is not desirable to split up the pateli of a small village in the above manner or to divide the potgi which is already little enough, between two patels.

680—P. F.
30-01, d. 28th
Sept. 1901.
R. 6966—L.
262-13-3, d.
18th May 1914.

(Revision Case No. 80 of 19-12.)

1957—P. F.
d. 17th April
1902.

(iii) When the survey records do not recognise a *Dakhla* and an *Asli* village and when these have not been constituted into separate circles, it is wrong to have different patels for the *Asli* and *Dakhla* villages.

(Appeal No. 22 of 01-02.)

3. Other Instructions re Appointment of Patels.

641-97, d. 17th
Apl. 1886.
8698—P. F.
7092, d. 28th
Nov. 1898.

(i) A pauper cannot be retained in the Pateli office.

(ii) An acquisition of the Pateli right by purchase 60 years ago, long before the alienation of such offices was prohibited, should be respected and cannot be disturbed.

(Appeal No. 92 of 1892-98.)

R. 4295—L.R.
518-16-4, d.
5th Nov. 1917.

(iii) When two or more parties have equal right to the *pateli*, it is equitable to allow one of them to hold the office first for a fixed period, say five years, and thereafter to give similar chances to the other *hakdars*.

(Revision No. 85 of 1916-17.)

4916—P. F.
163, d. 13th
Sept. 92;
4949—P. F.
88-98, d. 1st
Sept. 1898.
1878—P. F.
87-01, d. 18th
Jan. 02.

(iv) *Hakdars* in possession and enjoyment of offices for long periods of over 30 years under proper authority cannot be ousted, *merely to make room for other hakdars*.

(Appeal Nos. 97 of 1892-98 ; 28 of 1900-01 ; 118 of 04-05.)

R. 4258—Mis.
657-04-5, d.
28th Sep. 05.
R. 3853-61—
L.R. 808-08-6,
d. 22nd Nov.
1909.
10560—L. R.
217-17-4, d. 1
26th April
1918.

It is not desirable on administrative grounds to appoint shanbhogs and patels from the members of the same family for the same village.

(Review Petition of 06-09 ; Appeal No. 42 of 1916-17.)

4. Brahmin Patels.

Para 8 of
Gen. Cir. 5,
d. 22nd Oct.
1872.

Though there is objection to Brahmins filling the post of patel and shanbhog in the same village, an incumbent should not be ousted therefrom and his family deprived of their hereditary rights in the office on such a score. No patel whose title to the office is undoubted, and who has been recognised as its incumbent, should be removed therefrom on the score of his being a Brahmin ; nor should the hereditary claims of the family in connection with it be prejudiced thereby ; but as it is essential that the offices of patel and shanbhog should be held by separate individuals, the incumbent, if holding both, should resign one in favor of any member of his family he may

desire to nominate to it, and such person, if fit will be nominated thereto; on the extinction of the family in such a case, if it be necessary to nominate an entirely new *Mirasdar*, a member of another caste for the office of Patel, should be selected.

5. *Sannads to Patels.*

Deputy Commissioners are authorised to grant *sannads* of appointment (in the form given in Appendix V) to patels.

568—R. 12, d.
3rd May 1878.

When a pateli becomes vacant from any cause, the *sannad* held by the last incumbent should be withdrawn, a new one being issued by the Deputy Commissioner to the succeeding patel.

6. *Special Classes of Patels.*

(a) *Mokhtesar, Nad and Bagitana Patels of Belur Taluk.*—The *umbli* lands in the enjoyment of those patels were confirmed to them, they being regarded as public servants liable to be called on for service upon occasions of emergency.

12048—R. 113,
d. 24th March
1879.

(b) *Mokhtesar, Nad and Mande Patels of the Manjarabad Taluk.*—The 32 service inams belonging to these patels were continued in full as service inams, subject to the condition that the patels in question should be regarded as public servants liable to be called on for service in the Police, Revenue and other Departments of the State on any occasion of emergency and that the conditions* of the *sannads* granted to them by Sir Mark Cubbon continue to have full force and effect.

1148-15—R. 16,
d. 1st May
1869.

The mere fact that for some time Government had the management of a Jodi village and enforced from the *Gowdas* payment of full assessment on their *umbli* lands situated in the village does not prejudicially affect the rights of the *Gowdas* as against the Inamdars. The *umbli hak* should be left undisturbed in such cases and the liability of the lands restricted to the old jodi thereon plus half the difference between the old jodi and the full survey assessment on the principle of Inam Rule VIII (f).

R. 12145—Mis.
P. 41-08-10, d.
22nd March
1885.

(Appeal No. 104 of 1903-08.)

*The duties assigned to patels *vide* (Rule 81 of the Village Offices Rules).

7. *Village Inspection Register.*

R. 8871—411,
d. 4th Feb.
1902.

(i) In every village is kept a register in the form given in Appendix VI for recording the remarks of Revenue Officers inspecting villages.

The patel is the custodian of this Register and he must produce it before the Inspecting Officer of any Department of the grade of Deputy Amildar and above, and also Shekdars and Police Inspectors, whenever he visits the village. The patel should give his prompt attention to the remarks made, obtaining the orders of the Amildar where necessary, in case of inspection by an officer of a department other than the Revenue.

(ii) The remarks should usually be made in Kannada in the register and where the patel is illiterate, he should acquaint himself with the contents with the help of the shanbhog or other educated person in the village.

(iii) The officer who records the note should also explain the substance of it to the patel.

(iv) The register is also intended to serve as a check on the Inspecting Officers and to show whether the village was inspected, how often and whether it had its due share of attention by the officers concerned.

(Vide also clause (f) on page 177 of the *Village Manual, Part I.*)

SECTION VII—MINOR VILLAGE SERVANTS.

Statutory
provisions.

Toti is the responsible watchman of the village and its crops, Talari the scout of the village, and Nirganti the regulator and distributor of water to the fields of the village. (Rules 84, 85 and 86, V. O. Rules).

As regards the remuneration (miras) payable to the minor village servants, vide fourth and fifth paras of the resume under Section IV.

Procedure to be followed in case of non-payment of miras to them is given in Section 12, V. O. R.

Appointment of, and Succession to, Toties and Talaries.

B. 6292-302—
L. R.
869-10-11,
d. 31st Dec.
1915.

78. (i) General directions are not necessary to regulate the appointment of these servants in villages, which are not already provided with them. Each such case will

be dealt with by Government on its own merits on receipt of specific recommendations from the local officers.

(ii) The custom known as *illatom* adoption, *i. e.*, affiliation of a son-in-law which is prevalent among the *Bedar* class should be respected in adjudicating claims of members of that class.

8851-3—P. F.
10-99, d. 27th
June 1900. 11

(iii) The holder of the *Nirganti* office has no power to transfer the office to another person to the prejudice of his brother.

R. 2758—L. R.
419-12-4,
d. 26th Sept.
1918.

(Appeal No. 9 of 12-13.)

Suit regarding a Talari Office.

(iv) An Amildar had no authority to entertain a regular suit to establish the claim of the *Talari* (or any other village office). A suit lodged with him is not a regular suit.

R. 6822—L. R.
260-12-4,
d. 8th Feb.
1916.

(Appeal No. 84 of 13-14.)

SECTION VIII.—ALIENATED VILLAGES.

An inamdar is bound to keep the registers, accounts and other records prescribed by Government and to deposit with the Deputy Commissioner true copies of such of them as may be required (Sec. 16, L. R. C.)

Statutory
provisions.

The nomination of patels, village accountants, nirganties, toties and talaries in Inam villages rests with the inamdars, subject to confirmation by the Deputy Commissioner or Assistant Commissioner. If the Inamdars fail to make the nomination within a given time, the Deputy Commissioner or Assistant Commissioner is competent to make the appointment. (Rule 6A, L. R. R.)

General rules to be observed in making these appointments are stated in Sec. 9, V. O. R.

Village Officers in Alienated Villages.

79. Inamdars are bound by the same rules as would bind Government in regard to hereditary village servants in unalienated villages. The alienation of a village is always subject to this liability on the part of the alienee.

1345—P. F.
d. 27th May
1884.

A vague charge that the shanbhog is insubordinate to the Inamdar is not sufficient to deprive him of his

4041-217, d.
13th Oct.
1884.

4041-217, d.
18th Oct.
1884.

ancestral *hak*. He should be merely warned that if he fails to keep correct accounts or is proved to be insubordinate to the inamdar, he would be dismissed from the office.

NOTE.—The principle laid down in the above order has been reiterated in No. 2289—P. F. 22-93, dated 29th July 1893. (Appeal No. 174 of 1891-92.)

H. 8696—
L. R. 462-12-6,
d. 7th May
1914.

If a Deputy Commissioner does not approve of the first nomination, by an Inamdar, of a Village Officer for his Inam village, an opportunity should be given to the Inamdar to make another nomination. A patel opposed to the Inamdar and likely to deprive him of all consideration due to his position should not be forced upon him.

(Appeal No. 22 of 1912-13.)

Accounts of Inam Villages.

8370-77—2967,
d. 8th Apl.
1897;
2294-301—P.
F. 21-98, d.
16th Sept.
1898;
1498—1600, d.
3rd Feb. 1902.

(a) If an inamdar fails to comply with the provisions of Section 16, L. R. C., the Deputy Commissioner should cause the accounts to be prepared and levy the cost from the Inamdar as a revenue demand. The Village Accountant, where there is one, should have charge of the previous records for the reference of the Inamdar or Deputy Commissioner. It is also his duty to prepare the accounts and registers under the control of the inamdar or his agent. If any enquiry becomes necessary, the Deputy Commissioner may depute a competent officer for that purpose, the incidental expenses being also levied from the defaulting Inamdar.

R. 3789-80—
L. R. 63-08-5,
d. 11th Oct.
1906.

(b) To enable Revenue Officers to get the accounts prepared of Inam villages of defaulting Inamdar, the Amildar of each taluk is allowed an imprest not exceeding Rs. 50.

6700—P. F.
204, d. 15th
Nov. 1892.

Insolence, carelessness and negligence on the part of the shanbhog of an inam village is not a sufficient ground for dismissing him from his hereditary office; but it is his duty to obey the Inamdar and do duties to his satisfaction.

2294-301—P.
21-98, d. 16th
Sept. 1898.

Where there is a complaint from an Inamdar or his village servant, the Deputy Commissioner should enquire into it and pass the requisite orders.

H. 1286-306-6,
d. 12th Aug.
1904.

Where there is a hereditary patel in an Inam village, his legal heir cannot be passed over in the absence of valid grounds; but, where the office is not hereditary, a person once appointed to it cannot *ipso facto* assert a

right to transmit it to his heirs, in spite of the Inamdar's opposition.

(Appeal No. 128 of 1908-04.)

SECTION IX—MISCELLANEOUS.

General principles regarding questions of succession and limitations are enunciated in sections 8 and 20 respectively of the V. O. R. Statutory provisions.

SUCCESSION.

[*Clause (2) of Section 8, V. O. R.*]

80. (i) Collaterals can only come in, in the absence of lineal descendants.

(ii) An adopted son who has been registered as Patel continues to hold the office during his life-time to the exclusion of sons subsequently born. After his death, the *hak* should revert to the latter.

(iii) The resignation of the Shanbhogi office by a *hakdar* in favour of a distant relative does not deprive the right of his brother and much less of his son.

(iv) When the registry and possession of a shanbhogi office is expressly allowed to continue in a party, though he was adopted into a different family, it cannot be contended later on that he lost his claim to the shanbhogi office, by reason of his adoption to a different *gotra*.

(v) Wedded wife's son's son, should be preferred to *Kuduvali* wife's son's son.

(Appeal No. 7 of 1905-06.)

(vi) The right to *officiate* in an office cannot be regarded as heritable; nor can it be allowed to continue for ever detached from the title to the office.

(Appeal No. 11 of 1905-06.)

(vii) The rule of primogeniture is not literally and invariably enforceable, regardless of requisite qualifications. And when the more competent of the sons is selected, younger though he be and he holds the office without interruption for a long period, his descendants are naturally

11984—P. F.
86-97, d. 21st
June 1898;
568—P. F. 4-
98, d. 20th
July 1898.

2838-95—P.
F. 26 of 98,
d. 19th Sept.
1898.

4830-87—P.
F. 23-100, d.
22nd Dec.
1900.

R. 4819—R.
M. 708-04-4,
d. 23rd Oct.
1905.

R. 5124-41—
R. M. 26-05-4,
d. 28th Oct.
1905.

R. 12659—R.
M. 251-04-10,
d. 26th March
1906.

entitled to succeed him, in preference to his brother's son or grandson.

(Review Appln. No. 8 of 1905-06.)

R. 148-51—L.
R. 196-10-4, d.
8th July 1911.

(viii) Transfer of a shanbhogi office (at the potgi settlement when the villages were re-grouped into fresh circles) from a registered holder to one of the several persons of the same family, equally entitled to it, is not invalid, when accepted by the proper revenue authority, and it cannot be set aside at the instance of another co-ordinate *hakdar*.

(Appeal No. 12 of 1910-11.)

4087—R. 1406,
d. 1st Nov.
1896;
R. 5351—L.R.
416-11-2, d.
30th March
1912.

(ix) If a *hakdar* shanbhog prefers to remain in service elsewhere, he should resign his *hak* to the shanbhogi office in favour of his next of kin.

(Review Petition No. 8 of 1911-12.)

5912-20—L. R.
170-11-4, d.
18th Apl. 1918.
R. 6630—L.R.
257-13-4, d.
2nd Feb. 1915.
R. 10554—L.
R. 235-17-4,
d. 26th Apl.
1918.

(x) *Dauhitras* are to be preferred to agnates in settling questions of successions to village offices.

(Appeal Nos. 34 of 1911-12; 81 of 1913-14; 10 of 1917-18.)

R. 1077—L.
R. 402-12-4,
d. 31st July
1913.

(xi) The son's son has preferential claims to succeed his grandfather (father's father) over his paternal uncle.

(Appeal No. 2 of 1912-13.)

R. 6758—L.
R. 337-12-4,
d. 25th Feb.
1914.

(xii) One's claim to succeed to the office as being the nearest heir of the deceased holder thereof must be preferred in a regular revenue suit and not in a miscellaneous proceedings before Government.

(Appeal No. 23 of 1912-13.)

R. 2688—L.
R. 394-13-6,
d. 10th Oct.
1914.

(xiii) When a *hakdar*, who had no issues relinquished the office in favour of his undivided brother's son and the latter had been registered as shanbhog, he cannot be deprived of the office later, on the ground that sons were subsequently born to the previous *hakdar*. But when the next vacancy occurs, the office may be given to the *hakdar* or one of his sons, as they would represent the elder branch of the family.

(Appeal No. 21 of 1913-14.)

R. 797—L.R.
624-14-4, d.
10th Feb. 1916.

There is no rule of law that when a family has less shanbhogi circles than sons, the circles should be registered according to priority of birth.

Revn. Petn. No. 86 of 1914-15.)

(xiv) The status of the family *i.e.*, (whether divided or undivided) at the time an order is passed is to be taken into account, and its *subsequent* condition cannot affect the legal aspect of the case.

(Appeal No. 4 of 19-20.)

(xv) In cases which arose before the Village Offices Regulation came into force (*i.e.*, before 1st July 1909) claims of women for the registry of Pateli and Shanbhogi offices should be recognised.

(Appeal Nos. 82 of 1908-09; 12 of 1909-10; 18 of 1912-13.)

LIMITATION.

(Section 20 and Schedule B., V. O. R.)

81. (i) It is not good policy to admit miscellaneous petitions, excepting under extraordinary circumstances, as curing the defect caused by the Law of Limitation.

(Appeal No. 141 of 92-93.)

(ii) The period of limitation begins to run from the earliest date on which a party could have set up his right and not merely from the date on which adverse possession by the present holder commenced.

(Appeal No. 91 of 92-93.)

(iii) The principle that the period of limitation does not run during the minority of a claimant does not apply, when a party setting up as a claimant was not born when the cause of action arose. The period of limitation could not be arrested by the subsequent birth or minority of such a claimant.

(Appeal No. 123 of 1903-04.)

(iv) For recovering a hereditary office, time runs from the beginning of adverse possession by one of the parties. Possession of the office by a stranger cannot be held to be adverse to the family of *hakdars*, till he is appointed as *permanent*.

(Appeal No. 96 of 11-12.)

(v) An order passed by Government in 1897, that is, before the Village Offices Regulation came into force is final; no suit is maintainable to set it aside on the strength of the provisions of the said Regulation.

(Regular Appeal No. 9 of 1915-16.)

R. 6895—L.R.
171-18-6, d.
1st Dec. 1919.

R. 2890-98—L.
R. 587-08-2, d.
16th Sept.
1909.

R. 1840—L.R.
426-Op-4, d.
24th Sept.
1910.

R. 5527—L.R.
888-12-4, d.
23rd Jan.
1914.

4769—P. F.
83-93, d. 9th
Sept. 1893.

7808—P. F.
53-93, d. 1st
Nov. 1893.

1661—P. F.
20-94, d. 23rd
July 1894.

R. 8686—L.R.
299-12-6, d.
7th May 1914.

R. 11065—L.
R. 169-15-4, d.
27th May 1916.

R. 4061—L.R.
481-17-6, d.
22nd Sept.
1919.

(vi) There is no question of limitation, when a person is not appointed at all to the office *in his own right* but is doing the work on behalf (*i.e.*, as gumasta) of a *hakdar* and is therefore bound to vacate it, when the proper *hakdar* was forthcoming to be appointed for the place.

(Appeal No. 15 of 18-19.)

MISCELLANEOUS POINTS.

1887—P. F.
51-01, d. 4th
Apr. 1902.

82. (i) An order passed by a Deputy Commissioner should not be revised by his successor, without reference to Government.

R. 5487-94—
Petrn. 763,
d. 20th Dec.
1897.
R. 7270—R.M.
687-04-4, d.
14th Dec. 1905.
R. 14282—R.
M. 140-05-4,
d. 9th May
1906.

(ii) No suit lies to any subordinate Revenue Court against a decision of Government finally adjudicating the claim to a village office.

(Appeal Nos. 183 of 1904-05; 68 of 1905-06.)

R. 608-11—
L.R. 468-06-2,
d. 15th July
1909.

(iii) When a dispute regarding pateli was adjusted out of Court and the appeal to Government was accordingly dismissed, it was held that the order of dismissal operated to render the matter "*Res judicata*" and that no fresh suit was allowable.

(Appeal No. 51 of 1908-09.)

R. 4222—L.R.
485-16-4, d.
5th Nov. 1917.

(iv) Under the V. O. Regulation, joint offices are not recognised. But, when two parties have very long enjoyment of the rights to the Pateli, the village and its hamlet, if any, may be divided between them into two charges with definite areas and equal work, as far as possible.

(Appeal No. 80 of 16-17.)

Barabaluti Service.

R. 2008-13—
L.R. 212-08-4,
d. 29th Sept.
1910.
R. 2098-107—
L.R. 204-12-2,
d. 14th Oct.
1912.
R. 4489-48—
L.R. 272-13-2,
d. 8th Dec.
1914.

83. Of the 12 classes of hereditary village offices which originally constituted the *Barabaluti* service, only the following five are now recognised, the rest having been abolished as obsolete:—

1. Patel (Gowda or Headman of the village).
2. Shanbhog (Accountant).
3. Toti (Kulvadi—watchman of the village).
4. Talari (Village Policeman).
5. Nirganti (Regulator and distributor of water to the field).

Barabaluti Register.

84. (i) For every taluk ; a *Barabaluti* Register is maintained in duplicate in the form given in Appendix VII.

(ii) A separate register should be maintained for each class of village officers, so that there may be sufficient space in each page to record all the changes.

(iii) In making entries, care should be taken to economise space as much as possible, to enable a record of all future changes in the offices being made, in the registers once opened, for a considerable time to come.

NOTE.—In Taluks where a single register for all the five village offices has already been opened, it may be continued, until the registers already supplied partly written up require renewal owing to want of space. Thereafter, the above instructions should be carried out.

(iv) The mistake regarding sub-columns 17 and 18 in the registers *already printed* should be rectified in the offices concerned, so as to avoid the necessity of printing the registers.

(v) The new registers should be written up and brought up-to-date, the necessary information being gathered from the old registers and suitably revised, where required.

(vi) Two copies of the register should be kept, one in the Taluk and the other in the District Office.

(vii) Every new entry that has to be made in the register from time to time should be effected only under the signature of the Amildar, and no alteration in the existing entries is permitted, except under the orders of the Sub-Division Officer. As a safeguard against unauthorised alterations of the entries, the registers should be examined and signed annually by the officers conducting the Huzur Jamabandi.

If any village officer who is permanently entitled to hold the office is not in possession of a *sannad*, an extract may be given to him from the registers to serve the purpose of a *sannad*.

(viii) The old *Barabaluti* registers should be carefully preserved in the Taluk records.

CHAPTER IV.

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

Statutory provision.

Officers of the Revenue Department may be required by Government to furnish security, when holding specified appointment, and also fresh or additional security, if the security once furnished is unsatisfactory, or if the officer is transferred to a different appointment. (Secs. 22 and 23, L.R.C.)

The officers required to furnish security, the amount to be furnished by each, the time within which and the form in which it has to be furnished are prescribed in Rule 8 of the Land Revenue Rules.

The Deputy Commissioner or the Survey Superintendent is empowered to recover all public money, papers or other Government property in possession of a Revenue Officer or any person formerly employed as such, in a District or in the Survey Department, without reference to the Civil and Criminal Courts. (Secs. 24 and 25, L. R. C.)

Stamp Duty on Security Bonds.

619-27—R.
F. 46-95, d.
16th July 1897.

85. In the absence of an agreement, the executant has to bear the expenses in regard to Stamp duty, under Section 29 of the Stamp Act.*

When security bonds have to be renewed to remedy the defect of registration of the old bonds, the new bond need not bear stamp. Under Section 29 and also clause 18, † Schedule II of the Stamp Act, the executant may execute the deed on plain paper and register it.

NOTE.—Prior to 1911, landed property was allowed to be offered as security.

* Section 29 of the Mysore Stamp Regulation, 1900.

† *Proviso* to Section 3 of — do —

Form of Security.

86. (i) The security required should by furnished within one month after the date of appointment; on default, the appointment is liable to be cancelled. In all cases in which the securities have been furnished *in full*, the Deputy Commissioners should satisfy themselves that the same are sufficient and in a realisable form.

R. 6450-59—
854-03-2, d.
31st March
1910.

Rule 8 (b) of the Revenue Rules.

(ii) In all cases, the officers required to offer security should furnish their securities by deposit of cash (a) in Government Treasuries, or (b) in Government Savings Banks, or (c) by deposit of Government Paper, duly endorsed and accompanied by a power to sell.

R. 1181-40—L.
R. 205-10-2, d.
15th Aug.
1911.

(iii) When Government of India or Government of Mysore Bonds are taken as security from the officials, contractors, etc., in the Revenue or other departments under the existing rules, District Board Railway Debentures as well as the Debenture Bonds of the Chitaldrug Town Water Supply Loan, the payment of interest on which is guaranteed by Government may be accepted as security.

8527-74—L. R.
405-145, d. 1st
April 1915;
R. 110-4-11062
—L. R. 475-
15-3, d. 27th
May 1916.

Security Bonds.

87. The authorised forms of Security Bonds are given in Appendix II to the Mysore Account Code, Vol. II.

R. 7514-24—L.
R. 360-11-4, d.
10th June
1912.

Public nature of Village Accounts of Inam Villages.

88. The accounts maintained by the shanbhogs of an Inam Village are records maintained for a public purpose in the discharge of a statutory duty, and are therefore "public papers or records", the property of Government, for the purposes of Sections 24 and 25 of the L. R. C. Their production may be enforced by the Deputy Commissioner, either of his own motion or on the application of the Inamdar.

Pat. 1498-500,
d. 3rd Feb.
1902.

CHAPTER V.

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

Statutory
provisions.

Revenue officers are prohibited from engaging in trade, or purchasing or bidding at a public revenue or judicial sale, and from appropriating for private use public money or property entrusted to or collected by them, or making undue exactions from the people. The first two prohibitions do not, however, apply to village officers, and to revenue officials under the grade of a Taluk Sheristedar, in certain circumstances. (Sec. 30, L. R. C.)

As a general rule, an officer competent to appoint an official and every officer superior to him have powers of fining, reducing, suspending and dismissing him. (Sec. 31, L. R. C.)

Such orders with the reasons therefor should invariably be recorded, and an appeal against such an order lies to the authority immediately superior to the officer passing it. (Sec. 32, L. R. C.)

89. Public Servants Conduct Rules bearing on the following subjects will be found in Chapter XII of the Manual of General Circulars and Standing Orders :—

- (i) Possession and acquisition of landed property.
- (ii) Management of landed property.
- (iii) Speculation and investments other than those in immovable property.
- (iv) Promotion and management of Companies.
- (v) Public servants and the Co-operative movement.
- (vi) Private trade or employment.
- (vii) Lending and borrowing.
- (viii) Insolvency and habitual indebtedness.
- (ix) Acceptance of gifts.
- (x) Acceptance of testimonials and addresses.
- (xi) Official secrecy.
- (xii) Government servants and the Press.

- (xiii) Government servants and Politics.
- (xiv) Government servants as arbitrators.
- (xv) Vindication by Government servants of their public acts or character from defamatory attacks.
- (xvi) Submission of memorials by Government servants.

Collection of Public Subscriptions by Government Servants.

90. The following rules should invariably be followed when public subscriptions are collected by Government servants for any purpose whatsoever :—

R. 12651-30—
L. R. 262-05-4,
d. 30th March
1906; R. 8386-
94—L. R. 478-
16-7, d. 12th
Oct. 1917.

(i) Revenue Officers should not collect public subscriptions or have anything to do with the same without express authority from Government.

(ii) When so authorised, they should associate a Committee of respectable men with them in such movements.

(iii) The minutes of proceedings of these Committees should be recorded and regular and correct accounts of receipts and expenditure kept.

(iv) The officers concerned should keep their District Officers informed of the transactions referred to in (iii) above.

Punishment of Public Servants for Misconduct.

91. Rules on this subject are given in paragraphs 254 to 264 of the Manual of General Circulars and Standing Orders. Attention should be paid to the following points also :—

(a) *Fining of Taluk Sheristedars.*

Fining is not a suitable punishment for officers in the position of Taluk Sheristedars and it should be rarely resorted to.

4532-9—Cir.
73, d. 2nd
June 1892.

(b) *Refunds of Fines.*

Every officer authorised to entertain an appeal against the orders of a subordinate officer imposing fines is competent to order a refund of the fine collected. Deputy Commissioners may sanction such refunds of fines, provided the refund is made within two years from the date of the imposition of the fine. If the refund is to be made after two years, or if the fine was originally imposed by the Deputy Commissioner himself, the sanction of Government and the Revenue Commissioner respectively must be obtained.

7254-82—R.
748, d. 21st
Oct. 1898.

(c) Suspensions for unduly long periods.

19686—Pet.
1860, d. 12th
May 1894.

Suspension for long periods extending over one or two years is most undesirable in the interests of the public service, as enforced idleness for such periods is not likely to improve the suspended individual.

(d) Procedure to be followed in cases of dismissals.

4444—G. 883,
d. 8th Sept.
1993-2028—
1879; Pet. 303,
d. 19th Aug.
1896: 5906-45
—Mis. 1235,
d. 29th Oct.
1900.

(i) In cases of dismissal, the person concerned shall invariably be given a hearing and the final order passed should, unless the matter has come on appeal, contain clearly the charge against the public servant concerned, his defence and the reasons for the order. (*Vide* Section 32, L. R. C.)

(ii) A copy of the order should, on application, be granted to him, free of cost to enable him to exercise his right of appeal.

(iii) A public servant should on no account be dismissed from service summarily without being heard beforehand.

CHAPTER VI.

LAND AND LAND REVENUE.

SECTION I.—GOVERNMENT PROPERTY.

All public roads, lanes and paths, bridges, ditches, etc., belong to Government; and the Deputy Commissioner, subject to orders of the Revenue Commissioner, is competent to dispose of such Government property, in accordance with the rules prescribed therefor. (Section 36, L. R. C. and Rules 9 to 13 and 15 to 23, L. R. R.)

Statutory provisions.

A Deputy Commissioner is competent to take possession of public roads, beds of rivers, etc., encroached upon by private parties, when such encroachment is established in a formal enquiry, and also to clear the land of buildings, etc. (Section 37, L. R. C.)

Charge of Forts and similar Buildings.

92. Deputy Commissioners are in charge of all forts and similar buildings in their districts. No stones from them should be removed except with their permission. A Deputy Commissioner may grant such permission in the case of dilapidated buildings the removal of which is desirable; but where the buildings are more or less in a state of preservation or possess historical interest and generally, in all cases of doubt, orders of Government should be obtained. Municipal bodies and even the proprietors of Inam villages have, as a rule, no right in these buildings which are public property, though situated within their limits; but they should be consulted where the removal of the stones is likely to affect their interests.

2484-91—Misc.
263, d. 27th
July 1890,
1890-7—Cir.
40, d. 11th
May 1899.

Disposal of lands not required for the purpose for which they were acquired.

93. Lands acquired for public purposes are the property of Government and when they are not required for

R. 8102-4—L.
R. 447-06-2, d.
7th March
1907

such purposes, the Deputy Commissioner has power to dispose of them under Section 36, L. R. C., with the previous sanction of the Government, as required by Rule 11 (b) of the Land Revenue Rules.

Royalty on Road Materials.

(Rule 20, L. R. R.)

R. 7508-12--
L.R. 814-12-2,
d. 26th Feb.
1915; R. 7681-
80—L.R. 700-
14-6, d. 22nd
Jan. 1917.

94. *Royalty should invariably be charged in all the districts on all road materials collected by the contractors of Public Works and other departments from Government lands, and it should be levied at the rates prescribed in Appendix A to the Land Revenue Rules.*

The lands from which they may be removed should be selected in consultation with the Revenue officers.

Care of Government vacant lands.

1408-35—P.
W. 7450-82, d.
28th July
1915.

95. The following rules are laid down for the proper care of Government waste lands:—

(i) All vacant lands belonging to Government within the limits of a Municipal Town should be maintained in a sanitary condition and necessary steps taken to make some use of them or rent them for grazing or other temporary use, so that Government may get some return.

(ii) The Department or officer in possession of the land is responsible to see to such matters.

(iii) When a site is newly acquired, it should be taken possession of by the Deputy Commissioner and formally handed over to the department or officer for whom it was acquired, so that no question might arise afterwards as to responsibility for its maintenance.

(iv) It is the duty of the department or officer receiving charge of the site to see that it is utilised as early as possible or to obtain necessary orders as regards its disposal.

(v) A register of all vacant lands in charge of a department or officer should be maintained, and it should be periodically examined to ensure that the lands are all properly conserved.

ENCROACHMENTS.

R. 1140—R.
M. 23718, d.
10th Aug.
1904.

96. (i) A mere entry in the Village Registers that a plot of land is *Sirkar* waste does not affect the rights of an

individual thereto, provided it is proved that he is in undisturbed possession of it for a long time.

(ii) Revenue officers should not take cognisance of disputes relating to pathways (in occupied lands) not shown as reserved in the survey map of the village or other survey records.

(Appeal No. 9 of 1910-11.)

(iii) Where there is no satisfactory proof of the existence of a channel in a certain land and the Survey *Uttar Patrika* does not show that any *kharab* has been deducted from it on account of a channel, the owner of land situated lower than it cannot claim to get his land irrigated through a channel over the other land. He must apply to the Revenue authorities for redress in such cases.

(Appeal No. 4 of 1918-19.)

(iv) *Obstructing a Pathway not recognised by the Survey Department is no encroachment.*

When there is no deduction in area shown in Survey records, on account of any pathway in the land, obstruction of an alleged pathway across it does not constitute an encroachment upon any reserved unassessed land in a holding, and a Deputy Commissioner cannot exercise his revenue jurisdiction in such a case.

(v) *Mere ploughing of a Pathway is no encroachment.*

The cultivation of the portion of a land in occupancy deducted as *Phut Kharab* is not in itself an encroachment. Rule 27 of the Land Revenue Rules allows such cultivation free of assessment, provided roads, channels and right of way generally are not *obstructed*. Mere ploughing up of a foot-path does not amount to obstruction.

(vi) *Ignorance of Boundary Marks not a valid excuse for encroachment.*

It is the duty of an occupant to know the limits of his holding and to maintain the boundary marks in good order. Ignorance of boundaries is no valid defence in a charge of encroachment.

(vii) *Procedure in dealing with encroachments.*

In cases of encroachments on margins of public roads, a Deputy Commissioner or an Assistant Commissioner should not pass orders merely on the strength of

R. 8112-3—R.
M. 219-08-7,
d. 8rd March
1905; R.
4025—R. M.
86-08-3, d.
3rd Dec. 1909;
R. 6261—L.
R. 1799-10-4,
d. 16th May
1911.

R. 11888—L.
R. 166-18-2,
d. 6th March
1919.

7088-45—Pet]
1898, d. 8rd
Feb. 1896.

8540-48—F.
298, d. 23rd
Dec. 1896.

10242-9—Pet.
2017, d. 22nd
May 1896.

R. 6805—R.
M. 686-04-4,
d. 6th Dec.
1905; R. 1008
—R. M. 396-
05-4, d. 23rd
July 1906.

Amildars' reports. A formal enquiry should invariably be held, as required by Section 37, L. R. C.

(Appeal No. 108 of 1905-06.)

Vested rights not to be interfered with by the Survey Department.

R. 8952-8—R.
M. 428-44-7, d.
29th Dec.
1906.

(viii) A title recognised by the Inam Settlement continues in force, and the mere inclusion of the wet portion of the inam land in a tank bed, at the subsequent Survey Settlement does not convert an authorised and rightful possession into an unauthorised and wrongful one.

R. 7240-48—L.
R. 92-09-6 d.
25th April
1910.

The settlement officers are not empowered to deprive parties of their lands by entering them as unculturable in the accounts.

Diversion of Hallas.

R. 8212—L.
R. 578-16-4, d.
6th Feb. 1917.

(ix) Government cannot be a party to the diversion of hallas to suit one person's private convenience to the detriment of other interests.

(Appeal No. 54 of 15-16.)

R. 7974-92—L.
R. 197-09-4, d.
28th May
1910. R.
7331—L. R.
878-18-6 d.
27th Jan.
1916.

(x) A complaint that a bund raised by a person in his field made the water of an old water-course flow towards the land of another and that it cut up the latter's land and caused a new water-course on it raises a dispute of a civil nature, and cannot be disposed of by Revenue authorities under the Revenue Law.

(Appeal No. 8 of 1909-10; 17 of 18-14.)

6627-34—Pet.
878, d. 19th
Jan. 1898.

(xi) If a person does a wrongful act in respect of a Government assessed land and renders it unfit for occupation and cultivation, the proper course is for the Revenue officers to take action to get the land restored into its proper condition and punish the offender for his unauthorised interference with Government land.

SECTION II.—RIGHT TO METALS AND MINERALS.

Statutory
provisions.

The right to all metals and minerals to be extracted by a process of mining from all lands vests absolutely in the Government, except when it is expressly conceded to the occupants or other private individuals. (Section 38, L. B. C.)

In every alienation of unalienated lands, a reservation in respect of minerals and mining has to be made (Rule 14, L. R. R.)

The reservation of Government lands for communal, departmental and other purposes and the appropriation of lands assigned for special purposes are governed by the provisions of Sections 39 and 40, L. R. C. and Rule 11 (a) to (d), L. R. R.

Mining.

97. *Revised rules for the grant of Exploring and Prospecting Licenses and Mining Leases in the State are published in the Companion Volume to this Manual.*

Notn. No. G.
26888—Geol.
57-18-20, d.
12th May
1920.

Liability to pay kadayam on occupied lands included in a mining lease.

98. (i) *The right of an occupant to land in his occupation included in a mining lease does not cease except by contract between him and the mining lessee. If the lessee does not acquire the occupant's rights by purchase, the latter's name must be borne in the Government accounts, and he is liable to pay the kadayam.*

1060—7-15, a.
80th May
1887.

(ii) *Lands included in a block leased by the Government for mining purposes are either:—*

10259-56—M.
6-90, d. 8rd
Jan. 1894.

(a) *Unoccupied Government lands (assessed or unassessed).*

(b) *Occupied Government lands and minor inam lands.*

The occupation of lands of class (a) is granted to the mining lessee from the date of the lease; he is the registered occupant in respect of such lands and is liable to the regular payment of the land revenue due from the date of the lease.

As regards lands of class (b), the registered occupant or inamdar continues in full enjoyment of surface rights, notwithstanding the grant of mining rights to the mining lessee and his obligation to pay the assessment or quit-rent also continues in full force until the land is relinquished by him either absolutely or in favour of the specified individual. Until the mining lessee acquires the surface rights (from the registered occupant or inamdar or from Government, in the case of an absolute relinquishment), he does not become responsible for the land revenue on such land.

R. 4896-45—
L. R. 69-09-3,
d. 14th Jan.
1910.

(iii) *Further sanction of Government unnecessary for mining operations on agricultural lands by a lessee.*—

The rules for the grant of mining leases do not require that the previous sanction of the Deputy Commissioner should be obtained in cases in which mining operations are commenced on any agricultural land comprised in any mining lease. The mining lease includes such permission and is of the nature of an agreement with Government under Section 65, L. R. C. in this respect.

2. Whenever assessed lands are included in mining leases and other licenses, due intimation should be given by the Geological Department to the Deputy Commissioner.

Scope of Prospecting Licenses.

R. 2521-80—
L. R. 428-12-2,
d. 7th Oct.
1914.

(iv) Under a prospecting license, the licensee as such has no right to claim that assessed unoccupied lands included in the area covered by the license should be withheld, from cultivation, until the termination of the license. If an application for the grant for cultivation of any assessed unoccupied survey number comprised in the area is received, the licensee should be given the option of keeping the land for his benefit, on payment of the assessment, thereon for the year of his license. If, at the end of the year, he wishes to further retain the land, he should be permitted to do so, on payment of suitable price for the occupancy in addition to the assessment.

Grant of Licenses for Limestone.

G. 23401-18—
Geol. 12-19-5,
d. 12th April
1920.

99. (a) Licenses for "limestone" continue to be issued by the Geological Department; care should, however, be taken that there is no overlapping of the grants of such licenses both by the Geological as well as by the Revenue and Forest Departments.

(b) As limestone in an Inam village or alienated land, belong to the alienee of such village or land, the Geological Department has no power to issue licenses for limestone in such cases. Similarly, it has no power to issue licenses for limestone in occupied land as the provisions of Section 38, L. R. C., relating to the absolute right to minerals vested in Government, do not apply to limestone, granite and such other minerals as the Government, by notification in the official Gazette, exempt from the scope of the section. The Geological Department may issue licenses for limestone in unalienated unoccupied lands, excluding lime-kankar.

(c) Under Rules 18 and 19, L. R. R., Deputy Commissioners may dispose of the right to remove limestone or other ordinary mineral (the property of Government) for such periods as they think fit. As these rules do not restrict the power of Deputy Commissioners to issue permits for an indefinite period, and as it is necessary to promote the interests of industrial concerns in the State and provide for the needs of Government, the permits issued by the Deputy Commissioners under the said Rules should be restricted to one year.

(d) The permits issued by the Forest Department for the removal of limestone, etc., in forest areas should also be restricted to one year.

(e) As far as possible only one license should be in operation on any one particular area at any one time. Deputy Commissioners should, in issuing permits over any area for ordinary minerals, ascertain by reference to the records in their offices or to the Geological Department, if necessary, whether any license is in operation over such area and see that the land covered by a permit is not included in any license whether for limestone or for any other mineral, and that, when such permits are issued, copies of the same are sent simultaneously for the information of the Director, Department of Geology. The Conservator of Forests should similarly keep the Department of Geology informed of the issue of such permits by sending copies of the same, as soon as they are issued.

Note.—*Vide* *revised Mining Rules re-printed in the Companion Volume to this Manual.

Right to Kuranga stones in Inam villages.

100. (a) For any mineral to be exempt from the scope of Section 38, L. R. C., the Government should specially notify it in the Gazette.

1787-88, a.
16th June
1900.

The Government have not as yet done this, in the case of corundum; nor are they, as at present advised, prepared to do it at once. The right to this mineral therefore vests absolutely in the Government.

The contention of the Inamdar that he is entitled to a *masi* license for collecting corundum is unsustainable, as he has taken no action to establish his rights under proviso 3 to Section 38, L. R. C.

* Issued under Government Notification No. G. 25838—Geological 57-18-20, dated 12th May 1930.

(b) The ruling* relied upon by the Inamdar must be taken, subject to Section 38, L. R. C., and it does not operate where the right referred to therein has been allowed to be extinguished, under proviso 4 to that section.

The prayer of the petitioner that Inamdars and occupants of other lands should be directed to sell the corundum on their lands to Government Contractors is also inadmissible. The holders of the land have no right to the mineral. But, the licensees should make their own arrangements to acquire the mineral from such lands. The petitioner's attention should be drawn to the provisions of clause (12) of the license granted to him.

SECTION III.—ALIENATION OF LANDS AND GOMAL LANDS.

Statutory provisions

Survey officers, whilst survey operations are proceeding, and at any other time, Deputy Commissioners, are competent to set apart land for (i) free pasturage for the village cattle, (ii) forest reserves, or (iii) other public or municipal purpose; and lands assigned specially for any such purpose should not be appropriated or assigned without the Deputy Commissioner's sanction (Section 39, L. R. C.)

The right of grazing on free pasturage lands is regulated by Section 40, L. R. C.

Alienations.

101. A statement in the form given in Appendix VIII should be submitted to Government in all cases of alienations of State lands, requiring sanction of Government, under clause (iii) of Rule 11, (b) L. R. Rules.

In columns 5 to 8 of this statement, entire survey numbers with their corresponding particulars and not part survey numbers, should invariably be inserted.

In cases in which portions of survey numbers of various descriptions assessed at different rates are proposed to be alienated, the particulars thereof should be fully entered in columns 6, 7, 10 and 11.

2540-9—Cir.
60, d. 28rd
July 1894;
8694-42—Cir.
60, d. 26th
June 1891;
9901-8—R.
8812, d. 6th
May 1896;
689-47—R.
262, d. 18th
July 1896.

* Contained in G. O. Nos. 2526-58, dated 22nd July 1881, and Camp 2291-98, dated 11th January 1888.

In the remarks column, a note should be made that the assessment on the portion of survey number proposed to be alienated for building or other purposes will have to be fixed by the Survey Department. In the event of such alienations being sanctioned by Government, the *akarband* should be revised, according to rules, by the Superintendent of Revenue Survey and due intimation thereof given by him to the Deputy Commissioner concerned.

Extension of Villages.

102. (i) Where the sites required for either the formation of new villages or the extension of existing villages are intended to accommodate not more than 50 houses, the opinion of the District Sanitary Officer need not be insisted on. The Deputy Commissioner may himself decide about the suitability of the site.

(ii) In cases where the new village site or extension is required for more than 50 houses, the opinion of the District Sanitary Officer or of the Medical Officer of the District, where there is no District Sanitary Officer, should invariably be obtained.

Notes.—All references to Sanitary Officers as regards selection of sites for houses exceeding 50 should be made by an officer not lower in rank than a Revenue Sub-Division Officer. The Sanitary Officer should be consulted after the extension or removal of the village is finally decided upon and before proceedings are taken for the acquisition of the site.

Burial Grounds.

103. Before setting apart any land for the burial ground of any community, the views of the leading townspeople must be ascertained. If there is a Municipality established in the place, the opinion of the Members thereof must also be obtained.

In all applications for appropriations of assessed waste lands for burial grounds and other purposes, information regarding the existence or non-existence of suitably situated lands should invariably be obtained.

Gomal lands in alienated villages.

104. Section 39, L. R. C. under which previous sanction is necessary for the appropriation of gomal and other reserved lands in unalienated villages is not applicable to an alienated village. There is no objection to an

8144-59—L.B.
124-06-4, d.
12th Mar.
1907;
478-86—L. B.
127-08-7, d.
15th July 1907,
7686-45—San.
192-08-2, d.
10th Feb.
1909;
6623-84—San.
94-12-7, d. 1st
Mar. 1913.

4506-15—San.
85-15-2, d.
22nd Dec.
1915.

17512—B.
2508, d. 12th
Apr. 1895.

6261-9—B.
2173, d. 19th
Feb. 1901.

R. 1618-22, d
20th Nov.
1908.

Inamdar getting a *gomal* survey number of his village assessed by the Survey Department for being given out for cultivation. The importance of maintaining a fair extent of grazing land in the interest of cultivators and other inhabitants of their villages is impressed on all holders of alienated villages.

Acquisition of occupied lands for communal purposes.

19084-5—P.F.
289-92, d. 6th
May 1898.

105. If any portion of an occupied land is required by Government for communal purposes, it must be acquired under the Land Acquisition Regulation.

(Appeal No. 153 of 1891-92.)

Soppinabetta Lands.

2802-810—R.
800, d. 14th
Sept. 1897.

106. (i) No assessment on additional *soppinabetta* lands assigned for purposes of supari gardens raised on dry and wet lands need be levied.

(ii) Government reserve full power to regulate from time to time the extent of lands so assigned.

(iii) With the permission of the district authorities, the owner of a new garden may take leaf manure, etc., from *soppinabetta* already assigned.

Malnad Kans.

R. 819-30—Ft.
101-08-8, d.
12th July
1917.

107. It is not expedient to declare occupied *kans* as State Forests; but there is no objection to declare unoccupied *kans* as State Forests.

In cases where it is difficult to distinguish occupied and unoccupied *kans*, the kan-holders should be given the option to take over the management of unoccupied *kans* (adjacent and clubbed) on payment of an annual fee. If they are not willing to take them up, they should be required to prove the extents of the *kans* in their occupancy and to pay for the cost of their demarcation which may be undertaken by the Forest Department after obtaining Government sanction for the boundaries in each case.

Rules for allotment of gomal lands.

Letter No. Gl.
5877—Rev.
125, d. 22nd
Feb. 1869, to
the Supt.,
Ashtagram
Divn., and G.
O. 20588—R.
F. 189-92, d.
1st June 1898.

108. (i) An extent of 30 acres of good pasturage may be allotted to each village as grazing common for every hundred head of cattle.

(ii) Failing the better sort of pasture land, 60 acres of middling and 100 acres of inferior land should be assigned, if the distinction can be carried out.

(iii) Where there is no grazing land attached to villages, a portion of unoccupied waste belonging to other villages and not attached to the common pasturage of the latter should be assigned.

(iv) The distinction and allotment of the grazing land are subject to modification by the Survey Department.

(v) Boundary marks of a substantial character should be erected, so as to define the common grazing land of each village and should be put by the villagers themselves or at their expense, under the direction of the taluk authorities.

(vi) Any unoccupied waste in addition to the common grazing ground should be leased out either for cultivation or pasturage, and for this purpose it should be divided into convenient lots, the raiyats of the village being given preference to outsiders.

(vii) More than one-fourth of the occupied area should not be allowed as gomal land in each village.

An extent of 334 acres of gomal in a maidan taluk was held to be sufficient for about 1,000 cattle.

(Appeal No. 10 of 1910-11.)

Providing fresh gomal lands in villages with insufficient gomal.

109. (i) No hard and fast rule can be laid down on the subject of providing fresh lands as gomal in villages in which the available gomal is insufficient. Each individual case of hardship should be investigated and decided on its merits. The system of growing fodder crops in the holding of individual raiyats and the formation of Village Forests would go a long way in relieving any hardships of raiyats in this respect.

(ii) Assessed, unoccupied lands should not be converted into gomal; but till there is an application for their cultivation, they may be made over to the villagers for grazing purposes, free of any *hulbanni* tax, if the gomal already allotted is inadequate.

(Petn. No. 461 of 1892-93.)

Rules for encouraging Improvement of gomal lands.

110. I. To conserve and improve the gomal in Government villages and to regulate the grazing thereon, a Panchayet must be constituted of influential and intelligent men of the village or villages to which the right of grazing extends.

(Vide also pages 62 to 64 of Village Manual, Part I.)

R. 84-92—L.
R. 337-02-4, d.
7th July 1911.

R. 9792—L.R.
503-11-3, d.
21st Mar.
1917.

6439—P. F.
202, d. 7th
Nov. 1892.

R. 4329-37—L.
R. 359-06-6, d.
17th Feb.
1912.

II. In villages which have only a small extent of grazing lands (*i.e.*, not more than 50 acres per hundred head of cattle) the Panchayet, if they consider improvement to be possible have power—

(a) to prohibit during a particular season of the year (such as the non-cultivation season) the trespassing of any cattle on the pasture lands;

(b) to permit the villagers every year to plough up and weed selected portions and sow grass seeds;

(c) to permit the raiyats who plough and grow grass with the aforesaid permission to cut or scrape, before cattle are allowed to graze, some plots of grass from the conserved portion, the plots obtained by the raiyats varying in proportion to the labour contributed or size of their holdings or both;

(d) to permit the villagers individually or collectively to plant trees useful for fodder and leaf manure in some selected portions of the gomal lands, the portion assigned to individuals for improvement being determined with reference to the extent of their holdings in the village;

and (e) generally to adopt all measures for the improvement of the gomal which are consistent with the rights of Government and of individuals.

III. In villages where the extent of gomal lands is more than the actual requirements, the Panchayet have power—

(1) to restrict the grazing to so much area of the lands as is actually required for grazing;

(2) to conserve the remaining portion of the gomal for a period of not less than five years without any grazing;

(3) to exercise, with reference to the conserved area, the powers mentioned in clauses (b) and (d) of Rule II;

(4) to exercise with reference to the conserved area also the power mentioned in clause (c) of Rule II with the exception that the surplus grass shall be sold after the raiyats take their share;

(5) to form a fund called "The Village Grazing Fund" out of the proceeds of the surplus grass mentioned in clause (4), to keep the fund in the Government Savings Bank and administer it;

and (6) to meet out of the fund the incidental charges for fencing, watching the areas reserved, supplying seeds for fodder, grass, etc.

IV. The Panchayet have also power to determine the individual obligations of the raiyats with reference to

the matters above provided for, in general meeting of the villagers.

V. Any raiyat failing to abide by the decision of the Panchayet after acquiescing in such decision, forfeits his interest in the reserved lands and is liable to have the cost of his share of work collected from him at such daily rates as the Panchayet may fix.

VI. The Panchayet's decision is appealable to the Amildar whose decision will be final.

VII. The lands on which trees have been planted or grass grown as above should generally not be given out for cultivation or any other purpose without the consent of the Panchayet. But if the Government or the Revenue Commissioner for any good reason order any portion of it to be appropriated for cultivation or any other purpose, the Panchayet will generally be given the first refusal to take it up without any upset price. In cases where the Panchayets are not consulted, they should be granted a reasonable compensation for the value of the trees planted by them and the improvement of the lands, which the Panchayets may apportion among the raiyats or utilize in the improvement of other portions of the gomal.

VIII. The Panchayets should meet as often as possible and concert measures for the improvement of their grazing lands. The village officials should maintain a record of them and render all necessary help to the Panchayets in furtherance of their object.

SECTION IV.—DISPOSAL OF GRASS GROWING ON GOVERNMENT LANDS.

The grazing or other produce on all unoccupied land vesting in Government may be sold by public auction or disposed of in such other manner as Government may direct. (Rules 21 and 22, L. R. Rules.)

Statutory provisions.

Grass growing on the rear slopes of bunds of tanks and channels should be sold separately, but should not be allowed to be grazed by cattle. The grass sold should be cut and removed. In the case of tanks and minor river channels the earth-work of which has been or is being annually done by the raiyats, the grass growing on the

rear slopes of the bunds may be cut and removed by the raiyats free of charge. (Rule 23, L. R. Rules.)

Decision, d.
4th July 1889.

111. Where free pasturage lands have been assigned for a village by the Survey Department, the right of grazing cattle in those lands vests in the raiyats of that village only (Sec. 40, L. R. C.), and the raiyats, who are not the inhabitants of the village have no right to it. The use of the assessed waste is not similarly restricted but it is regulated with reference to the assessment paid by the raiyats.

(Appeal Petn. No. 2626 of 1887-88.)

Right of grazing.

2960-9-55,
d. 16th July
1884; 6024-31
-128, d. 29th
Jan. 1885;
7155-62—P. F.
82-99, d. 18th
March 1901,
R. 8248-58—
R. M. 537-01-
12, d. 26th
Oct. 1909.

112. The following rules should be observed in the sale of *hulbanni* (pasturage right) within the limits of villages:—

I. The average *hulbanni* realizations of each village for two or three previous years should be carefully calculated and the grazing of all unoccupied Government lands of the village offered to its inhabitants for the amount so arrived at for the current year.

II. If the villagers accept the amount, the same should be apportioned among themselves by the various landholders and other residents of the village. A list showing the amount payable by each individual according to such apportionment should also be prepared and signed by all the villagers interested and the patel and the shanbhog.

NOTE.—It must be distinctly understood that the apportionment above referred to is a matter of private agreement among the individual members of the village.

III. The Amildar should scrutinize such lists and, after satisfying himself by enquiries that the arrangement is agreed to by all interested parties, make a certificate to that effect in the lists. They will then be recorded with the shanbhog. The amount specified therein against an individual should be entered as the demand against him in his *khate* and recovered from him as a revenue demand.

IV. If the inhabitants of any village are unwilling to accept the grazing of the unoccupied Government lands of the village for the amount fixed therefor, as per Rule II above, or if they cannot agree among themselves as to the apportionment of this amount, or if, at the Amildar's enquiry there arise disputes regarding such amount or its

apportionment, the right of grazing in the village should be sold on the spot.

V. In villages the grazing right of which is given to the villagers by agreement as above, no restrictions whatever should be placed upon the grazing of unoccupied Government lands by the cattle of the village.

VI. Instead of disposing of the grazing of each village as above directed, the Amildar may, where found necessary, arrange the villages in convenient groups, with strict regard to existing grazing arrangements of the villages and with the consent of the villagers concerned, dispose of the grazing of each such group separately.

VII. The grazing of one village must be limited to the cattle of that village; but, when it is abundant and can supply the demand of other villages, the surplus may be let out temporarily to the cattle outside, in accordance with the prescribed rules, and subject to the condition that no extra collection is made from the outside raiyats.

NOTE 1.—A sole purchaser of the grazing right of a village is at liberty to sub-let the grazing under any terms he and the other persons concerned may agree to, including a stipulation regarding payments for cattle-droppings also.

9442-9—Pet.
F. 69-98, d.
23rd June
1899.

NOTE 2.—Malnad *kans* (i.e., dense forests admitting of little or no growth of grass) not in the occupation of any individual should be excluded from the regular *hulbanni*, where it is necessary to exclude cattle therefrom, that is, in those cases in which the *kans* have to be reserved in the interests of Government.

12614-23—R.
1486-93, d.
20th Jan. 1898.

(Pages 81 and 82 of Village Manual, Part I.)

113. An arrangement mutually agreed to between the residents of one village and those of another permitting the grazing of a specified number of cattle of the former in the gomal lands of the latter does not confer a right to raise any greater number without a fresh agreement. It is, however, always open to Government to dispose of the surplus pasturage over and above the *bona fide* requirements of a village in any manner.

8333—P. F.
223, d. 11th
Dec. 1892.

The right to graze cattle in the *hulbanni* lands of another village is one that can be acquired by long usage.

R. 4807—L.R.
153-08-2, d.
12th Jan.
1910.
R. 8410-18—L.
R. 716-14-11,
d. 29th Feb.
1916.

In cases where village gomal lands border on Amrut *lahal kavals*, the respective portions should be clearly emarcated by well-maintained fences or hedges, to avoid friction between the villagers and the Amrut Mahal Department. Suitable pathways providing access to the village gomal should also be created where necessary.

Grass growing on the bunds of tanks and channels.

117-27—
Camp, d. 6th
Apl. 1885;
826-84-9, d.
17th Apl.
1885; 7-28—27
-48, d. 7th
Jan. 1896; 8-7
—88-87, d. 4th
Jan. 1906;
R. 6887-96—
L.R. 521-06-6,
d. 27th April
1908.

114. The following instructions should be observed:—

(i) Digging for, or scraping of, grass on tank bunds and bunds of channels is strictly prohibited.

(ii) In the case of river channels, the obligation of the raiyats to remove only the weeds from the main channels is to be enforced; the rest of the maintenance work (silt clearing, earth-work, etc.), to such channels should be done by the Public Works Department. The grass growing on the bunds thereof should be sold annually, the purchasers being required to cut and remove it.

SECTION V.—RIGHT TO TREES.

Statutory
provisions.

The law as to the right to trees generally is contained in Secs. 41 and 42, L. R. C. The produce of trees belonging to Government should be sold by auction annually (Rule 24, L. R. R.). Regarding the right to trees growing in, or on the banks of, a stream, see Rule 25 ibid.

Sales of lands and produce of trees, etc., are held, in accordance with instructions given in Rule 26.

The right to road-side trees planted and reared by, or under the orders of or at the expense of, Government, or Local Funds, vests in Government. In the event of such trees dying, being blown down, or being cut by order of the Deputy Commissioner, the timber becomes the property of the holder, if any, of the land on which they stood. The usufruct of the trees including the loppings also vest in the holder. But he should not lop the trees as that duty vests in the subordinates of the Revenue Department (Sec. 43, L. R. C.)

Persons unauthorisedly felling any trees or removing any other natural product which are the property of Government are liable for the value thereof which may be recovered as an arrear of land revenue and they will also be liable to pay penalty or to stand a criminal prosecution, according to the discretion of the Deputy Commissioner (Sec. 44, L. R. C.)

Right to trees in Villages granted on Shraya tenure.

115. (i) A Shrayadar of a village granted on *shraya* tenure should be treated as an occupant of Government assessed land, and the rules regarding trees on occupied lands, as applied to the taluk at the settlement, regulate his rights to the trees of the *shraya* tenure.

809-17—Cir. 8,
d. 17th April
1892.

(ii) A distinction should be drawn between trees on assessed *occupied* lands of the village, and those on unassessed Government lands or lands set apart for public purposes. The Shrayadar has no right to the trees of the latter class (and in fact to the lands on which the trees stand). He has a right to trees on assessed lands, if it was ceded to him at the time of Settlement.

(iii) The *shraya* tenure of a *bechirak* village does not confer on the grantee the position of the holder of an alienated village, such as Kayamgutta, Inam or Jodi.

Mere entry in Gida Patrike by the Survey Department does not create a claim in favour of an individual.

116. An entry in the "*Gida Patrike*" or list of trees prepared by the Survey Department during Survey, including in a private *khate*, certain trees which were admittedly the property of Government prior to the Survey, cannot confer a right to them in the absence of a sale.

Decision,
d. 30th July
1890.

Trees planted by private individuals on Government lands.

117. Private individuals have no right to trees planted by them on Government lands whether with or without the knowledge that the lands were the property of Government.

4789—P. 66,
d. 16th July
1891.

(Appeal Petn. No. 8049 of 1890-91.)

Right to trees on tank bunds.

118. (i) Trees growing on the bunds of tanks belonging to Inam villages must be regarded as the property of Inamdars.

2019—Rev. 7,
d. 7th July
1875.

(ii) Trees growing on the bunds of Government tanks, excepting "*sirkar topes*" planted by individuals for charitable purposes and trees, permitted to be planted by villagers, vest in Government.

(iii) Whenever it becomes necessary to remove trees on the bunds of Government tanks, the Deputy Commissioner should issue a notice in the usual manner,

and if any claims are put forward, the same should be investigated. If his decision be in favour of the claimants, the timber should be made over to them.

(iv) In Inam villages the tanks of which are being repaired by the Irrigation Department, trees which it is necessary to remove may be felled with the sanction of the Deputy Commissioner and the timber relinquished to the owners.

4854—P. F.
264-92, d. 8th
Sep. 1895.

119. Trees on bunds of a *Kodigi* tank the Inams of which have been enfranchised and whose *Kodigidar* has been relieved of the responsibility of maintaining the tank vest in Government and not in the *Kodigidar*.

(Petn. No. 1927 of 1892-93).

7724-5—P. F.
1546, d. 25th
Feb. 1896.

120. Established private ownership of trees should not be interfered with except under proper legal authority.

Trees standing on private sites.

1872-80—R. F.
161-96, d. 81st
July 1897.

121. (i) When trees standing on assessed vacant sites belonging to private persons are being enjoyed by them, the right continues.

(ii) In cases in which a reservation of the trees has been made and the produce included in the sale of *Amarayi*, the right of Government in the trees should be made over to the party owning the land for a fair valuation.

(iii) When vacant sites are hereafter sold, no such reservation should be made, but their value should be included in the sale-price.

Trees in official quarters.

9004-48—L. F.
17-1900, d.
16th Jan.
1901.

122. Tenants of Government buildings, occupied as official residences should not prune, or otherwise interfere with, trees in the compound, without the consent of the Executive Engineer of the Division.

Avenue trees.

5591-610—932-
51, d. 20th
Dec. 1892;
11226-85—R.
1293, d. 9th
Jan. 1894;
R. 1870-9—R.
F. 118-92, d.
80th Sep.
1902.

123. (i) *Amildars* are invested with the duty of lopping avenue trees. The lopping should be restricted to the absolute requirements of the safety and convenience of traffic. Persons who are allowed the usufruct of the trees, are entitled to the loppings minus the cost thereof. Where no such persons exist, the loppings should be sold and the proceeds credited to Government, under the head "Land Revenue Miscellaneous." Similarly, the

expenditure, if any, incurred should be paid from contingencies and debited to the same head of account.

(ii) The lopping should be attended to every year at the close of the cold season, *i.e.*, in the month of February, as it is the most convenient time for such operation without any danger to the trees.

(iii) The replanting of trees in place of fallen, dead or cut trees, should be systematically attended to by the Patel and the Shanbhog. Every Shekdar should inspect the places within his jurisdiction and report to the Amildar before the beginning of the rainy season how many trees require to be planted. The respective villagers are bound to supply the vacancies within the limits of their villages, except where the usufruct of the trees is conceded to private persons. In the latter case, those who enjoy the usufruct are bound to replant vacancies in their respective limits. Such trees as grow well in the neighbourhood of the locality and as far as possible useful fruit and other trees affording good shade, should be chosen to supply the vacancies. At the Taluk Jamabandi, the shanbhog should present, a statement showing the trees fallen, dead or cut during the previous official year and the number replanted. A fair proportion should be verified by actual inspection by taluk and district officers.

Protection of Avenue trees.

124. Steps should be taken to suitably cover up with earth, the roots of avenue trees, wherever by neglect the earth has got washed away and the roots are exposed.

R. 7561-9—L.
R. 835-14-3,
d. 26th Feb.
1915.

Cutting of leaves from Avenue trees for Palace elephants.

125. The following instructions regulate this practice :—

R. 9682-4—L.
R. 513-14-3, d.
7th May 1915.

(i) Whenever the Palace elephants are sent out for feeding, intimation should be given by the Palace Controller to the Amildar, with particulars as to the number of elephants sent out and the names of the mahouts as well as the name of the Dafadar or Jamadar going in charge of them.

(ii) The Dafadar or Jamadar should appear before the Amildar and obtain from him free permits, to be in force for a month, made out in the names of the mahouts for whose use they are intended.

(iii) These permits should be in a printed form (prescribed by the Deputy Commissioner) and should specify the name of the mahout, the particulars of the road (such as name, mile and furlong) on which the trees from which leaves are to be removed are situated, and should include a direction that, in removing the leaves, no twig exceeding an inch and a half in thickness is cut.

(iv) The mahouts should produce the permits for inspection, whenever demanded by shekdars, patels or police officers, whose duty it is to see that the mahouts do not injure trees by indiscriminate lopping and to report to the Amildar any infringement of the conditions of the permit noticed by them.

(v) The village patels, should, as far as possible, inform the mahouts in what trees private rights exist and warn them against the infringement of such rights.

(vi) Any infringement of the conditions of the permit or unauthorized felling of leaves brought to the notice of the Amildar should in turn be intimated to the Palace Controller for a thorough enquiry and suitable notice of the conduct of the delinquents. Result of the action taken should be intimated by him to the Deputy Commissioner of the district for information.

Enquiries in cases of unauthorised felling.

126. In all cases of unauthorised felling and removal of Government trees by Public Works Department contractors or other private individuals, the Deputy Commissioner concerned should give notice to the offenders, hold an enquiry and pass a decision under Section 44, L. R. C. The value of trees as decided together with any fine imposed should be recovered as an arrear of land revenue and money payable to the contractors and in the hands of the Public Works Department officer may also be attached, if necessary.

Disposal of minor forest produce.

127. The notifications relating to the sale or lease of items of the minor forest produce and village amarayi should specify clearly the produce intended to be sold and the localities from which it may be collected and other necessary details to prevent conflict between the contractors of these two classes of products. The successful bidders in the sales should make their own arrangements to safeguard their interests.

12440-1-402,
d. 4th Feb.
1892.

R. 9024-5--
Pt. 189-16-8,
d. 2nd March
1918.

Honge leaves for manure.

128. Honge trees standing on Government unoccupied lands may be leased out at Rs. 1-12-0 per 100, for allotment in proportion to the wet lands held by each raiyat. This rule is applicable to all districts.

747—R. 118-92,
d. 14th July
92; R. 7517-
24—R. F. 79-
96, d. 21st
April 99; R.
1595—R. F.
79-96, d. 16th
Oct. 02; R.
12874-82—L.
R. 88-05-8, d.
26th Mar. 06.

Leasing out leaves and seeds of Honge trees.

129. The system of leasing the leaves and seeds of Honge trees on Government unoccupied lands to one and the same person is made permanent.

R. 2165-74—L.
R. 419-10, d.
18th Oct.
1912;
R. 972-81—L.
R. 488-17-2, d.
15th July 1918.

Public Topes.

130. (1) No public plantations should be given on full assessment and allowed to be treated as private property without the special orders of Government.

R. 764-72—L.
R. 60-05-1, d.
18th July 06.
R. 1814—R. M.
73-07-4, d.
26th Aug. 06,
R. 556-64—R.
F. 116-92, d.
28th July
1902.

(2) The rights of planters in topes already granted on full assessment under the proceedings of 1880 should not be interfered with.

(3) The conservancy of public topes should be carefully attended to by Deputy Commissioners.

(4) A register should be prepared in the Deputy Commissioners' office for each village, showing:—

- (i) the position and area of each public tope;
- (ii) the number and description of trees it contains, and
- (iii) the extent of private rights, if any, existing in it; and submit to Government an abstract thereof, with a report as to the arrangements made for their proper conservancy.

(5) All public topes should be open to travellers and to the villagers and their cattle for shade and shelter.

The village servants under the supervision of Taluk and District Revenue authorities should take care of the topes, the Patels concerned being primarily responsible for the upkeep of Government topes.

(6) The topes should be inspected by taluk and district officers at least once a year with a view to see that they are properly conserved.

(7) Where private rights exist in a tope, those who enjoy the rights should maintain it.

(8) Useless topes where they exist should either be sold or given to persons having imperfect rights on

valuation, subject to the payment of the full assessment already fixed or which may be fixed by the Survey Department.

1934-5—R.
680, d. 80th
Aug. 1900.

131. A person who has planted a tope without any aid from Government on a portion of the land (which was in his holding while it was nominally assessed but which he relinquished after the survey settlement on the ground that it was heavily assessed) may be allowed the right to take dead and fallen trees from the tope, provided he undertakes to replace them by new plants and executes a proper *Mutchalika* to that effect.

Charitable topes.

6263-70—P.
849, d. 14th
Jan. 98; R.
1-9—L. R.
247-18-3, d.
1st July 19.

132. (1) Government are not entitled to the produce of this class of topes as part of its *amarayi*.

(2) Wherever inams have been assigned for their upkeep, the local officers should strictly enforce the terms of the grant.

(3) If no inams are assigned, the maintenance of the topes should be left in the hands of the *hakdars*, so long as they continue to look after them properly. If they fail to do so, they should be deprived of their *hak* to the usufruct of the tope.

(4) When there are no *hakdars*, the duty of maintaining the topes should be entrusted to the Village Panchayet or Committee wherever there is one, or to the Patel with the help of the villagers where there is no committee.

SECTION VI.—WATER-RATES.

Statutory
provisions.

Water-rates for the use of Government water are to be fixed invariably by the Survey Department, in respect of all lands of villages into which a Survey Settlement has been introduced. (Rule 32, L. R. Rules.)

*The water-rate leviable on inam lands not entitled to free irrigation from a Government source and for which a rate has not already been fixed in accordance with any other principle, is the difference between the Survey assessment of similar irrigated unalienated land in the neighbourhood and the dry rate. (Rule 33, *ibid.*)*

*Unauthorised use of Government water entails payment of double the lawful rate and also certain penalties. (Rule 34. *ibid.*)*

Land-holders and other persons using water, the right to which vests in Government, have to pay the rates fixed for the same from time to time. (Section 53, L. R. C. and Rules 32 to 34 of L. R. Rules.)

Instructions re -Water-rates.

133. The water-rate is a portion of the land assessment, though not always consolidated in it, on grounds of convenience.

In addition to irrigation cess, an inamdar is liable to pay a water-rate of Rs. 4* per acre of dry land converted into wet by the use of Government water; but it is not leviable in respect of lands which were wet, when the inam was granted.

Wet lands not included in the inam *sannad* which are in the holdings of inamdars should be charged with water-rate at Rs. 4* per acre. Lands included in the *sannad* are exempted from water-rates, and the fact of repair at State cost of the original source of irrigation does not give Government a right to levy water-rates on the said lands. The inamdar cannot, however, claim exemption from water-rate in respect of lands *newly converted into wet* or old Government wet lands brought under a *new* source of irrigation.

If the old source of irrigation had fallen into disuse and consequently the inamdar's wet lands under it could not be, and had not been, all irrigated and if the work is subsequently repaired by Government, the inamdar must, under existing rules, pay a share of the cost of such repair, proportionate to the extent of the benefit accruing to him thereby.

If, by the repair of a tank, additional lands are brought under irrigation under it, the assessment of those lands should not be revised; but water-rates should be levied in addition to the existing assessment. In fixing the rates, due regard should be had to the class of water supply provided and the wet rates of the neighbourhood. The old assessment, together with the new water-rate, should not exceed the neighbouring wet rates. The levy of water-rate thus fixed will be in force during the current settlement.

* Now the rate is to be fixed at the difference between the assessment on the land and that on wet land of similar quality in a neighbouring Government village.

Ch. Comr.'s
7006—R. 75, d.
23rd Nov. 78;
1100-9-98, d.
12th May 1885.
5029-239, d.
4th Dec. 1887.
16512-21—R.
2029, d. 1st
April 1893;
R. 2696—Mis.
212-08-12, d.
24th Sept.
1904.

9104—P. F.
298, d. 15th
Dec. 1892.

Water rates to be fixed by the Survey Department.

R. 822-91—L.
S. 10-04-3, d.
19th July
1906.

134. (i) A Deputy Commissioner is not competent to fix the temporary water-rate in the case of lands situated in a village into which Survey Settlement had been introduced. The rates should be fixed by the Survey Department.

R. 67—L. R.
457-08-4, d.
6th July 1910.

(ii) A Jamabandi Officer is not competent to revise the wet and garden rates or on his own motion to impose water-rates on dry lands, on the ground that the supply of water had been improved. When there are proper grounds to impose enhanced rates according to rules, the local Revenue Officers should take needful steps to get such rates imposed.

(Appeal No. 48 of 08-09.)

Water taken from jungle streams.

8660-8—R.
1284, d. 28th
Nov. 1894.

135. (i) Land irrigated by a jungle stream is liable to a water-rate. That cultivated under a well is not liable to any extra charge.

4934-48—R.
2295, d. 21st
Jan. 1899.

(ii) If lands are irrigated during the hot season by sinking pits in the beds of small jungle streams, the water-rate thereon should be one-fourth of the rate adopted for the use of running water.

R. 3542-51—R.
F. 8-99, d. 5th
March 1903;
R. 1280-94—R.
M. 310-17-2, d.
25th August
1908.

(iii) When an occupant constructs dams and draws water direct from streams not within the boundary of his occupancy, he is liable to pay water-rate; but, if he constructs a dam within his land itself and draws water of a stream passing through his holding, and if there are no Government works of irrigation below it dependent on the water of the stream, no water-rate need be levied. Permission should, however, be obtained to utilize such water, and the grant of permission is subject to the conditions that it is liable to be withdrawn and that the private work of irrigation should be removed, if necessary, when a Government work is constructed.

6641—P. F.
48-95, d. 18th
Dec. 1895.

The duty of regulating the water-supply to wet lands (*Sirkar* or alienated) from a Government source rests exclusively in the Executive Officers of Government. Civil Courts cannot take cognizance of disputes relating to the use of Government water.

8856-69—P.
1183, d. 19th
Mar. 1898.

Applications for "*nirsardi*" or water-rate from garden owners not entitled by *mamool* to the use of tank water should not be granted, if it is likely to affect the supply to wet lands under the tank.

Supply of water of an Inamdar's tank to lands outside his village.

136. In the absence of *mamul* (usage) or a specific contract to the contrary, an inamdar is not bound to give the water of his tank for lands *outside* his village.

7541-9—Pet.
65-97, d. 21st
Apl. 1899.

When the water of a tank is hardly sufficient to irrigate the wet lands under it, the water thereof should not be given to dry lands though they may be willing to pay water rates. The mere fact that an occupant of a dry land irrigable from a source has paid contribution does not give him a preferential right to water over holders of wet lands under that source.

8854-62—Pet.
459, d. 23rd
Oct. 1900.
R. 11068—L.
R. 891-14-8,
d. 27th May
1916.

(Appeal No. 24 of 1915-16.)

137. Under Section 53, L. R. C., Government can charge water-rates "for the use by landholders of water the right to which vests in Government" and under Section 36 of the same, "all standing and flowing water, etc., are the property of Government," subject to the proved rights of individuals.

6516—P. 1231,
d. 25th Feb.
1901.

A person irrigating his land by the water surplussing from the *Kodi* of a Government *Katte* is therefore liable to pay water-rate or wet assessment.

All lands commanded by a Govt. source of irrigation liable to pay water-rate.

138. Wet rate is leviable on all lands for which water is made available at the cost of Government, without allowing any option to occupants to hold their lands at previous rates, in case they do not elect to use the water.

2318—R. 28,
d. 4th Aug.
1878. R. 375-7
R. F. 99-95,—
d. 19th July
1902.

Lands under the Vani Vilas Reservoir.

139. The following concessions are granted to the holders of lands *newly taken up* for cultivation under this Reservoir.

R. 5724-24—L.
R. 194-13-10,
d. 31st Dec.
1914. ;
R. 9920-2—L.
R. 444-15-2,
d. 25th Apl.
1916. R.
9410—L. R.
444-15-5, d.
25th Aug.
1916.

(i) Levy of only one-third of the land assessment and one-third of the water-rate during the first year ;

(ii) two-thirds of the assessment and two-thirds of the water rate during the second year ; and

(iii) full amounts from the third year onwards.

2. These concessions are extended to all lands already in holding but since brought under the block system of irrigation, by the Vani Vilas Sagara channels.

Contribution and water-rate on wet and garden lands likely to be commanded by the new Cauvery channels

R. 9752-3—L.
R. 241-14-31,
d. 7th May
1915.

140. Contribution and water-rate cannot be levied at the same rate on all lands coming under the new channels, as the benefits derived from wet and garden lands are not uniform.

The difference between the assessment levied on lands of corresponding quality irrigated by river channels and assured of a similar supply of water and the wet assessment now levied on these lands should be taken as the basis to fix the water-rate tentatively for six years, at the end of which the rates should be suitably revised by the Survey Department.

This water-rate will be independent of any extra rate charged for sugar-cane or any other second crop.

Contribution should be levied on the old wet and garden lands at half the rates charged on dry lands of similar quality in the neighbourhood.

Levy of water-rate on lands commanded by the Krishnarajasagara Reservoir Channels.

R. 1-15—L.
R. 448-16, d.
26th, 27th
Apl 1920.

141. (i) Government have an undoubted right, both under the Land Revenue Code (Sections 53 and 114), and under the terms of the original and revised survey guarantees, to levy, at any time, a water-rate for the use of a new, enlarged or improved supply of water made available by Government for lands that were not fully or sufficiently irrigated or had only an uncertain supply or for unirrigated dry lands; but the circumstances of the case do not warrant such a levy in the case of lands in the sugar-cane tracts which already enjoy a hot weather supply. The lands in this reach will, during the remainder of the period of settlement be entitled to whatever natural supply is available in the river; but will have no claim to any additional supply of water from the reservoir.

(ii) In regard to the reaches beyond those mentioned along the marginally-noted

* { Chikdevarayasagara
up to 22 miles.
Virjanadi up to 16
miles.
Devaraj up to 5
miles.
Bangaradoddi up to
5 miles.
† { Ramaswami.
Rajaparameswari.
Madhavamantri.

*four channels and in the case of the remaining three† channels, an extra water-rate of Rs. 4 per acre of block area should be levied. This rate should be imposed only on those lands the holders of which execute the requisite *mutchalikas*, those refusing to execute *mutchalikas*, being deprived of the hot weather supply.

(iii) In case any of these channels are extended, the areas that may be brought under irrigation should be assessed in respect of monsoon irrigation at a rate of Rs. 5 per acre in addition to the dry assessment, an additional special water-rate of Rs. 6 per acre being also levied in respect of block areas, selected for perennial irrigation.

(iv) It may not be possible to supply water every year from the Krishnarajasagara channels for manurial crops; but, if in any particular year water can be spared, not more than three waterings during the hot weather may be given for this class of crops and a rate of rupee one per acre charged for every such watering for areas not included in the blocks, in the case of lands referred to in (ii) *supra*.

(v) The rates referred to in (ii) and (iv) *supra* have effect from the date of the Government Order (*i.e.*, 26th April 1919) and all these rates, including those referred to in (iii) will be in force, till the resettlement of the taluks is effected in the usual course.

NOTE.—A differential treatment cannot be accorded in the case of lands under the Mandagere channel (as proposed by the Chief Engineer, Cauvery Valley Irrigation and Joint Secretary to Government, Public Works Department). R. 9401-8—L. R. 25-15-80, d. 17th Feb. 1920.

The foregoing principles are applicable also to lands under the Upper Channel of the Krishnarajasagara and the Mandagere channels.

Commission to Inamdars for collection of water-rates.

142. (i) A commission of 12 per cent is allowed to inamdars on the amount of water-rate collected from tenants of inam villages having permanent occupancy rights therein, but using water for their lands from a Government work of irrigation. R. 7450-9—L. R. 406-13-4, d. 31st Jan. 1916; R. 3060-16L. ... 1174-50—5, d. 5th June 1918.

(ii) Inamdars have no claim for a share in the water-rate levied on *dry* inam lands irrigated by a Government source of irrigation.

Applications for the use of Government water.

143. (i) Applications for the use of Government water should be promptly disposed of, as delay would be very prejudicial to *bona fide* cultivators and is highly objectionable in the interests of Government revenue. S. 530-7—Pet. 536, d. 29th Oct. 1900.

Deputy Commissioner on the basis of survey rates prevailing in neighbouring lands of similar description. The results should be embodied in Form A, Appendix IX to this Manual.

(3) Applications for portions of assessed survey number should be dealt with in precisely the same manner as laid down above, with the exception that in taluks in which the re-survey operations have been completed or are in progress, the sanction of the Superintendent of Survey must be previously obtained and that the rates should be those shown in the *akarband* for the entire survey numbers. The result under this para should also be entered in the form above referred to.

NOTE 1.—Sub-division of assessed survey numbers should be discouraged, by encouraging the taking up of the entire survey numbers by two or more persons between them. In such cases, the share of each can be separately recognised and registered in the said form.

NOTE 2.—The above instructions apply to survey numbers of unwieldy size, of about double the minimum prescribed.

(4) *Darkhasts*, whether under para (2) or (3), *supra* shall be subject to the minima laid down in Appendix H, L. R. R., provided that the portion left after sub-division is not less than the prescribed minima. Their grant will be subject to the final adjustment of boundary lines and assessment by the Survey Department, under clause (a), Rule 30, L. R. R.

(5) Form A referred to above, is designated and maintained as a supplement to the *Khetwar Patrick* (Village Form No. 1) for each village concerned and can easily be embodied in the remaining village forms.

(6) These directions do not apply to the *darkhasts* for lands for coffee cultivation.

(7) The Form should be filled up retrospectively to include all *darkhasts* in which cultivation permits have been granted, but which have not as yet been given effect to in the *akarband*. Upon a part survey number being measured and demarcated by the Survey Department and brought on to the *akarband*, it should be struck out of the Form, an entry to that effect being made in the column of remarks, quoting authority.

(8) No alterations or amplifications whatever should be made on the village map, except by the Survey Department. For illustrating the sub-divisions provisionally effected, extracts of the survey numbers should be taken by tracing them on thin paper and pasting this

Failure to grant such receipts makes the officer, holder or agent liable to a fine not exceeding three times the amount received. (Section 57, L. R. C.)

Garden lands within village sites.

145. All plantations *outside* the defined limits of the village site or chargeable with assessment. If a garden is planted on vacant lands *within* the village site, no assessment need be levied.

140-40-7—Cir.
299, d. 18th
March 1891.

Assignment of Land Revenue on Agricultural Lands.

146. Land Revenue on agricultural lands within municipal limits should not be alienated in favour of Municipalities.

1798-804—ML
153-15-10, d.
22nd Sep.
1917.

Receipts.

147. Duplicate copies of *patta* should not be issued to persons interested in an occupancy and paying *kan-dayam* on that account on behalf of the registered *khatedar*.

7740-48—R.
2602, d. 8th
March 1897.

CHAPTER VII.

OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS.

Statutory provisions.

A person desirous of taking up an unoccupied Government land should put in a written application to the Amildar and obtain the written permission of that Officer before entering upon occupation. Unauthorised occupation entails certain penalties. (Sections 58 and 59, L. R. C. and Rule 41, L. R. R.)

Limit of fines to be levied in such cases is given in rule 57, L. R. R. The Deputy Commissioner is competent to require the payment of a certain price for the occupancy or to sell that right by auction and to annex certain conditions, if necessary, before permission to occupy is granted. (Section 60, L. R. C.)

Rules regulating grant of occupancies for cultivation are given in Rules 43 to 48, and those in respect of building sites in Rules 47 to 51, L. R. R.

Assessment on lands is increased in proportion to the extent of lands gained by alluvion, when the extent so gained exceeds half an acre and also one-tenth of the area of the holding concerned. Section 46, L. R. C.)

Per contra, assessment is reduced in proportion to the extent of land lost by diluvion, if the portion of land lost is not less than half an acre and also not less than one-tenth of the holding. (Section 47, L. R. C.)

Disposal of alluvial lands which vest in Government is regulated by the provisions of Sections 61 and 62, L. R. C. and Rule 63, L. R. R.

An occupant of land appropriated for agricultural purposes can erect farm buildings and dwelling houses for agriculturists and their labourers, construct wells, etc. Further, he can, with the Deputy Commissioner's permission, and subject to certain payments, appropriate his land

to any other purpose. (Sec. 63, L. R. C.) Unauthorised appropriation entails additional fines and penalties (Sec. 64, L. R. C.). The limits of fines to be levied under these two sections are given in Rules 58, 59 and 60, L. R. R.

Certain circumstances which entail eviction of an occupant or his tenant are described in Rule 61, *ibid.*

HULGAVAL TENURE.

148. (i) *Hulgaval* tenure is one of the tenures that were recognised prior to Survey Settlement. It carried with it no permanent occupancy right; but merely gave a right of grazing, so long as the land was not cultivated or required for cultivation. It ceases to exist on the introduction of the Survey Settlement. 979-80—41, d.
8th May 1888.

(ii) Lands held for a long time on *hulgaval* tenure prior to Survey Settlement should, in the first instance, be offered at a moderate dry assessment to the same, occupants at the settlement. 6437—P. F.
200, d. 7th
Nov. 1892.

(Appeal No. 148 of 1891-92.)

(iii) The system of pasturage assessment is not countenanced or permitted under the Survey Settlement. 958-61—P. F.
74-99, d. 27th
Nov. 1902.

(iv) Cases not in consonance with the principle of Survey Settlement should be settled in accordance therewith at the revision survey, the settlement as recorded in the *Faisal Patrik* being in the interval observed.

General Instructions for the Speedy Disposal of Darkhasts.

149. (1) Large pendency of *darkhasts* for land at the close of every year not only causes loss of revenue to Government, but also retards extension of the arable area. *Darkhasts* should therefore receive prompt attention. R. 11926-75—
L. R. 185-18-6,
d. 19th March
1919.

(2) As soon as an application for a portion of an unassessed survey number, including gomal survey numbers, for which previous sanction has been obtained, is decided by the Deputy Commissioner to be granted, the portion concerned should, on the authority of the Deputy Commissioner, be at once measured and marked off on the field, through the agency of shekdars or other taluk officials, under the general supervision, if necessary, of the District Surveyor. The assessment should be fixed by the R. 7486-94—
L. R. 294-04-2,
d. 18th Dec.
1905.

Deputy Commissioner on the basis of survey rates prevailing in neighbouring lands of similar description. The results should be embodied in Form A, Appendix IX to this Manual.

(3) Applications for portions of assessed survey number should be dealt with in precisely the same manner as laid down above, with the exception that in taluks in which the re-survey operations have been completed or are in progress, the sanction of the Superintendent of Survey must be previously obtained and that the rates should be those shown in the *akarband* for the entire survey numbers. The result under this para should also be entered in the form above referred to.

NOTE 1.—Sub-division of assessed survey numbers should be discouraged, by encouraging the taking up of the entire survey numbers by two or more persons between them. In such cases, the share of each can be separately recognised and registered in the said form.

NOTE 2.—The above instructions apply to survey numbers of unwieldy size, of about double the minimum prescribed.

(4) *Darkhasts*, whether under para (2) or (3), *supra* shall be subject to the minima laid down in Appendix H, L. R. R., provided that the portion left after sub-division is not less than the prescribed minima. Their grant will be subject to the final adjustment of boundary lines and assessment by the Survey Department, under clause (a), Rule 30, L. R. R.

(5) Form A referred to above, is designated and maintained as a supplement to the *Khetwar Patrick* (Village Form No. I) for each village concerned and can easily be embodied in the remaining village forms.

(6) These directions do not apply to the *darkhasts* for lands for coffee cultivation.

(7) The Form should be filled up retrospectively to include all *darkhasts* in which cultivation permits have been granted, but which have not as yet been given effect to in the *akarband*. Upon a part survey number being measured and demarcated by the Survey Department and brought on to the *akarband*, it should be struck out of the Form, an entry to that effect being made in the column of remarks, quoting authority.

(8) No alterations or amplifications whatever should be made on the village map, except by the Survey Department. For illustrating the sub-divisions provisionally effected, extracts of the survey numbers should be taken by tracing them on thin paper and pasting this

on thick paper, the sub-divisions being indicated on the extracts with red ink.

(9) These directions do not apply to taluks in which the Revision Settlement has been introduced.

(10) When valid reasons, such as those enumerated in Rule 43, L. R. R., exist, then only the land should be sold by public auction or given for an upset price. The following classes of lands are excepted from the operation of the rule of free grant:—

(a) Unassessed lands and lands specially reserved or assigned for any public, communal or municipal purpose under Sec. 39, L. R. C., e.g., gomal, date reserve, Village forest, State forest, etc.

(b) Lands in the vicinity of Railway stations within the limits prescribed by Rule 49A.

(c) Lands irrigated or likely to be irrigated by large irrigation projects.

(d) Lands containing sandal trees.

(e) Lands containing valuable fruit or other trees or wells or buildings.

(11) Necessary entries are made in the *Khetwar Patrik* at the time of Survey or Re-survey Settlement, in the case of almost all lands falling under classes (a) and (b). If this has not been done the omission should be made good at once by reference to *Faisal Patrika*, and the village map. As regards the other classes of lands, the Amildars should cause the entries to be made from time to time, as the cases come to their notice, during the course of inspection, or as orders are received from higher officers.

(12) In order to determine whether a particular *darkhast* should be dealt with according to the general rule of free grant, or otherwise, reference should be made to the *Khetwar Patrik*, and if that document does not furnish the necessary data, the *darkhast* should be forwarded to the Village Officers for furnishing a memorandum in the prescribed printed form—Appendix D, L. R. R.—not later than a week from the receipt of the requisition.

(13) Applicants should present their *darkhasts* in the first instance to the Shekdar who will transmit them within a week to the Amildar for orders with the prescribed memorandum.

(14) Immediately on receipt of the memorandum, the Amildar should decide whether the occupancy should

R. 8829-68—
L.R. 69-16-5,
d. 11th Oct.
1917;
R. 12540—L.
R. 884-19-5,
d. 30th April
1920.

be (a) granted free of charge, or (b) sold by public auction, or (c) granted for a fixed price. In the first and second classes of cases, he should issue a *saguwali chit* or sale proclamation, as the case may be, at once on his own authority, while in the third class of cases, he should submit the records with his opinion, without delay, to the Sub-Division Officer for orders.

Gomal and other Reserved Lands.

(15) The special rules governing the disposal of gomal and other reserved lands are stated in an ensuing paragraph.

The previous sanction of the Revenue Commissioner is necessary to appropriate such lands for cultivation, and the first step to be taken on receipt of applications for such lands is to obtain a report from the village officers in the prescribed form and forward the same to the Deputy Commissioner. No further action need be taken, till the necessary permission is received, and when it is received, the applications should be dealt with in the same way as *darkhasts* for unassessed lands.

Date Groves.

(16) The general rules given above should be carefully observed in respect of lands situated in date groves. The Excise Commissioner should issue suitable instructions to District Excise Officers to see that references from Revenue Officers on this subject are promptly replied to. A time limit not exceeding two months, may be fixed within which such references should be disposed of. Delay requiring notice should be reported for the orders of the Deputy Commissioner.

The date reserve lists should be prepared with sufficient care and attention; lands not fit to be reserved for excise purposes, on account of the sparsity of the tree growth or other causes should not be included in the list.

*Lands containing Sandal trees, Amrut Mahal
Kaval Lands and Forest Lands.*

(17) Rule 43, L. R. R. and ensuing paragraphs in this Chapter govern these cases. The Conservator of Forests and the Amrut Mahal Superintendent should issue suitable instructions to the officers of their respective

departments to treat all references regarding *darkhasts* for lands of the respective department as urgent and reply to them within a specified time limit.

Lands in the vicinity of Railway Stations.

(18) Rule 49A, L. R. R., describes the procedure to be followed in the case of *darkhasts* for such lands. In order to guard against the danger of such lands being given out for cultivation inadvertently under the ordinary *darkhast* rules, Amildars should cause the necessary entries to be made in the *Khetwar Patrik*, against every survey number coming within the prescribed limits.

Lands affected by large Irrigation Projects.

(19) The disposal of lands likely to be affected by large projects of irrigation is generally governed by special rules; issued at the time of sanctioning such projects. The Amildar should invariably obtain the orders of his superior officers in regard to the disposal of such lands. The Department of Public Works should, as soon as possible, after any such project is taken up for investigation, or consideration, notify to the Revenue Department either generally or specially the lands which will be affected by the project.

(20) Excise subordinates should not receive or deal with *darkhasts* for lands.

(Appeal No. 83 of 1902-03.)

71-2—P. F.
22-03, d. 19th
July 1903.

Darkhasts for Building Sites.

(21) (a) All vacant land not already in the occupation of private individuals should, wherever possible, be demarcated on the ground into building sites, *kanas*, *hul-hittals*, etc., numbered and mapped, so that intending persons may know what plots are available. Indiscriminate applications should be summarily rejected. The demarcation should be done under the direction of the Amildar, in consultation with the Village Improvement Committee, if any, existing in the village.

NOTE.—Applications for building sites are exempted from payment of stamp fee.

R. 1166—R.
469, d. 11th
Aug. 1898.

(b) Building on Vacant Sites in Villages.

Sufficient provision exists in Rule 49 (b), L. R. R. to deter persons from keeping building sites unnecessarily

R. 7010-18—
L. R. 267-19-2,
d. 6th Dec.
1918.

vacant. The conditions therein prescribed should be strictly enforced. Fresh grants should invariably specify in clear terms the time limit within which houses should be built, and the penalty attaching to the failure to observe the condition, *viz.*, summary resumption.

Cases to which the said rule may not be applicable should be dealt with under local laws, or lands acquired, if necessary, under the Land Acquisition Regulation.

Persons who keep their sites in an insanitary condition may also be dealt with under the Village Sanitation Regulation and Rules framed thereunder.

4408—R. 782,
d. 1st Nov.
1880.

NOTE.—The free grant of isolated sites for building purposes apart from the general village site is objectionable.

(c) *Licenses to build on Agricultural Lands within Municipal limits.*

R. 4505-21—L.
R. 192-11-1,
d. 29th Feb.
1912.

Licenses to build on agricultural lands within Municipal limits have been given in some instances by the Municipal authorities, without the appropriation of these lands for non-agricultural purposes having been sanctioned by the Deputy Commissioner. Under Sec. 63, L. R. C., such appropriation can be sanctioned only by the Deputy Commissioner, even though the lands lie within Municipal limits and the licenses which the Municipal authorities are authorised to grant under section 96 of the Municipal Regulation have regard merely to the enforcing of a due compliance with sanitary and other requirements in the formation of cities and do not dispense with the necessity to obtain the previous sanction of the Deputy Commissioner.

No application should be entertained by any Municipal Council for a license to construct buildings on agricultural lands within Municipal limits, unless it is accompanied by a copy of the order of the Deputy Commissioner, permitting the appropriation of the land for building purposes and also by a receipt for payment of the fine, if any, imposed by that Officer.

Similarly, where the land in respect of which the application to build is made, is situated in the headquarters of a district or other town of sufficient importance the Deputy Commissioner, should, before authorising the

* This G. O. has been subsequently cancelled by G. O. No. R. 6667-86—L. R. 334-15-3, dated 26th December 1916.

appropriation of the land for non-agricultural purposes, consult the Municipal Council concerned as to whether there is any objection to the permission applied for being granted.

Powers of Amildars re appropriation of kharab lands for building purposes.

(d) Deputy Commissioners have power to permit the appropriation of *kharab* land for building purposes. The power to grant permission to applicants to build on *kharab* land not exceeding ten guntas, adjacent to their holding may, however, be delegated to the Amildars and Deputy Amildars of the malnad taluks.

R. 1228-31—
L. R. 618-122,
d. 8th Aug.
1913.

(Vide also clause (i) of Rule 2, Revenue Rules.)

Such power should be exercised, only when the applicant executes a formal *mutchalika* undertaking to give up the land to Government whenever required by them.

The lands appropriated as above should be treated as temporary building sites. The rules laid down for the grant of building sites in the malnad (Appendix C, L. R. R.) should be followed, as far as possible.

Registers and Returns, pertaining to Darkhasts.

(22) (a) The Register for entering darkhasts for lands for cultivation is amplified and given in Appendix D, Form No. 2, L. R. R. Form B-II should be adopted for entering applications for building sites, etc. All correspondence should be shown in the register which must be maintained regularly and made available for inspection by superior officers.

R. 8320-66—
L. R. 89-16-5,
d. 11th Oct.
1917.

(b) A report in Form C should be submitted once a quarter by the Amildar to the Sub-Division Officer who should review the same, and send one copy of it to the Amildar and another copy to the Deputy Commissioner. Suitable notice should be taken of any laxity coming to notice at these audits.

NOTE.—Explanatory instructions for preparing this return correctly are given in Ch. XXVI of this Manual.

Upset Price.

(Rule 41, L. R. R.)

150. (1) The object of requiring an upset price under Rule 41, L. R. R. being to prevent collusion among

5366-73—Cir.
101, d. 4th
Aug 1894.

purchasers, it should not be pitched unnecessarily high so as to be prohibitive to *bona fide* cultivators. When the upset price once fixed cannot be realised, the Deputy Commissioner may lower it in the interests of *bona fide darkhastdars*. But, a raiyat who has relinquished the land to avoid payment of *kandayam* intending, however, to take it up again is not entitled to any consideration, as he is scarcely a *bona fide darkhastdar*.

R. 973-81—d.
23rd Aug.
1901.

(2) When lands are sold or granted on *darkhast*, date or other trees should not be reserved. The trees may be granted with an upset price put on them or sold outright with the land on which they are standing.

R. 11665-73—
L. R. 929-05-2,
d. 7th March
1906; R. 3044
—L. R. 111-
10-2. d. 9th
Nov. 1910.

(3) In the exercise of discretion in any matter, the special circumstances of each case should be considered. Whenever strict adherence to the general rules results in unmerited or uncalled-for hardship, special treatment will have to be accorded.

When there is likely to be excessive bidding, owing to any spirit of opposition or unfair competition, and not to the existence of any *bona fide* demand for lands of the particular description in a locality, the land applied for may be given out for an upset price.

(4) Such reasons, as inadequacy of pension, want of other means of livelihood, or inability to pay the proper price of the land are not valid for giving a land on upset price.

1587-95—R.
606, d. 11th
Aug. 1896.

(5) Upset price should be levied on *Phut Kharab*, included in the lands applied for for coffee cultivation, except when it is useless to the applicant, being deducted from the survey number on account of public roads, pathways, etc. If the extent of "*Phut Kharab*" is large, the same should be excluded entirely from the land applied for, if it can be separated; but if the applicant chooses to have it included in the land, he should pay upset price therefor, unless it happens to be a public road, etc.

Grant of Gomal Lands for Cultivation.

8024—P. 59,
d. 5th June
1891.

151. (i) *Darkhasts* for an assessed land should not be refused on the ground that the village gomal is not ample. All assessed waste, as distinguished from gomal land, set apart for the common pasturage of villagers must be given for cultivation, when there is an application for the same.

2932-98—R. F
8-96, d. 15th
Sept. 1896.

(ii) When there is no assessed unoccupied waste land in a village and the extent of gomal land is out of all

proportion to the number of cattle, the Deputy Commissioner should investigate the need for arable land for cultivation and take action to throw open as much as is wanted.

(iii) But applications for small bits of land out of gomal should not be encouraged.

(iv) When an *entire* gomal survey number is applied for, and recommended to be granted, the connected village map should invariably be submitted, along with the other papers, exhibiting clearly on the map all the gomal and the occupied survey numbers. When a *portion* of a survey number is recommended to be granted, a sketch map, showing the position of the portion applied for should always be submitted, for judging whether the new number, after sub-division, would form a regular compact block.

(v) Reference should not be made to the Superintendent of Revenue Survey to assess gomal lands, before their alienation is sanctioned by competent authority.

5415-28—R.
1778, d. 20th
Dec. 1897.

7841-6—R.
2566, d. 22nd
Feb. 1898;
8877-78—R.F.
9-96, d. 24th
Sept. 1896.

24070-8—R.F.
6-94, d. 16th
June 1896.

Gomal Lands in Malnad.

(vi) The following particulars should be given when gomal or *Soppinabetta* lands are recommended to be granted in the Malnad Districts:—

(a) The area of existing wet cultivation in the village in which the grant is recommended.

(b) The source of irrigation and its capacity with reference to the increased burden proposed to be thrown upon it.

(c) Whether the new grant affects in any way the existing wet cultivation.

8806—R.F.
11-96, d. 5th
April 1897.

Effect of Sanction to Appropriate Gomal Lands for Cultivation.

(vii) Sanction accorded for appropriation of any portion of gomal land for cultivation purposes does not imply sanction to the grant of the land to the individual or individuals, on whose application the necessary enquiries are instituted. When such sanction is accorded, the land should be disposed of under the rules for the disposal of Government land, not gomal.

11787-95—R.
F. 38-92, d.
3rd Jan. 1898.

Treatment of Gomal Lands during Re-survey.

(ix) (a) The village cattle on which agriculture chiefly depends should not be deprived of the necessary

R. 3923-22, d.
15th June
1904.

grazing lands. Before sub-dividing and allotting any gomal lands for cultivation, the Survey Superintendent should enquire and satisfy himself that the village cattle will not suffer thereby and that the remaining gomal is sufficient for them. A note to this effect should be made in the Settlement Records.

(b) The lands thus sub-divided and set apart for cultivation should be disposed of in accordance with Rule 43, L. R. R. The Superintendent of Survey should refer to the Revenue Department for disposal cases where a sale of the right of occupancy is found necessary or desirable.

Rules for the temporary grant of gomal land for gram cultivation.

R. 9169-78—L.
R. 385-06-6,
d. 10th April
1907; R. 8938-
47—L. R. 201-
07-2, d. 27th
Dec. 1907.

152. (1) Whenever the whole body of raiyats in a village agree to take up a portion of their gomal land for temporary cultivation, they should apply for the same through the patel or some recognised headman.

(2) The application should be prepared in the form given in Appendix X, and the shanbhog must fill up the particulars required at the instance of the raiyats.

(3) The application should be presented before the Amildar in person by the villagers or their representative. The officer should at once verify the facts contained in the application and submit it with his recommendation for the orders of the Sub-Division Officer. The assessment leviable should also be proposed, and it should be based on the average assessment on dry land in the neighbourhood.

(4) The Sub-Division Officer should scrutinize the application without delay and, if there is no objection, order the grant of the land, fixing the assessment to be recovered.

(5) On receipt of orders, the Amildar should grant a temporary *saguvali chit* in the name of the recognised representative of the villagers who will be liable to pay the assessment imposed thereon.

Provided that where there is not sufficient time for the previous observance of these formalities, the villagers may proceed to occupy and plough the land after presenting the application to the shanbhog and patel for immediate despatch to the taluk and on the express condition to be stated in the application that they will abide by the orders of the Sub-Division Officer on their application.

(6) The villagers must arrange among themselves for apportioning the area granted for cultivation and the recognised representative may collect the proportionate assessment from the raiyats.

(7) Before the crop is harvested, the assessment imposed under Rule (4) *supra* should be paid up to Government. The Amildar has power to prohibit the removal of the crop before payment of assessment.

In case of default, the crop may be sold by him, the sale being reported to the Sub-Division Officer within seven days from the date of such sale for confirmation. When the sale is confirmed, the excess amount realized, if any, over the assessment due, may be made over, after notice to the villagers, to their representative. Should there be a deficiency, the amount of assessment still due may be ordered to be remitted by the Deputy Commissioner.

(8) The sanctioning officers must observe the following instructions :—

(a) The area of land granted for cultivation in any particular year should lie fallow during the next two years. This has to be arranged for by dividing the whole gomal of a village into three distinct plots and granting one plot each year, so that by rotation each plot will be brought under cultivation every third year.

(b) The crop to be sown must invariably be confined to gram.

(c) Cultivation should on no account be allowed where it would lead to the destruction of scrub jungles or seedlings of trees.

Erosion from flowing water caused to the lands of an Inam village.

153. (i) Holders of river-side lands hold them subject to risks incidental to erosion by natural process.

(ii) This does not however cover losses incurred by any *deliberate* act of Government which has the effect of hastening erosion.

(iii) Proportionate reduction of Government dues will be allowed in respect of the portion lost by diluvion as provided by Section 47, L. R. C.

(a) Large Landed Estates Scheme.

154. The following are the rules for the grant of lands under the scheme :—

R. 9649—L.R.
427-14-2, d
6th May 1915.

R. 4009-21—L.
R. 522-13-5, d.
1st Dec. 1914;
R. 8223-36—L.
R. 399-15-1, d.
23rd Feb.
1916; R. 681-
43—L. R.
399-15-2, d.
13th July
1916; R. 8951-
9000—L. R.
65-17-23, d.
28th Feb.
1918; R.
11008-11019—
L. R. 65-17-28,
d. 10th May
1918.

(1) Each estate will consist of one or more survey numbers situated in a compact block of not less than 50 and not more than 200 acres, provided that no block shall contain more than 50 acres, classed as wet or garden land.

(2) Where a block consists of both dry and garden lands, and it is not possible to have them contiguous, each class may be in a separate block, situated within a reasonably convenient distance.

The following classes of land will be made available for forming such estates :—

(a) Assessed waste lands.

(b) Unassessed lands not allotted for any communal purpose.

(c) *Bechirakh* villages.

(d) Gomal lands which may be made available without prejudice to the interest of the village cattle.

(e) Date and Forest reserves and amrut Mahal kavals which are not required by the departments concerned.

For selecting lands suitable for formation as large landed estates, District Committees should be formed consisting of :—

(1) The Deputy Commissioner as President; (2) the Sub-Division Assistant Commissioner at Headquarters as Secretary; (3) the District Excise Officer; (4) the District Forest Officer; (5) the Senior Daroga or other representative of the Amrut Mahal Department, to be nominated by the Amrut Mahal Superintendent; (6) five non-official gentlemen to be nominated by the Deputy Commissioner, as members.

These committees will meet at convenient centres and send up definite recommendations to Government.

(3) A list of all available lands of the classes described above will be published in the Gazette from time to time by Deputy Commissioners and applications invited therefor. But applicants are free to select lands not so notified, and apply to the Deputy Commissioner for their being granted under these rules.

(4) Persons desirous of taking up lands under the scheme should, after selecting the lands required by them, apply to the Deputy Commissioner of the district in which the lands are situated, with a rough sketch or map of the lands selected by them showing also the boundaries thereof.

(5) Each application should contain the following information :—

(a) Whether the applicant is a native of Mysore, or

whether he has settled down in Mysore and how long he has resided there ;

(b) what capital he is prepared to invest ;

(c) whether he intends to introduce any new crops or new or improved agricultural processes ;

(d) whether he means to undertake any special agricultural industries, such as, dairy farming, cattle breeding, etc., and

(e) whether he is likely to require the advice of the Agricultural Department.

(6) Whenever an application is received for any block not advertised in the Gazette as available, a notice of such application will be published in the Gazette.

(7) No application will be disposed of before the expiry of three months, after a description of blocks applied for and available has been published in the Gazette.

(8) An upset price will be fixed for each block by the Deputy Commissioner with the sanction of Government. It will, however, be discretionary with Government in cases in which a large outlay is required to bring the lands under cultivation or for other reasons, to allow the upset price to be paid in instalments or in exceptional cases of hardship to remit it altogether.

(9) Where more than one application is received for the same block, it should be sold by public auction.

(10) When an application has been received, the Deputy Commissioner, after necessary enquiry should forward it to Government through the Revenue Commissioner with his recommendation for sanction.

(11) Lands granted under the scheme will be held free of assessment for the first five years, on $\frac{1}{3}$ th, $\frac{1}{4}$ th, $\frac{1}{5}$, and $\frac{1}{6}$ ths assessment during the 6th, 7th, 8th, and 9th years respectively, and on full assessment from the 10th year and onwards, from the date the land is taken possession of by the applicant. Preference should be given to applicants who are willing to pay full assessment from the date of grant of lands.

(12) The successful applicant is at liberty to use a part of the land in providing pasturage for the cattle, house sites for building houses for agriculturists employed on the estate and in erecting farm houses and other buildings which may be considered necessary for the better cultivation of the land or its more convenient occupation for purposes of agriculture. The assessment is, however, payable on the whole block granted to the applicant according to Rule (4).

(13) The grantee should bring under cultivation 50 per cent of the area remaining after deducting the portion utilised in the manner referred to in Rule 12 above, within the first five years from the date of occupying the block and a proportionate area every year of the remaining period, *viz.*, five years.

(14) The grantee should also put up farm houses and sheds within the first year of the grant. But the Deputy Commissioner may relax this condition, if he is satisfied that the applicant is otherwise making strenuous efforts to work the farm. Timber and bamboos required *bona fide* for cattle sheds and farm houses for the estate labourers may be given at half the seigniorage rates prevailing in the locality.

(15) No private alienations by sale, gift, mortgage or otherwise of the blocks are permitted or recognised by Government, and no loan will be sanctioned by Government on the security of the land included in the estate before full assessment is paid and title-deed granted by the Deputy Commissioner.

(16) Each estate created under these rules will be regarded as a single unit and should not be partitioned without the sanction of Government; and a breach of this clause will render the whole occupancy liable to forfeiture.

(17) A *muchalika* in the prescribed form (Appendix XI) should be obtained from every grantee, setting forth the conditions of the grant and any breach thereof will render the grant liable to be cancelled by Government.

(18) The Agricultural Department should, on application received through the Deputy Commissioner, give free of cost such advice as may be conducive to the better cultivation of the holding.

(19) Grants under these rules should be made only to *bona fide* subjects of the Mysore State or to those who have settled down permanently therein as active agriculturists; and Government reserve to themselves the power to reject any application without assigning any reason.

(20) Large estates may be formed under the usual rules, out of excess lands in Amrut Mahal Kavals thrown for cultivation, after setting apart such portions as may be required to meet ordinary *darkhasts* by local inhabitants of limited means.

(21) Loans may be granted for the improvement of the estates, subject to the terms and conditions laid down in the existing loan rules.

Grant of assessed waste lands for Ek-sal cultivation.

155. The following rules are prescribed :—

(1) (i) The *Darkhast* should relate to whole survey numbers lying waste for three years or more.

R. 176-85—L.
R. 46-08-11,
d. 10th July
1911.

(ii) An application for occupancy on ordinary terms will have preference over an *Ek-sal Darkhast*.

(iii) The applicant for *Ek-sal* occupancy should pay up the whole assessment due, before taking possession of the land.

(iv) If there be more applicants than one for *Ek-sal* occupancy, the land may be given to the first applicant, and where precedence is doubtful, it should be put up to auction in a summary manner.

(v) The occupant has no right to cut any trees, remove earth, stones, buildings, etc., in the land, or excavate pits therein and render the land unfit for cultivation in any way. He should execute a *Mutchalika* to that effect. If he acts contrary to the terms of the *Mutchalika*, he will be liable to a fine to be fixed by the Deputy Commissioner in his discretion, which will be recovered as a revenue demand.

(vi) The occupant should quit the field by the end of the year and can take crops of the kind suited to the class of land and cannot claim any consideration on account of improvements.

(vii) The occupancy terminates at the end of the revenue year for which it is granted and the land will be at the disposal of Government.

(2) Lands (whether unassessed or assessed) reserved for communal or other public purposes should not be given out for *Ek-sal* cultivation.

(3) All lands given out for temporary cultivation under the above rules, should be inspected by the Shekdar at the end of the year for which they are granted, and a report made to the Amildar as to their condition. Needful entry should also be made in Pahani Takhta

Disposal of Lands commanded by Krishnarajasagara.

156. *General rules.*—(i) These lands are divided into three classes :—

(i) Lands that will become irrigable after the first stage of the project is completed and the channels are extended ;

R. 2236-40—
L. R. 357-11-3,
d. 22nd Oct.
1912.

(ii) lands that will become irrigable after the completion of the 2nd stage of the project; and

(iii) lands that are likely to be submerged by the Reservoir.

(2) With regard to the lands falling under the first class, the following rules are prescribed:—

(i) The lands should be granted in whole survey numbers for *Ek-sal* cultivation, that is, from year to year, till the first stage is completed and water is made available.

(ii) They should not ordinarily be sold by public auction, but should be granted without an upset price to the first applicant who will be at liberty to raise thereon any crops he likes suited to the class of land; but in cases where there is more than one application for the same land and there is doubt regarding the priority of the applications, the land should be put up to auction in a summary manner.

(iii) The applicant should pay up the whole assessment due, before taking possession of the land.

(iv) *Vide* sub-para (v) of the preceding paragraph.

(v) The occupancy terminates at the end of the Revenue year for which it is granted but may be continued from year to year on the same conditions, till the first stage of the project is completed.

(vi) The occupant is not entitled to claim any consideration on account of improvements effected by him to the land.

(vii) Lands reserved for communal or other purposes should not be given out for cultivation.

(viii) All lands given out for temporary cultivation under the above rules should be inspected by the shekdar at the end of the year for which they are granted, and a report made to the Amildar as to how far the conditions of their grant have been fulfilled. The result of his inspection should be entered by him in the Pahani Takhta also.

(ix) The manner of disposal of the occupancy of these lands for permanent cultivation will be decided, after the first stage of the project is completed and water is made available for irrigation.

(3) Lands falling under the second class, that is, those that will become irrigable after the completion of the second stage of the project, should be dealt with in the following manner:—

Applications for these lands should be disposed of under the *darkhast* rules, as they are received. These lands are liable to pay acreage contribution, like lands already in occupancy, when the project is definitely taken in hand for execution, and also subject to the condition that the applicant should give up to Government the portion that might be required for the *nala*, without claiming any compensation.

(4) Lands likely to be submerged by the Reservoir and falling under the third class should be disposed of, in accordance with the following rules:—

(i) Such lands should be granted for cultivation on *Ek-sal* tenure on the conditions prescribed *supra*.

(ii) Persons taking up lands for such temporary cultivation are not entitled to any compensation on account of the submersion of the lands.

All lands as have not been disposed of under the high-level canal of the second stage of the Reservoir, should be reserved and disposed of for permanent cultivation under the *Darkhast* Rules, after the second stage of the reservoir is completed.

R. 4078-5—L.
R. 25-16-11, d.
3rd Nov. 1916.

There is no objection, however, to such lands being given out for temporary cultivation on *Ek-sal* tenure from year to year, in accordance with the foregoing rules.

Concessions for temporary cultivation.

(5) A concession rate of Rs. 2 per acre is recovered on all lands commanded by the Krishnarajasagara channels, for which water is supplied for quick growing *Mungar* crops, as ragi, jola and sixty days' paddy.

R. 12921-74—
L. R. 42-18-15,
d. 7th April
1919.

Expansion of Cultivation under the Vanivilasa Sagara Channels.

157. The following facilities are temporarily afforded till the year 1924 for developing cultivation under the Vanivilasa Sagara:—

R. 18853-7—
L. R. 42-18-22,
d. 16th June
1924.

(i) Irrigation from the canal water will be confined to the block lands and the lands referred to *infra*.

(ii) Only one-third of the plot in each holding in a block will be allowed to be put under perennial and wet crop.

(iii) One-third of the area of each holding will be allowed to be cultivated with a cereal or food crop every year.

(iv) The perennial crops will be given water all the year round, when it is made available. The rest of the area will be supplied with water during the monsoon season only. The supply will be intermittent during the monsoon season and continuous during summer. The exact time-table will be made out from time to time for each season in advance and given wide publicity.

(v) When one-third of a holding is cultivated with a perennial crop, like sugar-cane or standing garden, the occupant thereof may, on application, be permitted to cultivate an additional third portion with paddy or cocoanut, on payment of an additional water rate of rupee one per acre.

(vi) Special blocks may be formed for the cultivation of cocoanut outside the present blocks but under command of the canal. Such lands will be assessed on the following progressive scale:—

1st year—free		
2nd year, $\frac{1}{4}$	water rate for	block lands
3rd year, $\frac{1}{2}$	”	”
4th year, $\frac{3}{4}$	”	”
5th year, and thereafter—	full	water rate.

(vii) Lands commanded by the canal, but outside the blocks and not fit for high-rated crops and for which there have been no *darkhasts* for five years, may be granted at an upset price for planting of *honge* trees. Such lands should be charged a water rate of Rs. 2 per acre for five years (after which period *honge* plants do not require canal water). Full water rate should, however, be levied, if such lands are cultivated with other crops requiring water.

(viii) Raiyats may be given permission to grow and own *honge* trees within the 10 feet margin, beyond the toe of the bund on the lower side of the canal, on conditions similar to those regarding the planting and maintenance of road-side avenue trees.

(ix) The details of villagewar waste lands available for cultivation should be periodically published locally and outside the district.

(x) Free grant of water is allowed thrice in summer to areas solely planted with *honge*, the supply being restricted to one-sixth of the wet area in each holding.

(xi) The concession allowed by Government Order No. R. 12087-91—L. R. 42-18-2, dated 22nd March 1919, for the rapid cultivation of food crops may be granted to

all applicants, including the Panchama class and criminal classes, the restriction as regards growing the whole area with food crop being removed.

(xii) To prevent contamination of water, cultivation of wet crops above the channels should not be allowed.

NOTE 1.—The question of grant of concessions to settlers and the appointment of a Special Officer for establishing colonies in the channel area is under the consideration of Government.

NOTE 2.—The free supply of green manure seeds from the Babbur Farm seriously interferes with the purposes for which the Farm has been established and leads to no practical results. Sowing of *honge* seeds broadcast in the river bed and on Government waste lands cannot be permitted.

NOTE 3.—The Babbur Farm above referred to supplies a very large quantity of sugar-cane seeds of the best variety so far grown in the State and also a very large quantity of improved cotton seeds.

NOTE 4.—Local Officers should make active and energetic efforts to popularise the measures and to secure the co-operation of the leading raiyats of the villages in the channel area.

Grant of tank-beds for cultivation.

158. (1) Rule 16, L. R. R. should be strictly followed in granting lands for cultivation in the beds of tanks in action.

R. 1115-24—
R. F. 22-1900,
d. 3rd Sep.
1901.

(2) In cases in which the tank-beds have been already given out for permanent cultivation unconditionally, the Deputy Commissioner should, in consultation with the Executive Engineer, decide once for all whether the acquisition of any of them is necessary in the interest of the tanks concerned, and if necessary, take steps to acquire them on payment of compensation. The lands when acquired should be treated as "*kharab*" the assessment thereon being written off the accounts. The lands granted permanently should, however, be carefully recorded in the village accounts; and when they revert to Government by relinquishment or failure to pay assessment, their assessment should be written off the accounts and the lands shown under "*kharab*".

(3) If in any case the lands have been given out for temporary cultivation, subject to their being relinquished by the grantees without any claim for compensation, whenever they are required by Government, they may be resumed after notice to the occupants, if the Executive Engineer considers their cultivation injurious to the tank.

(4) The Deputy Commissioner should, in dealing with applications for lands within the contour line of tanks, unhesitatingly refuse to entertain them whether the lands are already comprised in a survey number or are proposed to be formed into survey numbers. They should also send a list of survey numbers already formed in such beds to the Superintendent of Revenue Survey, for being brought under "*kharab.*" The contour line should be well marked with stones or other mark by the Public Works Department.

(5) During re-survey, instructions should be given to the Survey parties to keep clear of the contour line of tanks, in measuring lands into survey numbers for purposes of cultivation, both in regard to tanks in action and those not finally abandoned.

(6) When, in the opinion of the Deputy Commissioner and the Executive Engineer, the existence of cultivation in the bed of tanks is likely to be attended with injury to the tank, the Survey Department should, during re-survey, take steps to have the land in any existing survey number lying within the contour line excluded from such survey number, after compensation is paid to the occupant.

Cultivation of lands overgrown with lantana or prickly pear.

R. 9298-922—
L. R. 508-09-2,
d. 18th Nov.
1910;
R. 8918-41—L.
R. 227-14-4, d.
11th Sep. 1918.

159. The following concessions for bringing under cultivation lands overgrown with lantana or prickly pear are extended to all the districts in the State for a further period of five years:—

(1) Assessed waste lands overgrown with lantana or prickly pear and such portions of unassessed Government waste lands similarly overgrown as may be conveniently made available for cultivation are granted to applicants free of assessment for a period not exceeding twelve years at the discretion of the Deputy Commissioner, when the assessment of the land does not exceed Rs. 25, on the following conditions:—

(i) Lantana or prickly pear should be eradicated from a prescribed extent of land every year and the whole area taken up cleared of the pest and brought under cultivation within a period to be fixed by the Deputy Commissioner.

(ii) The period of concession in each case should be

fixed with due regard to the extent of land overgrown with lantana or prickly pear, the cost involved in eradicating the pest and the time which may elapse, before the raiyat who undertakes such clearing can expect to reimburse himself the outlay he has had to incur.

(iii) Failure to remove the lantana or prickly pear from the area prescribed in any year and to keep the area already cleared free from further growth, renders the grantee liable to pay full assessment from the date of such failure.

(2) The Deputy Commissioner may, for sufficient reasons, extend the total period within which the entire area is to be cleared and condone any default that may have been made in clearing the prescribed extent in any year.

(3) The remission of *kandayam* on the lands granted as above should be sanctioned annually by the Jama-bandi Officer, after satisfying himself that the conditions of the grant have been complied with. He may also reduce the amount of remission whenever necessary and direct payment of the balance. When the assessment of the land applied for exceeds Rs. 25 but not Rs. 50, the land will be granted by the Revenue Commissioner, subject to similar conditions. All other cases should be submitted for the orders of Government with the recommendation of the Revenue Commissioner.

(4) When lands under occupation are found to be overgrown with lantana or prickly pear and the Deputy Commissioner, on personal inspection, is satisfied that reasonable precaution has been taken by the occupier thereof against its ravages and that some special concessions are necessary to ensure its thorough removal, the Deputy Commissioner may, where the land is fairly large in extent, grant remissions of assessment thereon for a period not exceeding five years. When only a portion of a land to which the concessions are made applicable is so overgrown, remission granted will be proportionate to the area affected.

(5) In the case of *kharab* and gomal lands which cannot be given out for cultivation without affecting the requirements of the people for grazing and other purposes, local officers should endeavour to encourage the raiyats to adopt combined action to remove the pest, subjecting them, in case of non-compliance, to the temporary suspension of the privileges granted to them in respect of the

land, if necessary. If the growth is so great as to be a menace to the health of the neighbouring people or a source of obstruction to efforts, which are being made for its destruction in the vicinity and its removal is likely to be too costly for the raiyats to undertake and impose too great a burden on them, the clearance should be effected out of the special funds of District Boards. Where the existence of lantana or prickly pear in the lands is likely to be injurious to cultivation in the adjacent agricultural land, the owners of the latter may be induced by the grant of similar concessions to check its growth and progress.

Takavi advances may also be granted for the clearance of lantana or prickly pear.

(6) All lands enjoying the benefit of the above concessions should be periodically inspected and steps taken to enforce the conditions in case of neglect.

(7) Wide publicity should be given by the local officers to the above concessions and applicants encouraged. Applications should be disposed of without delay.

NOTE.—A special report should be submitted at the end of every official year on the working of the above rules in all the districts.

(8) In the case of occupied lands obtained or held under the concessions granted by Government, the responsibility of the land owners or occupants to keep their lands clear of vegetation should be strictly enforced. The concessions allowed in Rule (4) *supra* should be granted more freely.

(9) In the case of unoccupied lands (assessed and unassessed), if persons do not readily come forward to take them up for cultivation on the conditions laid down in the foregoing rules, immediate action should be taken by the local officers to remove the pest by employing a special agency, if necessary, the cost involved being debited to Government. The lands thus cleared of lantana should be disposed of at once for cultivation by sale in public auction.

(10) As regards vacant sites, the local bodies are responsible for keeping them in a sanitary condition and they should actively help in removing rank growth on unoccupied sites in villages. In the case of occupied village sites, the Village Sanitation Rules should be strictly enforced and prompt steps taken to prosecute the owners of such sites, if they persist in their failure to remove such growth in spite of notices served on them

under the rules. The Village Sanitation Regulation and Rules thereunder will be amended, so as to empower the local authorities to carry out themselves the work of removal of such growth on occupied village sites, on failure of the owners to do so and to recover the cost thereof as a revenue demand.

(11) As regards communal lands (including gomāl) and unoccupied village sites, the removal of the pest should be undertaken under the Village Improvement Scheme, the contribution from the villagers being limited to one-third of the cost, the remaining two-thirds being borne by Government.

(12) In the case of lands under the control of Government Departments, the Heads of Departments concerned should, with a view to induce the people to exert in this important direction, set an example by making it a point to see that the lands in their charge adjoining occupied lands, communications and village sites are kept clear of lantana at least up to a limit of 100 yards and take the necessary action for the eradication of the pest, so that the efforts made to remove it from the adjacent agricultural communal lands and village site may be attended with successful results without affording scope for its regeneration.

(13) The Revenue Commissioner should impress upon all local officers the importance of the extirpation of lantana and other rank growth and see that these officers carry out the measures needed and enforce the rules on the subject.

NOTE.—A half-yearly progress report should be submitted to Government.

GRANT OF AMRUT MAHAL KAVĀL LANDS FOR CULTIVATION.

(1) *Kavals not required by the Amrut Mahal Department.*

160. When any kavals in the possession of the Amrut Mahal Department are not required, they should be made over to the Revenue Department and not in favour of any particular individual.

1973-4-219, d.
16th Feb.
1891.

(2) *Amrut Mahal kavals not to be in close proximity to tank beds and villages.*

4709-17—Cir.
94, d. 18th
July 1891.

The beds of tanks to which village cattle have to resort, and to which there is no other suitable approach, should not be exclusively reserved by the Amrut Mahal Department and the village cattle entirely excluded therefrom. The boundary of an Amrut Mahal Kaval should not be inconveniently near a village or near the grounds in front of a village where cattle assemble.

(3) *Darkhasts for occupancy rights in Amrut Mahal Kavals.*

12817-26—R.
1846, d. 8rd
Feb. 1894.

(a) So long as the people had a sufficiency of free gomal land for their purpose, pasturage reserves of the Amrut Mahal Department were not interfered with; but, with the growth of population and the need for expansion of cultivation, the Amrut Mahal Kavals must be utilised and curtailed gradually.

(b) All *darkhasts* for *bona-fide* occupation, on full assessment, of lands within Amrut Mahal Kavals should be complied with by Deputy Commissioners, provided that the tracts asked for are blocks which can conveniently be sub-divided and separated without interfering with the use of the remainder of the *kaval* by Amrut Mahal cattle.

(c) After needful enquiries, the Deputy Commissioner should place himself in communication with the Officer in charge of the Amrut Mahal Department. On the surrender of the tract asked for, the former officer should arrange for its *fieldwar* demarcation and assessment and grant the fields for occupation to the highest bidder in an outright public auction sale held after due notice. In special cases the grant may be made to take effect three or six months, after the date of grant, to obviate inconvenience to the Amrut Mahal Department by a sudden curtailment of their resources for grazing in special localities.

(d) In cases of difference of opinion between the Amrut Mahal Officer and the Deputy Commissioner, orders of Government should be obtained.

(4) *Surrender of Amrut Mahal Kaval Lands for cultivation.*

(i) An extent of 124,903 acres and 35 guntas of the Amrut Mahal kaval lands have been ordered to be surrendered to the Revenue Department.

(ii) For securing the interests both of the raiyats and the Amrut Mahal Department, joint inspections of lands which are to be made over to the Revenue Department should be made by the Deputy Commissioner concerned with the Amrut Mahal Superintendent. The lands should be selected only after such inspection.

24545-54—
Mily. 238-19-4,
d. 29th April
1920.
4757-61—
Mily. 236-16-3,
d. 4th Sept.
1918.

(iii) Lands of fair average quality should be selected and in case of any difference of opinion arising between the two officers, the matter should be reported for orders of Government.

(5) *Temporary leasing of Amrut Mahal Kavals.*

Lands which may be conveniently leased out for cultivation should be leased by the Amrut Mahal Department on *varam*'tenure to the Servegars and other employees of the Department; as long as a fair rent is secured and the cultivation does not interfere with their legitimate duties. The officer in charge of the Amrut Mahal Department should collect the rent due and credit the proceeds into the treasury.

R. 5828-97—
L. R. 248-11-4,
d. 18th April
1912.

Tank-beds included in the *kavals* should not be given out for cultivation except under the conditions laid down in Rule 16, L. R. R., and with the concurrence of the Deputy Commissioner.

LANDS CONTAINING DATE TREES FOR CULTIVATION.

(1) *Grazing and cultivation in date groves.*

161. (i) Date groves should be conserved with the strictest care and attention.

4744-62—R. F.
138-93, d. 24th
Nov. 1926.

(ii) Where there is spontaneous growth of date, in any special tract, cattle grazing must cease and the natural reproduction promoted by the best practicable means. All tract reserved as date groves, should be excluded from *hulbanni* sales; but, applications for cutting and removing grass therefrom may be entertained.

(iii) Appreciable empty spaces fit for cultivation available in date groves or tracts may be sub-divided and given out for cultivation when there is a demand for the same. When any grove has been given away for permanent assessment, the Revenue and Excise officials should see that the terms of the grant are not in any manner violated.

(2) *Disposal of applications for lands included in the date reserves.*

(i) Applications for lands included in the Date Reserve List should not be summarily rejected but must be disposed of on the merits of each case.

The following instructions are issued for the guidance of Revenue and Excise Officers :—

(a) When an application for land included in the Date Reserve List is received and the Amildar is in favour of the grant of the land, the Sub-Division Officer and the District Excise Officer should consult each other, inspecting the land, if necessary; and if they are jointly of opinion that the land may be given out for cultivation, the application should be disposed of under the *Darkhast* Rules.

(b) When the Sub-Division Officer and the District Excise Officer disagree, the matter should be referred to the Deputy Commissioner who, if he agrees with the District Excise Officer that the land ought not to be given out for cultivation, may reject the application subject to appeal to the Revenue Commissioner by the applicant. If the Deputy Commissioner overrules the opinion of the District Excise Officer, three months' time should be given to the District Excise Officer to bring the case before the Excise Commissioner with a view to his moving the Government to have the Deputy Commissioner's order revised by Government, if necessary.

(c) If, on appeal preferred under rule (b), the Revenue Commissioner is unable to agree with the Deputy Commissioner, the matter should be referred to Government, who, after consulting the Excise Commissioner, if necessary, will dispose of the case to the best advantage of both the Departments.

After the lists have received the sanction of Government, the procedure above prescribed should be followed with necessary modifications, so as to ensure a thorough investigation and exclusion of all lands not necessary for the toddy revenue. Quarterly statements should be submitted by Deputy Commissioners.

(ii) The real requirements of *bona fide* cultivators should be given consideration in preference to the toddy revenue, in the case of all assessed lands and *vice versa* in the case of all unassessed lands.

(iii) When a *darkhast* for land is finally rejected under the foregoing rules, a note to that effect should be

made in the *Khetwar Patrik*, and all subsequent *darkhasts* for the same land should be summarily refused for a period of ensuing three full years.

The Excise Commissioner should arrange to publish lists of lands required to be reserved as date groves.

N. 5962-73—
L. R. 55-09-5,
d. 1st March
1910.

(1) *Coffee or Cinchona Cultivation.*

162. Rules governing the grant of lands for coffee or cinchona cultivation are contained in Appendix E to the Revenue Rules of 1890, as amended from time to time.

(2) *Section 60 L. R. U. not applicable to coffee lands.*

The general discretion vested in Deputy Commissioners as to the manner of disposal of Government land is necessarily restricted by the specific instructions given by Government, in respect of any particular case or class of cases. The directions in Rules 6 and 10 of the Coffee Rules, Appendix E of Revenue Rules of 1890, requiring that all land applied for for coffee cultivation should be sold by public auction restrict the discretion vested in Deputy Commissioners. They are not competent to grant them at upset price, without the special sanction of Government.

17922-9—R. F.
7-94, d. 10th
April 1895.

(3) *Acreage Settlement of coffee lands.*

(i) Under the acreage settlement of coffee lands effected under the rules above referred to, planters were given the option of paying either a fixed permanent acreage assessment of Rs. 1-8-0 on their estates, or holding them under a temporary tenure for the usual term of 30 years on an assessment of one rupee an acre, subject to revision at the end of that period.

1125-8, d. 22nd
Sep. 1885;
R. 4693-703—
L. R. 33C-11-4,
d. 18th Nov.
1916;
R. 10222-32—
L. R. 301-17-5,
d. 8th April
1912.

(ii) Existing temporary tenures should be converted into permanent ones on the condition of paying the difference between the temporary and permanent rates of assessment, i.e., eight annas an acre per annum from the date of the original settlement (1881-82) to the date of application.

NOTE 1.—Partial remission of the difference will be given by Government in specially hard cases.

10222-32—L.
R. 301-17-5, d.
8th April 1912.

NOTE 2.—In the case of applications for conversion into permanent tenure of lands held on temporary tenure, the payment of back assessment may be allowed in three or more instalments, as may be sanctioned by Government, on the merits of each case.

(4) *Relinquishment of coffee lands.*

19451-9—R.
2065, d. 12th
May 1894.

(i) Relinquishments of the entire occupancy or of whole survey numbers may be accepted, whatever be their area, subject to the conditions of Sec. 74, L. R. C.

(ii) When a portion of a survey number is relinquished, the relinquishment may be accepted, if the portion given up and that left after deducting the area given up are each not less than the prescribed minimum area for coffee lands (Appendix H. L. R. R.)

(5) *Coffee Rules not applicable to maidan parts.*

802-10—R. F.
834-92, d. 1st
July 1895.

The coffee tenure or assessment is intended only to the Malnad tracts and is not intended to be introduced into the Maidan parts. Lands taken up for coffee cultivation in the Maidan must be treated like land taken up for any other cultivation and ordinary survey assessment is payable thereon. Such land may be granted free of sale, when it has no market value and *Shraya* (favourable rates of tenure) may be allowed, when it is unoccupied waste and no applications on full assessment are forthcoming.

(6) *Relinquished coffee lands to remain as assessed waste lands.*

R. 5946-55—
L. R. 504-06-2,
d. 18th Dec.
1906.

The assessment on relinquished or resumed coffee lands should not be written off but retained in the accounts, as in the case of other waste lands, and shown against a sub-head "Coffee" under "Garden."

(7) *Issue of title-deeds in respect of coffee estates.*

1125-8, d. 22nd
Sep. 1885.

One title-deed should be issued for each separate estate; but if separate title-deeds are required for portions of an estate, it should be done before the issue of the single title-deed. But once they are issued, no change by way of substituting one or more title-deed is permissible.

24438-41—R.
3659, d. 21st
June 1895.

(ii) Certified copies of title-deeds may be given to persons whose names already appear in the title-deeds or register.

7503-11—R.
2612, d. 20th
March 1901.

(iii) No fresh title-deeds should be issued in cases of transfers by private sale or other transaction, Court decree, inheritance, etc., nor can alterations be made in the original title-deeds. The decree of a Court should be recognised by noting transfers or mutation of names in

the *pattas*, (which should be regularly issued,) as well as in the *Khetwar* and *Khate*. *Pattas* should be altered in pursuance of the alterations made from time to time in the *Khetwar* and *Khate*.

(iv) Fresh title-deeds are not issued by Government for estates purchased from previous holders, but a note of the transfer of the *Patta* should be recorded on the original title-deed. On application by the transferee, a transfer order in the form prescribed in Appendix VII will be issued by the Deputy Commissioner.

(v) When estates change hands, fresh title-deeds should not be granted; but if the present proprietors wish for a *Patta*, the same can be given by the Deputy Commissioner, after he holds an enquiry under Rule 70, L. R. R. Title-deeds are granted only to the original grantees of the land.

(1) *Cardamom cultivation.*

163. (i) Lands (lying within the area prohibited for cardamom cultivation) the drainage of which is through the Western Ghats towards the Arabian Sea and not into the basin of the Hemavathi river, may be granted for cardamom cultivation, without a reference to Government. Sanction of Government is necessary for granting all other lands lying within the prohibited area (that is, lands lying to the west of a line drawn from Hanbal to Kotigehar, from Kotigehar to Kalasa, from Kalasa to Begur and from Hanbal to Saklespur and from Saklespur to Hettur in the Yeslur hobli, Manjarabad Taluk.)

(ii) The period of tenure in the case of cardamom cultivation should not be extended beyond 20 years.

(iii) Alienations of holdings may be allowed, provided the terms of the original leases are adhered to and the first lessee remains responsible for the Government dues, in case of default by the alienee.

(2) *Grant of gomal lands for cardamom cultivation.*

Before submitting for the orders of Government, applications for the grant of gomal lands for cardamom cultivation, the Deputy Commissioners of Malnad districts should require the District Forest Officer, by himself or one of his subordinates, or any qualified Revenue Officer, to inspect the land applied for and record his opinion regarding the effect of its cultivation on any perennial springs or streams existing on or near the land in question.

R. 10222-82—
L. R. 801-17-5,
d. 8th April
1918.

R. 2108-2116—
L. R. 879-11-2;
d. 14th Oct.
1912.

R. 5759-68—L.
R. 41-09-9, d.
11th Jan.
1910; R. 5078-
82—L. R. 167-
10-2, d. 6th
March 1911;
R. 5172-8—L.
R. 490-10-4, d.
23rd March
1912; R. 4616-
19-L. R. 280-
14-12, d. 10th
Nov. 1915.

R. 2780-2—Ft.
221-17-4, d.
26th Aug.
1919.

8593-90—R. F.
12-26, d. 31st
March 1887;
5694-703—R.
1867, d. 24th
Dec. 1897.

(3) *Cultivation within 50 yards margin of jungle streams.*

R. 2466-76—L.
R. 41-09-5, d.
21st Sept.
1909.

(i) No land should be given out for cardamom cultivation within the ever-green belt on the eastern slopes of the Ghats, without previous sanction of Government. Such sanction will only be given, if the Conservator of Forests is of opinion that the permission for cardamom cultivation in the land applied for does not affect the springs of the particular ravine. The rule regarding the margin in respect of coffee lands should be strictly adhered to in all cases of cardamom cultivation also.

R. 10552—L.
R. 225-17-8, d.
27th April
1918.

(ii) When a survey number has been assessed and granted for wet cultivation and the *saguvali chit* contains no prohibition of cardamom cultivation, a mere *mutchalika* cannot justify any restriction in respect of such cultivation, particularly when the land in question does not come within the prohibited area.

(Appeal No. 3 of 1917-18.)

Grant of lands for rubber cultivation.

R. 5474-84—L.
R. 226-08-1, d.
28th Sept.
1906; R. 9358-
69—L. R. 226-
08-11, d. 18th
Apl. 1907; R.
1680-91—L. R.
307-11-4, d.
24th Sept.
1912.

164. (i) All applications for lands for rubber cultivation should be dealt with, in accordance with the rules contained in Appendix E to the Revenue Rules of 1890, relating to the grant of lands for coffee cultivation.

(ii) The lands should be sold by auction, subject to an upset price of Rs. 10 per acre and granted on permanent tenure. They will be held free of assessment for the first three years and on half assessment for the next two years, full assessment at Rs. 1-8-0 per acre being recovered from the sixth year.

(iii) A title-deed in Form A annexed to Appendix E to the Revenue Rules of 1890 should be issued to the grantee, whenever lands are given out for rubber cultivation as above.

(iv) In the case of lands given out for rubber cultivation under the tentative rules of 28th September 1906, the rate of assessment will be reduced from Rs. 3 to Rs. 2 per acre.

R. 5186-95—L.
R. 183-11-2, d.
23rd March
1912.

NOTE 1.—No assessment need be charged for the raising of catch-crops on lands granted for rubber cultivation. The catch-crops should, however, be strictly subordinated to the cultivation of rubber and should cease to be raised when the rubber trees have begun to yield.

10706-18—L.
R. 465-18-4, d.
1st May 1918.

NOTE 2.—No land granted for rubber cultivation should be permitted to be used for coffee or cardamom cultivation, except in special cases with the orders of Government.

(v) Lands granted for coffee or cardamom cultivation may be used for rubber cultivation, with the permission of the Deputy Commissioner in each case.

Tea cultivation.

165. The following revised rules for the grant of land for tea cultivation are issued.

2621-82—A. &
E. 249-19-3,
d. 9th Sept.
1920.

(1) Applications for land for tea cultivation should be made to the Amildar in the first instance, setting forth the area required, the survey numbers, the village, and the hobli in which the land is situated.

Among the applicants for land, preference must be given to local applicants or to Joint Stock Companies which are able to raise half the capital locally.

(2) The land applied for, when more than 50 acres in extent, should be inspected by a Higher Revenue Officer than the Amildar, and when situated in a valuable timber tract, by the District Forest Officer.

(3) In all cases, an enquiry should be instituted to ascertain whether the land can be given out for cultivation, without prejudice to the interests and rights of neighbouring village communities and of the Forest Department.

(4) Ordinarily, no application should be entertained for an area larger than 500 acres; but in special cases in which the Deputy Commissioner is satisfied as regards the applicant's ability to bring under cultivation a larger area within a reasonable time, his application may be entertained for such area as the Deputy Commissioner may consider reasonable. All grants of land exceeding 250 acres should be confirmed by the Revenue Commissioner, and those exceeding 500 acres, by Government.

(5) Land containing valuable timber trees which it is desirable that the Government should, in the Forest Department, conserve and work, should not be granted for tea cultivation.

(6) The land should be granted, subject to the following conditions;—

(a) It will be held free of assessment for the first five years from date of grant and on full assessment at the rate of Re. 1-8-0 per acre from the 6th year onwards.

(b) No grant should be made, unless the applicant is able to prove that he can raise the necessary capital for starting the industry.

(c) One-fifth of the area granted should be planted every year.

(d) After the completion of five years from the date of the grant, a title-deed will be issued to the grantee on payment of an upset price of Rs. 10 per acre. Till then, no portion of the block can be alienated.

(e) The grantee should bind himself in writing to pay the full assessment from the 1st year in the event of his resigning the land, after cutting down the timber on it or otherwise clearing any portion of it, but without having made any *bona fide* attempt to bring under cultivation the arable area included in it.

(f) The rules requiring the reservation of a margin of 50 yards on either bank of a stream, spring, etc., should be strictly observed; but Government will be prepared to relax this rule in deserving cases on behalf of *bona fide* applicants.

(g) If at any time before the fifth year the grantee wishes to obtain the title-deeds, he is entitled to claim them on payment of the upset price on the land.

(7) The upset price fixed as above should include survey expenses and the right of Government to all reserved trees except sandal, which shall always be reserved absolutely to the Government.

(8) In cases where there are more applicants than one for the same block, it should be sold by auction.

(9) Before the land is advertised for sale, the applicant should deposit with the Deputy Commissioner one-fourth of the upset price fixed as above.

(10) Full notice of every intended sale should be published in the neighbouring villages and all sales of blocks of greater extent than 250 acres advertised in the official gazette.

(11) The sale should be by public auction under the usual conditions, and the lands knocked down to the highest bidder above the upset price fixed, whereupon the purchaser should deposit a sum equal to 25 per cent of his bid, and in default of such deposit, the property will forthwith be again put up and sold. The full amount of purchase money should be paid before sunset of the 15th day from that on which the sale of the land took place or if the said 15th day be an authorised holiday, then before sunset of the first office day after such 15th day.

(12) In default of payment, within the prescribed period, of the full amount of purchase money, the deposit,

after defraying thereout the expenses of the sale, should be forfeited to Government, and the property resold, and the defaulting purchaser will forfeit all claim to the property or to any part of the sum for which it may be subsequently sold, provided that in any case in which the enforcement of this condition may involve undue hardship, it is competent to the Deputy Commissioner to send up the necessary recommendation for the orders of Government.

(13) If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference is recoverable from him by the Deputy Commissioner as arrear of land revenue.

(14) The deposit of one-fourth of the upset price made by the applicant under para 9 above, should if the land be knocked down to him at the auction, be credited towards his deposit of 25 per cent of the purchase money, and it must be refunded to him, if the land is purchased by another person in the auction.

(15) The Deputy Commissioner may, in his discretion, grant to the holder of a tea estate on a fair valuation, and without auction, any moderate extent of *kharab* land, adjoining his estate which may be unfit for tea cultivation, such as (a) Drying grounds (b) Factory buildings, (c) Store buildings, (d) Cooly lines and (e) Bungalows. In making grants under this rule due regard should be had to the provisions of the preceding rules as far as they apply, provided that in no case the extent of land to be granted by the Deputy Commissioner under this rule exceeds ten acres for any single estate without the previous sanction of Government.

Land granted under this rule should be assessed at Re. 1 per acre.

The proprietor of a tea estate may be allowed to erect cooly lines, factories, store buildings, etc., on the assessed land under his occupation.

(16) Lands granted under these rules should be given a guarantee of 30 years and title-deeds should be granted to the grantee specifying the conditions and privileges of the grant in the form given in Appendix B, Land Revenue Rules. If the area taken up does not exceed 20 acres, a *Patta* according to Form No. 4 given in Appendix A, Land Revenue Rules may be granted, but the tenure will be the same as if a title-deed in the form given in Appendix B had been granted.

(17) A fee of one rupee for each title-deed should be recovered from the grantee.

SANDAL TREES.

(a) *Removal of sandal trees from occupied lands and payment of bonuses to the occupants thereof.*

R. 7709—Ft.
13-05-18, d.
25th March
1909.

166. (1) No landowner has the right to insist that a sandal tree standing on his land be removed on the ground that it has grown to maturity or on any other ground than that of obstruction to cultivation or to object to the removal of any tree by the Forest Department in the course of its ordinary operations. The selection of the trees to be removed rests entirely with the officers of the Forest Department and those acting under their orders.

(2) Every mature sandal tree intended for removal in occupied lands should be marked by the Range Officer with a hammer bearing the monogram S. F. (S standing for sandal and F for fell) just above the root stock after removing the outer bark and white wood. It shall also have a serial number stamped on it corresponding with that contained in a register to be maintained by the Range Officer showing all the trees marked by him. This register should be maintained, according to Form C, Appendix XIII and a monthly extract therefrom sent to the District Forest Officer.

(3) The Range Officer should then prepare a receipt in Form A (Appendix XIII) and give a credit note on the nearest Taluk Treasury showing the amount of bonus payable to the occupant. The receipt should contain the signature of the occupant both in the counterfoil and the duplicate and be attested by the Patel and Shanbhog. The counterfoil should be sent to the Amildar simultaneously with the issue of the credit note and passed on by the Amildar to the District Forest Officer after the credit note is cashed with the fact of payment endorsed thereon. After the necessary check the District Forest Officer should return it to the Range Officer to be filed as a voucher.

(4) After the credit note is issued, the tree should be uprooted and roughly dressed, leaving a ring at the point where the measurement was taken and sent to the *koti* in tact accompanied by the usual Passport (*vide* Form

No. 55 of the Forest Code). In the "Remarks" column of the form, the Range Officer should note the girth measurement of the tree, the survey number of the field and the name of the owner.

(5) The Koti Ranger or Forester, on receipt of the tree, should check the measurement and submit to the District Forest Officer a list of trees received during the month, on the first of the ensuing month in Form B (Appendix XIII).

(6) The District Forest Officer should compare and check the koti list with the entries in the Ranger's register and vouchers. If they agree, he should file them; but if any discrepancies are noticed, he should take immediate steps to trace and reconcile the same.

(7) The District Forest Officer during the course of his tours, should check at least 15 per cent of the up-rooted trees by actually measuring the trees at the koti and inspecting the localities from where they were up-rooted and submit a certificate to that effect to the Conservator.

(8) In cases where an occupant of land wishes to have any sandal tree growing on his holding removed, on the ground that it interferes with the legitimate use of his land, he should make an application in that behalf to the Amildar. On receipt of such application the Amildar should furnish the applicant with a written acknowledgment of the application and after causing the necessary enquiry to be made, should forward it with his own opinion to the District Forest Officer. The District Forest Officer, after such further enquiry as he may deem necessary and on being satisfied that the ground is valid, should order the removal of the tree on payment of any compensation which may be prescribed in that behalf. The District Forest Officer's opinion as to the necessity for the removal of the tree is final.

(9) If the applicant does not receive any answer within three months from the date of the acknowledgment received by him, permission should be deemed to have been granted to him for the removal of the tree and he becomes entitled to all the benefits which he could have claimed according to the orders of Government, if the tree had been removed by the Forest Department.

NOTE.—The above rules are also given in the Mysore Forest Manual, 1918 (pages 117 to 119).

(b) *Bonus on sandalwood trees in coffee estates.*

B. 16022-92—
Ft. 17-18-2, d.
18th June
1919.

The Rules of 1909 are applicable to coffee lands in the same way as they are to other occupied lands. The grant of the bonus offers an inducement for the proper preservation of the sandal trees in coffee lands also.

(c) *Encouragement for the growth of sandalwood trees.*

R. 8145-54—
Ft. 176-17-9,
d. 4th Jan.
1919.

(i) Waste lands may be given out on *shraya* tenure for sandalwood cultivation wherever such lands are not reserved or required for other purposes. The exact terms on which the lands may be given out should be decided with reference to the merits of each case.

(ii) Raiyats raising plantations under this order are entitled to 50 per cent of the net value of mature trees removed from such plantations in the Maidan taluks and 52 per cent in the Malnad taluks. This rule applies also to Inamdars who are not at present entitled to the sandal trees on their lands.

Concessions for the encouragement of the cultivation of Sisal Hemp.

5369-77—I. &
C. 169-18-3, d.
14th Dec.
1918.

167. Land (unassessed *kharab* by preference) should be made available for being granted free, to individuals or village communities applying for the same, up to an extent of 200 acres in each case under the following conditions:—

(a) The land to be free of assessment for five years and then assessed at progressive rates leading to full assessment from the eleventh year.

(b) The land to be planted up in full in five years.

(c) The land to be liable to be resumed, if it is used for any other purpose.

The above concessions will be in force until about 5,000 acres are brought under cultivation. Preference should be given to the subjects of the State in the grant of the land.

(A sum of Rs. 5,000 was sanctioned for being spent on nurseries to be started by the Forest Department.)

R. 10367-75—
L. R. 334-18-2,
d. 14th Feb.
1919.

NOTE.—*Powers of Revenue Officers in re the grant of such lands—*

(i) Unassessed *kharab* lands not reserved for any special purpose and in respect of which there is no objection on the part of the villagers may be granted by the Assistant Commissioner in charge of the Taluk free, up to a limit of 50 acres recovering only the cost of trees or other *malki* on the lands.

(ii) The Deputy Commissioner may similarly grant such lands

up to 100 acres. Assessed lands or lands set apart for special purposes may be granted by the Deputy Commissioner at his discretion, up to 50 acres, if he is satisfied that there is no reasonable objection to the grant.

(iii) All other cases require the sanction of the Revenue Commissioner.

Unauthorised cultivation of land.

168. (i) When dealing with cases of unauthorised cultivation of land, Deputy Commissioners and Sub-Division Officers have discretionary power to remit a reasonable portion of the penal assessment chargeable, where a strict enforcement of the provisions of Sec. 59, L. R. C., would result in undue hardship.

2595-602—R.
1029, d. 27th
Sep. 1898.

(ii) The person who has actually encroached upon and unauthorisedly cultivated the land is liable to pay the fine and *not* the *Khatedar* of the adjoining survey number. For default of payment of the fine by the former, it is wrong to sell the occupancy of the latter.

8449-56—P. F.
48-92, d. 7th
Nov. 1899.

Fine for unauthorised cultivation of land.

(iii) Officers empowered to fine should exercise their power moderately and not to the extent of ruining an offender.

11984—P. F.
87-97, d. 21st
June 1898.

Darakhast Sales.

169. (i) The exclusion of a *phut kharab* of a survey number from its advertised extent was held to be an unimportant error which in no way affected the sale of the land or *darakhast* or the proceedings connected with it.

R. 10159 A—
R.M. 110-05-7,
d. 37th Jan.
1906.

Amildars should not, on their own responsibility, order reservation of lands duly assessed to revenue by the Survey Department and for which *darakhasts* are received.

(Appeal No. 89 of 1905-06.)

(ii) If a Deputy Commissioner passes an order directing disposal of a land in an auction, and if an appeal be preferred to him against the Assistant Commissioner's order confirming the sale of that land, the Deputy Commissioner is not precluded from entertaining the appeal.

R. 3553-4—L.
R. 547-08-2, d.
12th Nov.
1906.

(Appeal No. 132 of 1905-06.)

(iii) An officer who once confirms a revenue sale and authorises the purchaser to be put in possession of the land is not competent to subsequently cancel the sale on

R. 3948—L.R.
510-08-4, d.
26th Nov.
1906.

his own authority, on the ground of objections already on record.

(Appeal No. 115 of 1908-09.)

410—P.F. 157-02, d. 10th Oct. 1903; R. 8275—R. M. 494-05-8, d. 17th Sept. 1906; R. 11471—L. R. 233-17-5, d. 27th May 1918.

(iv) In the absence of any fraud or material irregularity, a (darakhast) sale otherwise regularly held should not be cancelled, merely on the ground of subsequent higher bids for the land.

(Appeal No. 2 of 1917-18.)

R. 4185—L.R. 243-17-4, d. 24th Sept. 1919.

(v) A survey number which was really a tank *kharab* and which had wrongly been reported as a *hulbani kharab* was given out for cultivation. Held that though the failure of the Taluk authorities to make personal inspection before the *darakhast* sale of the said land took place was a reprehensible omission, the sale was rightly cancelled and the land was ordered to be resumed and treated as tank *kharab*, the price paid by the appellant being refunded to him.

(Appeal No. 1 of 1919-20.)

R. 6295—T.R. 201-18-5, d. 27th Nov. 1919.

(vi) A Deputy Commissioner cannot, after passing an order cancelling a sale, review his previous order and confirm the sale.

(Appeal No. 6 of 1919-20.)

R. 6963—L.R. 147-18-5, d. 17th Dec. 1919.

(vii) When the extents stated in the various documents (*mahazar*, sale proclamation, sale *patties*, etc.) connected with the sale of a vacant site are discrepant, the accepted rule is that the true extent should be determined by a reference to its boundaries.

(Appeal No. 7 of 1919-20.)

R. 9786—L.R. 192-18-4, d. 26th Feb. 1920.

(viii) A revenue sale held with due formality should not be cancelled, merely to grant the land at an upset price to a person who owns the adjoining lands.

(Appeal No. 18 of 1919-20.)

R. 9810—R.L. 204-18-4, d. 26th Feb. 1920.

(ix) *Darakhast* sales conducted by the Revenue Officers should always be characterised by good faith, impartiality and independence. Sales should not be adjourned to suit the convenience of probable bidders even though they be Government officers of high status.

(Appeal No. 9 of 1919-20.)

Authorised possession not to be summarily disturbed.

R. 5831—B.L. 195-19-4, d. 18th April 1918.

(x) A person properly put in possession of a land under a *Saguvali chit* and holding it for more than a year

should not summarily be deprived of it by cancellation of the *saguvali chit*, merely because there was a petition of objection presented long after the prescribed appeal time.

(Appeal No. 96 of 1911-12.)

Construction of houses on agricultural lands.

170. Except in cases falling under Section 63 (i) of the Land Revenue Code *under which occupants of agricultural land have the privilege of erecting farm-buildings and dwelling houses for themselves and their labourers for the better cultivation of the land*, the appropriation of such land for building purposes requires the previous permission of the Deputy Commissioner *and also the payment of a fine*. The rules should be enforced in such cases. If, however, an occupant parcels out his land amongst a number of persons for building houses *for other than cultivation purposes*, Government interfere in the matter and take over the duty themselves of acquiring the land and properly distributing it among the intending house-builders under a suitable scheme, so as to prevent speculation on the part of land-owners, and to legalise the allotment of building sites under Section 134 of the Land Revenue Code.

R. 26-37—L. R.
501-17-2, d.
27th April
1919.

N. B.—In the Malnad, where much difficulty is experienced by raiyats for want of convenient sites close to their agricultural lands, the raiyats applying for permission to build houses on their agricultural land for other than cultivation purposes need not pay any fine.

Appropriation of agricultural lands to non-agricultural purposes in inam villages.

171. A Deputy Commissioner has no power to grant permission to appropriate agricultural lands in alienated villages for non-agricultural purposes, and he should not interfere to prevent such appropriation, if permitted or acquiesced in by the Inamdar. Rule 52, L. R. R., has likewise no application to lands in inam villages.

No. R. 7116-
26—L. R. 217-
12-2, d. 16th
Feb. 1915.

Wells in lands assessed at garden rates.

172. All wells in lands assessed at garden rates, in consideration of the existence of wells are Government wells. Owners of such lands have no right to remove stones therefrom or otherwise damage them, or to fill or destroy them, unless for improving the land or providing

14591—Pet.
1478, d. 26th
Feb. 1894.

better wells in more eligible situations. To remove an existing well and not to make another equally good in its stead is to render the land unfit for garden cultivation and to make it impossible for the future occupant to pay the garden assessment thereon.

Registry of lands.

Statutory provisions.

On the death of a registered occupant, the registry of the land is, as a rule, made in the name of his eldest son, or other person appearing to be his heir or the principal of his heirs. (Sec. 68, L. R. C.) Such entry is amended, if at any time any other person satisfies the Deputy Commissioner, by production of heirship certificate or a decree or order of a competent Court, that he is to be preferred.

(Sec. 69, L. R. C.)

An Amildar may, after needful enquiry, transfer the patta or khate to the name of a person proved to be in actual possession of an occupancy as lawful owner. (Rule 70, L. R. R.)

196—P. F. 2,
d. 3rd July
1898.

173. (i) In cases not involving disputed succession but relating to an independent claim for registry the provision of Rule 70, L. R. R., should be adhered, to discourage litigation.

R. 10192-8—
L. R. 418-08-2,
d. 2nd June
1909.

(ii) Section 68, L. R. C., clearly gives preference to the eldest son of the holder. A son by an older wife has no superior title to the *Khate*, if he is not also the eldest of sons of the holder.

(Appeal No. 11 of 1907-08.)

7614—P. F.
216, d. 1st
Dec. 1912.
993—P. F.
156-02, d. 3rd
Oct. 1908.

(iii) In cases of transfers of *pattas*, elaborate enquiries on such questions are alleged adoption, genuineness of wills, etc., are not necessary. All that is required is to ascertain who is the person best entitled to the registry of the land and enter the *Khate* in his or her name. This registry, does not, however, give any right of ownership to the transferee which he does not independently possess. The other party, if any, in possession may get the *khate* transferred in his name, on production of a decree from a Civil Court, or by taking action under Rule 70, L. R. R.

B. 5190-38—
L. R. 418-11-
2, d. 22nd
March 1912.

(iv) In disputed cases of co-occupancy, Deputy Commissioners have discretion to refer the parties to a Civil Court, if an elaborate enquiry is deemed necessary.

(Appeal No. 20 of 1911-12.)

To provide facilities to payers of *kandayam*, who are unable to produce *pattas*, for obtaining acknowledgment for payments made by them, separate receipts in the form given in Appendix XIV should be granted free of cost. These forms are supplied in the form of printed books of *foil and counterfoil* with the pages thereof numbered consecutively.

The above provision does not prevent persons from getting extracts of *khirdis*, if they so desire, on payment of the prescribed fee.

(v) *Pattas of temple lands.*

(a) *Pattas* for inam lands of temples resumed should be issued in favour of the recognised managers of such temples, or, where there are no managers other than the *pujaries*, in favour of such *pujaries*. They will be styled "the *Pujaries*" or "the Managers" to indicate that they hold the lands in trust for the temples and not in their own individual right, as they can have no claim whatever to the lands irrespective of the temples. If the temple has ceased to be kept up, or if no one comes forward to take up the lands in trust for the temple, the occupancy right of the lands may be sold, if it has any material saleable value; otherwise the *patta* may be issued in the name of the cultivator of the land. If the cultivator holds the land in his own right, the inam tenure conveying simply a right to the Government assessment on the land,—a question which must be determined by the evidence in each case—the cultivator and not the inamdar will be entitled to receive the *patta* on the resumption of the inam tenure.

(b) The name of the manager or *pujari* should not be entered in the *patta*.

(vi) An order directing an occupancy to be registered in the joint names of two or more persons is invalid, as Sec. 68, L. R. C., does not contemplate plurality of registered occupants.

(Appeal No. 141 of 1902-04.)

(vii) Sec. 71, L. R. C. clearly provides for the registry of a relinquished land in the name of a single person, i.e., the person in whose favour the occupancy is relinquished, if he is a single individual, or the principal of such persons, if there be more than one. Rule 65,

7076-86—L.R.
697-05-5, d.
10th March
1909; R. 8588-
93—L. R. 240-
12-5, d. 16th
Nov. 1914.

5708-10—Rev.
1018, d. 7th
Jan. 1881.

11771-81—R.
1744, d. 19th
Jan. 1895.

1637—P. F.
814-08, d.
8th June
1904.

R. 14318-21—
L. R. 639-05-
2, d. 9th
May 1906.

L. R. R. does not authorise the registry of more than one name, in contravention of the above provision of law.

R. 2108—
R. M. 219-05-
4, d. 16th
Aug. 1906.

(viii) No order affecting the registry of the land should be made without notice to the *Khatedar*. The *Khatedar* should be heard or notified and given an opportunity for representing his case.

5602—P. F.
48-93, d. 9th
Sept. 1893.

A *pattadar* (whether literate or illiterate) is expected to know when the *patta* (Receipt book) was issued to him, and what is the extent of his land. The plea of ignorance of the contents of his own *patta* should not be accepted; nor can the *Shanbhog* be found fault with for not having expressly informed the *pattadar* what was patent on the face of the *patta*.

Relinquishment of lands.

Statutory
provisions.

The general law on the subject of relinquishments of occupancies is stated in Secs. 71 to 76, L. R. C., and detailed instructions regarding the mode of relinquishing an occupancy, the procedure to be adopted by Revenue Officers, etc., are given in Rules 64 to 70, L. R. R.

Decision. d.
18th Apl.
1891.

174. (i) A *rajinama* (relinquishment) in favour of another may be withdrawn, before the issue of a *patta*, that is, before the *rajinama* is acted upon.

(Appeal No. 155 of 1890-91.)

R. 6589-97—
L. R. 262-08-1,
d. 25th Feb.
1909.

(ii) In order to safeguard the interests of persons other than the registered occupant, no absolute relinquishment should be accepted, without notice to the persons interested in the land and who have got their names registered in the Special Notice Register. The mere issue of this notice does not, however, affect any legal rights of other parties, or give any claim *ipso facto* to the persons receiving notice to have their names substituted in place of the registered occupant.

Relinquished Coffee Lands.

R. 10791-9—
L. R. 280-19-2,
d. 18th March
1920.

(iii) The case of *relinquished coffee lands* continues to be governed by Rule 6A of Appendix E., L. R. R., even though the lands may be overgrown with *lantana*, and the disposal of the same vests with the Revenue Commissioner.

Relinquishment of lands on which arrears are due.

(iv) Relinquishment of a land does not exonerate an occupant from the payment of the arrears which have already accrued thereon and may be accepted, if the accepting officer is satisfied that the security of the land possessing a saleable value for the recovery of the arrears is not thereby lost. The relinquisher's other property is liable for the arrears, and where he is an insolvent and the land is not valuable, relinquishment may be accepted and the land thrown open to others for cultivation.

1884-R. 27, d.
12th May
1897.

Vargarazinama (Relinquishment in favour of another).

(v) An Amildar or Deputy Amildar of one Taluk may take action on a notice of relinquishment of land presented to, and forwarded by, the Amildar or Deputy Amildar of another taluk within whose jurisdiction the land is situated. The Amildar or the Deputy Amildar who is responsible for the disposal of the notice should exercise due care to satisfy himself thoroughly about the identity of persons giving the notice, before he gives effect to it.

R. 2287-45—
L. R. 260-12-2,
d. 10th Sept.
1918.

Remedies against forfeiture of occupancies and alienated holdings.

Remedies against forfeiture of occupancies and alienated holdings are provided for in Sec. 77, L. R. C. and Rules 40-75, L. R. R. If a registered occupant or holder of an alienated holding fails to pay land revenue and incurs forfeiture for injuring or defrauding his co-occupants, co-holders, co-sharers or other interested persons, the Deputy Commissioner may forfeit only the interest in the land of the said registered occupant or holder of alienated holding, as the case may be, and register the name of the co-occupant, co-holder, co-sharer or other interested person as registered occupant, in the revenue records, on his payment of all sums due on the land. (Sec. 78, L. R. C.)

Statutory
provisions.

The names of co-occupants, together with the share, in fractional parts of a rupee, of each such co-occupant in the occupancy may be got entered in the revenue records. (Rule 75, L. R. R.)

Registry of co-occupants.

175. Rule 75, L. R. R., does not preclude an enquiry to ascertain whether the applicant is entitled to be regarded

R. 1328-37—
L. R. 457-07-2,
d. 27th Aug.
1908.

as a co-occupant of the registered occupant or not; nor does it require that the consent of the registered occupant should be taken before taking action thereunder. It gives discretionary power to Deputy Commissioners to order the registry of the name and share of the co-occupant in the village records. In exercising that power, they may hold a brief enquiry, to enable them to decide whether the applicant's title is such as would constitute him a co-occupant. Registration under this Rule facilitates recourse to the provisions of Secs. 77 and 78, L. R. C. The parties may be required to establish their rights in a Civil Court, if complicated questions of title or other intricate disputes arise. Rule 40 enables all persons interested in an occupancy on which arrears are due to obtain due notice of the existence of such arrears, before any steps are taken for their recovery.

CHAPTER VIII.

SUPERIOR AND INFERIOR HOLDERS.

The general provisions as regards the amount of rent payable by a tenant to his landlord, the duration of tenancy, presumption as to tenure and the termination of an annual tenancy, are stated in Secs. 79 and 80, L.R.C. Statutory provisions.

Every tenant is entitled to receive from his landlord a written lease, containing definite particulars, and every landlord who so grants a lease is entitled to receive a written reciprocal engagement from the tenant, in conformity with the terms of the lease. (Secs. 81 and 82, L.R.C.)

Leases or agreements fixing rent in perpetuity become voidable.—(a) at the option of the landlord, when the Government revenue payable in respect of the alienated land is enhanced, or (b) on the application of the tenant, when the said revenue is reduced. (Sec. 83, L.R.C.)

The above provisions apply alike to Sirkar (unalienated) land and Inam (alienated) land.

The latter provisions of Chapter VII of the Revenue Code apply to alienated land.

The term "Kadim tenant" i.e., a tenant with full occupancy rights, is defined in Sec. 84, L.R.C. Circumstances under which rent payable by a Kadim tenant may be enhanced or abated, are stated in Secs. 86 and 87, L.R.C., respectively.

The provisions of these sections do not, however, debar an enhancement or abatement of the rent by an agreement between the tenant and the landlord, evidenced by a duly registered deed. (Sec. 89, L.R.C.)

When a superior holder refuses to grant a lease to his tenant, or a tenant refuses to accept the lease, or to execute a reciprocal engagement, the party affected may obtain redress from the Deputy Commissioner, in accordance with Secs. 92 and 95 and 93, L.R.C.

Land revenue payable to a superior holder by the inferior holder is a first charge on the holding, subject to the preferential right of the Government. (Sec. 96A, L.R.C.)

Interest is payable by inferior to superior holders on arrears of rent at the same rate as on arrears due to Government. (Rule 94A, L.R.R.)

Superior holders, including registered occupants of unalienated lands, may apply to the Deputy Commissioner, in writing, for assistance in recovering rent or land revenue due to them from their inferior holders or co-sharers in the holdings, instead of seeking redress in a Civil Court. (Sec. 97, L.R.C.)

In order to facilitate the proper management of alienated lands, special commissions for the exercise of certain powers under the Land Revenue Code, may be granted to Inamdars and powers granted to holders of entire villages, in accordance with Secs. 99 to 103, L.R.C.

The holder of a commission cannot enforce any unusual or excessive demand. The party affected by such demand can seek redress from the Deputy Commissioner in a summary enquiry. (Sec. 104, L.R.C.)

KADIM TENANTS.

176. The Mysore Land Revenue Code does not raise any general presumption in favour of a tenancy being permanent or *Kadim*. Immemorial possession, or the payment of uniform rent at rates equivalent to those of land revenue assessment, as the case may be, should be established before any such presumption can arise.

Further, a *kadim* tenant has ordinarily no rights against a purchaser of the superior holder's rights in a revenue sale, unless he proves that the tenancy was in existence, before the rights of Government to rent or land revenue over the lands comprised in the holding were alienated to the superior holder. If this last circumstance cannot be proved, the forfeiture and sale of the alienated holding under Secs. 54 and 159, L. R. C., entail the consequence that the holding becomes "freed from all tenures, rights, encumbrances and equities theretofore created by the holder or any of his predecessors in title, or in anywise subsisting as against such holder." Section 54 (as amended by Regulation, VII of 1916), however, gives the Deputy Commissioner power to "direct otherwise," in which case the tenures, etc., subsisting will remain.

Under Section 77, *Kadim* tenants are also at liberty to pay the sum due, and obtain the aid of the Deputy Commissioner to recover the proportional amounts payable by other persons, and under Rule 40, L. R. R., they may cause their names and interest to be entered in the Special Register, in which case they become entitled to notice before the holding is declared forfeited.

ASSISTANCE TO SUPERIOR HOLDERS FOR RECOVERY OF RENTS.

177. (i) As soon as an application is made under Sec. 97, L.R.C., for assistance, the Deputy Commissioner should hold an enquiry under Sec. 98 and decide whether any assistance should be given to the petitioner or not. If he considers that assistance should be given, he should issue necessary processes, under Chapter XI, L.R.C.

881-88—Pet.
54, d. 2nd
July 1894.

(ii) Under Section 98, L.R.C., a summary enquiry should be held by the Deputy Commissioner *himself*, and he should also examine the Inamdar.

R. 1698-701—
L. R. 486-09-4,
d. 23rd Aug.
1909.

(iii) In a case decided by the Chief Court of Mysore in 1906,* a majority of the Judges held that the money, payable by an inferior holder (whether a *kadim* tenant or not) to a superior holder, in respect of land in an alienated village, was not a charge on the holding, in respect of which the arrears is due and that the period of limitation applicable to suits for the recovery of such dues was six years. This decision was represented as working great hardship on the inamdars in the State. They complained that it was nearly impossible for them to recover their dues, particularly in cases of fraudulent alienation of the land by the inferior holder, unless such dues bore the character of being a charge on the estates. As the alienees of rent or land revenue, they desired that the arrears due to them might be regarded as the first charge on the land, in the same manner as the assessment due to Government in respect of Government lands. The representation of the inamdars appeared to the Government reasonable. It was considered to be no injustice to impose on the land held by the tenants in inam villages the same obligation that rests on all lands in Government villages in respect of the revenue payable to Government. Consequently, Regulation V of 1912 was passed, in view to allow the inamdars the right of treating the rent or revenue due to them as the first charge on the holding. The period of limitation applicable to suits for the recovery of these arrears was retained at six years. The Regulation also slightly altered Section 97, L. R. C. That Section, as

* S. A. No. 64 of 1904-05. The decision of the Chief Court in this case was communicated to Deputy Commissioners by G. O. No. R. 2555-15—L. R. 774-05-2, dated 28th August 1906.

it stood before, enabled a superior holder to seek the assistance of the Deputy Commissioner to recover arrears from the inferior holder "within the revenue year or within the year of tenancy." This period was very often found too short, especially in a year of scarcity, when the raiyat might not be able to pay up the *kandayam* within twelve months of a poor harvest. In his own interests, a longer time was allowed for the recovery by the inamdar of his dues, by enabling the recovery of arrears of two years from the end of the revenue year or the year of tenancy. (*Paragraph 54 of the General Administration Report of the State for 1911-12.*)

Issue of Commissions to Inamdars.

Letter No.
4868-75, 7th
June-1892
from the
Chief Secy.
to Govt. to
the Dy.
Commr.,
Tumkur Dt.

178. (i) In issuing commissions, under Section 99, L.R.C., to holders of alienated villages for the collection of revenue, the power to demand security for the payment of the Land Revenue, etc., should not be generally conferred, because it is one which may be exercised, only in very extreme cases and which has not been conferred on any of the Deputy Commissioners of Districts. The power to fix the *Khistbandi* should not also be conferred, because the Inamdar must adhere to the usual *Khistbandi*; or, if he deems a change necessary, he must specify the *Khistbandi* he would propose as reasonable, for the consideration and sanction of Government.

(ii) The holder of the village should exercise the powers conferred on him with great care and caution, and he would be answerable for any abuse of them. In cases of doubt, he should refer the matter to the Deputy Commissioner for obtaining orders of Government.

(iii) The proceedings of the holder should be watched by the Deputy Commissioner and abuse, if any, brought to the notice of Government.

18418-20--R.F.
59-94, d.
22nd April
1895.

(iv) A joint commission to two or more brothers, under Section 99, L.R.C., should not be issued, as it cannot be used separately and individually by every one of them. The person who actually manages the inam village and who has a knowledge of the Revenue Law under which the powers conferred under the commission are to be exercised, should be preferred.

10661-9—L.R.
3-19-101, d.
16th March
1902.

(v) Commissions should not be granted to holders of inam villages into which Survey and Settlement have not been introduced.

*Recovery of Mohatarfa in Inam villages by
Commission-holders.*

(vi) A holder of a commission issued under Sec. 99, L. R. C., is competent to attach the moveable property of defaulters for arrears of water-rate due on service nam lands. But, Mohatarafa, not being either land revenue or rent, cannot be recovered by summary process under the Land Revenue Code.

The proper remedy is by way of a civil suit against the person making default.

R. 2963-8-L.
R. 95-06-2,
d. 9th Sept.
1906.

Camp 797, d.
15th Nov.
1909.

CHAPTER IX.

REVENUE SURVEY SETTLEMENTS AND PARTITION OF ESTATES.

[*Note.*—This chapter is confined only to a summary of the Government Orders on the provisions of Chapter VIII of the Land Revenue Code. The detailed instructions in force for the guidance of Survey and Settlement Officers in regard to measurement, classification and assessment are given in the Mysore Survey and Settlement Manual. Only the more salient features of these are included in this Chapter for the guidance of Revenue Officers who have to administer the Revenue Settlement.]

Statutory provisions.

Revenue Survey may be introduced by Government into any part of the territories of Mysore for (a) the settlement of the land revenue; (b) the record and preservation of rights connected therewith; or (c) any other similar purpose.

The control of such survey vests in, and is exercised by the Government. (Sec. 106, L. R. C.) Sec. 236, L.R.C. saves, however, Inam and Kayamagutta villages from this and other sections of Chapters VIII to X of the Land Revenue Code, subject to certain provisos.

A Survey Officer may require, by a general notice or summons, the attendance of holders of land and of all persons interested therein, in person or by competent and proper agents, and also the presence of taluk and village officers. The land-holders have also to render the required assistance in the measurement or classification of lands, or other operations of the Survey. (Secs. 107 and 108, L. R. C.)

Note.—For a brief explanation of the revenue system prevailing in the State, *vide* paragraphs 1 to 3 of this Manual.

SECTION I.—SUB-DIVISIONS AND RECOGNISED SHARES OF SURVEY NUMBERS.

Statutory provisions.

Survey numbers comprising land used for purposes of agriculture only, must not be less than the extent prescribed

for that class of land in land Revenue Rules. The Revenue Commissioner may, however, authorise generally, or in any particular instance, the constitution of survey numbers of less extent. (Sec. 109, L. R. C.)

Besides entire survey numbers, the shares of co-tenants were also recognised and entered in the Survey Records at the time of the Original Survey, and may at any time be recognised by the Revenue Officers, in accordance with Land Revenue Rules and entered in the Taluk and Village Revenue Registers.

Such recognised shares carry all the incidents of entire Survey numbers, excepting (1) separate demarcation on the field; and (2) separate relinquishment by the occupant, or disposal by Government. (Sec. 110, L. R. C.)

Officers in charge of Revenue Survey have discretion to sub-divide any survey number into two or more distinct numbers and to enter the names and liabilities of the persons, entitled to be recognised as registered occupants of such sub-divisions in the settlement register separately. (Sec. 124, L. R. C.)

RECOGNISED SHARES OF SURVEY NUMBERS.

179. "Recognised shares" are occupancies separately recognised in the village accounts. The origin of the "recognised share" was the necessity which existed at the time of original survey, of clubbing together several small occupancies to make up a survey number of the proper size. But for this, the sub-division known as the recognised share of a survey number could never have found a place in the Code. The Code does not in any way contemplate the creation of a fresh recognised share; it only provides for the recognition of an already existing share.

Extract of Survey Superintendent's letter No. 102, dated 9th Aug. 1900, to the Revenue Secretary to Government.

Note.—The provisions of Sec. 110, L. R. C., come into operation, only when one of the subordinate numbers is relinquished and should not be applied to decide cases of applications to occupy waste numbers. (Appeal No. 10 of 1908-09.)

R. 10476-84—
L. R. 441-08-2,
d. 12th June
1909.

SECTION II.—FIXING ASSESSMENT.

Officers in charge of a survey fix the assessment of all lands in villages to which a Survey Settlement has been

Statutory
Provisions.

introduced, and the assessment fixed by them requires sanction of Government, before it is levied. [Secs. 111 and 112, L. R. C., and clauses (a) and (c) of Rule 30, L. R. R.]

If the land to be assessed is in a village to which a survey settlement has not been introduced, the Deputy Commissioner fixes the assessment thereof. [clause (a) of Rule 30, ibid.]

The fixing of the assessment under the foregoing provisions is limited to the ordinary land revenue. (Sec. 114, L. R. C.)

PROCEDURE IN FIXING THE ASSESSMENT OF LANDS.

180. (1) (a) Villages are first arranged into groups bearing uniform rates, by reason of their having similar advantages.

(b) The maximum rate to be levied on each description of cultivation for each group is determined after taking into consideration the rise of prices, increased communications, facilities for marketing, etc.

(c) The maximum rates are applied to the several fields, in accordance with their relative values, and if the resulting total exceeds the prescribed margin of increase for the land, village or taluk, the individual assessment or the rates themselves are reduced, so as to bring the increase within the prescribed limits.

(2) In grouping villages, the following circumstances are to be borne in mind:—

(i) Climate; (ii) position with respect to market; (iii) the means employed to carry on the agricultural operations (or the "agricultural skill" as it is called); (iv) actual condition of the cultivators; and (v) facilities for communications.

Liability of irrigable dry lands to pay wet rates.

181. (i) In the case of lands for which the means of irrigation is provided by Government, the raiyats should use the water so provided or relinquish their lands.

(ii) The Government is the sovereign proprietor of the soil, and so entitled to wet rates *an all lands for which the means of irrigation are provided at the cost of the State.* As a set off, the raiyats are at liberty to resign, at pleasure, their holdings, whether dry or irrigated lands.

RULES FOR THE REVISION OF ASSESSMENT ON
WELL-IRRIGATED LANDS.

182. (i) Well-irrigated land brought under irrigation since the last settlement should be assessed at simple dry crop rates, if the wells belong to class I; and within the highest dry rates, if the wells fall under classes II and III, *infra*,

R. 8849-4—L.
R. 244-16-5.
d. 8th Feb.
1917.

(ii) Well-irrigated land recorded as such at the last settlement should be assessed at dry rates, if the well supply has failed.

(iii) Well-gardens, recorded as such at the last settlement, should be assessed within the highest dry crop rate, if they solely depend on wells which receive no aid directly or indirectly from Government works and fall under class I.

(iv) Well-gardens recorded as such at the last settlement, if they are irrigated from wells falling under class II or III should be assessed on their merits.

(v) Well-gardens enjoying both well and tank supply (class IV) should be assessed on the superior supply, *i.e.*, the tank.

(vi) The existing rates on lands referred to in Rules (ii), (iii) and (iv) above, are not to be raised at the revision.

The following is a rough description of the classes of wells referred to above:—

I. Wells purely self-dependent situated neither below or above any Government tank, nor below any Government channel, sub-divided as follows:—

(a) *Pucka* wells, crops grown various;

(b) cheap, often merely temporary wells, used for what is known as "Kushki-Bagait," almost always cocconut cultivation, water only necessary whilst trees are young.

II. Wells sunk all along the banks of streams and for the most part *outside* the boundaries of the occupancies they irrigate. These wells are not very costly.

III. Wells, sunk within a tank series, either above or below a Government tank, or below Government channel. These wells are directly or indirectly dependent on Government works; when they are in the "*Atchkat*" of a tank, the holders prefer the percolation to supply by gravitation from the tank or other work. They like having complete control over the water they use. In all

these wells, the existence and maintenance of Government tanks is of vital importance as keeping up the level of the water in the wells.

IV. Wells under a tank or other work and only supplementary to the tank or channel supply.

R. 8704-18—L.
S. 285, d. 14th
Dec. 1892.

Note 1.—Well-gardens advantageously situated with reference to a tank series or a stream stand on a different footing. As the advantages they derive are wholly due to situation and are the result of irrigation works, constructed by Government at great cost, since the original settlement, their assessment should be fixed at twice the maximum dry rate in the taluk in which they are situated.

R. 8704-18—L.
S. 50-15-5,
d. 5th Sept.
1918.

Note 2.—The survey definition of garden includes *land irrigable by lift whether garden crops are raised on it or not.* Special assessment on well-irrigated land is not defensible in principle: but it cannot be given up. "Once a garden always a garden" is a most expedient rule.

SECTION III.—SURVEY OPERATIONS AND SURVEY GUARANTEE.

Statutory provisions.

Assessment fixed by the Officer in charge of a Survey should not be levied without the sanction of Government. Such assessment, with modifications, if any, may be declared by Government to be fixed for a term of years not exceeding 30, in the case of agricultural lands; and in the case of all other lands for any term or in perpetuity. The above provision does not apply to the assessment of lands held on coffee tenure, or granted for fuel or timber plantations. (Sec. 112, L. R. C.)

Vide also the latter portion of paragraph 5 of this Manual.

MEASUREMENT AND DEMARCATION.

183. In introducing the survey and settlement into any taluk, the first steps taken are:—

- (a) The division of the village lands into fields;
- (b) The definition of the limits of such fields by permanent marks; and
- (c) the accurate measurement of the area of each field in itself, by chain and cross staff.

PRINCIPLES FOR DIVISION OF LANDS INTO FIELDS.

184. (1) (a) The fields or at least a majority of them should not be larger than may be cultivated by raiyats of limited means.

(b) They should not be smaller than is necessary for the above object, without an adequate reason.

(c) The size of the fields should therefore be so regulated as to range in extent between the number of acres capable of cultivation by a single pair of bullocks and double this number.

(2) In the case of jungly tracts unsuited for cultivation, the above restriction need not be adhered to, as it will involve avoidable cost in measurement and demarcation. They may be divided into as large portions as may be convenient.

(3) Lands held on different tenures should be measured separately and not together in the same field, even though they may be of an area smaller than that prescribed in Rule (1).

(4) Different kinds of culture, as dry crop, rice, garden, etc., should, as far as conveniently practicable, be measured into distinct fields.

(5) When there are several holdings of less extent than the minimum indicated in Rule (1), held on the same tenure and contiguous to each other, as many of them as may be clubbed together for forming the required size should be constituted into a field. The shares thus clubbed together will be shown in the Survey and Revenue Records, and they form recognised shares of that survey number. Independent holdings of less extent than the minimum which are not contiguous should be constituted into separate fields, notwithstanding their size.

Note.—The superiority of a fixed field assessment is that it is of simpler execution in the first instance, and is likely to require fewer adjustments afterwards. It also interferes less with the existing tenures on landed property and offers greater facilities for effecting its sale and transfer, while at the same time it affords to the poorer and less influential portion of the community a better protection against injustice and oppression.

CLASSIFICATION OF LANDS.

185. (a) In addition to measurement, all lands have to be classified as regards their intrinsic worth and their natural advantages, before the assessment on them can be fixed. The object of classification of land is to determine the relative values of the fields into which the land is divided. For this purpose, every variety of soil is referred to one of nine classes, such classes having a

relative value in annas or sixteenths of a rupee. This division of classes affords a sufficiently minute classification for all practical purposes.

(b) In classifying lands into wet and garden, in addition to soil classification as above, the water supply is taken into consideration, and its permanency or otherwise regulates the class to which it is referred, *the soil and water class conjointly affording an index to the value of the field*. In the case of gardens which are irrigated by wells, in addition to the classification of soil, (i) the supply, depth and quantity of water in the wells; (ii) the area of land under each; and (iii) the distance of the garden from the village as affecting the cost of manuring is carefully ascertained. The varying supplies of water obtainable for the irrigation of rice lands by this system fall under the following six classes:—

First class.—Supply of water abundant for rice and alternating crops of sugar-cane.

Second class.—Supply of water abundant for rice, and in ordinary seasons sufficient for alternating crops of sugar-cane.

Third class.—Supply of water abundant for rice, and sufficient for sugar-cane in seasons, when the fall of rain is unusually heavy.

Fourth class.—Supply of water sufficient for rice, and when the soil is suitable, for an after-green crop, but not sufficient for sugar-cane.

Fifth class.—Supply of water independent of rain (*i.e.*, from tanks, streams, etc.) so that frequent rains are required to ensure the rice crop, while the moisture retained in the soil is insufficient for an after-green crop.

Sixth class.—Supply of water wholly dependent on the fall of rain, owing to which, and the unfavourable position of the land for the retention of moisture, the rice crop is very precarious.

N.B.—In cessing gardens irrigated from wells, the chief points to be considered are:—

- (i) the value of the soil;
- (ii) the supply of water in the well;
- (iii) the quality of the water, whether sweet or brackish;
- (iv) the sufficiency or otherwise of extra land under the well, to allow of a rotation of wet and dry cropping; and
- (v) the distance of the garden from the village, as affecting the cost of manuring.

(c) Land is classified for purposes of cultivation, according to the nature of crops grown thereon. Dry land is that cultivated with dry grains,* as ragi, *kulthi* or *hurli*, *bullar* or *avare* or other products which do not require artificial irrigation but depend on the rainfall. Irrigation greatly augments the productive powers of the soil, and irrigated lands are distinguished by the terms "garden" and "rice." Rice (*tari* or wet) land is that cultivated with rice, sugar-cane or such other staple products as require artificial irrigation. Garden (*bagayet*) land is that cultivated with cocoanut, arecanut and other garden produce. This also requires artificial irrigation from tanks, rivers, or wells, except in some of the Malnad parts where the rainfall is exceptionally plentiful.

FORM OF THE SURVEY GUARANTEE.

186. The following revised survey guarantee is applicable to the taluks in Mysore, already brought under the operation on the Survey Settlement, and is published for general information in supersession of all guarantees previously promulgated:—

MYSORE GOVERNMENT GUARANTEE.

Notice is hereby given to the occupants and cultivators of Government lands in the villages of the..... taluks, in which the Survey Rules have been promulgated, that the rates of assessment introduced by the Revenue Survey in the year.....are guaranteed as follows:—

I. The assessment now imposed by the Revenue Survey on all dry crop lands and on lands watered solely from wells, will not be raised for.....years, *viz.*, from the year.....to.....

Note.—The cultivation of dry grain is not only the most extensive, but the most certain crop in the climate of Mysore. It is sown according to the different kinds of grain, from the beginning of June, till the middle of November, and the successive crops are all got in by the end of January. From May till September inclusive, the south-west monsoon, and the thunder-storms which precede and follow it, furnish a spontaneous supply of water for the crops; after a short interval, seldom without occasional showers, the north-east monsoon contributes its influence, until December, when heavy dews complete the growth and maturity of the remaining crops. (*Extract of "Selection from the Records of the Mysore Commissioner's Office."*)

II. During this period, dry crop land which may be converted into wet crop solely at the cost of occupiers or cultivators, will not be subjected to any extra assessment whatever; nor will any extra tax, "Bab" or "Patti" be imposed on account of fruit or other trees planted hereafter by occupiers, or cultivators or on account of superior crops being grown.

III. If a well be dug by the cultivator, or a water course (*kalve*) made from a stream the water of which is not the produce of a work constructed at the expense of Government, no additional assessment will be imposed.

IV. Government reserves the right of prohibiting wells being dug, or water courses (*kalves*) being made, when they interfere with the storage of the water in a work constructed by Government. This right of prohibition may be enforced in relation to any particular work under the orders of the Government on the representation of the Irrigation Department.

V. If Government afford an additional supply of water by the construction of new works or by the improvement of existing works, the right of imposing an additional assessment upon the land benefiting by the increased supply of water, is reserved to Government.

VI. It is imperative on the owners and occupiers of land lying under tanks and works, the property of Government, other than those under the direct management of the Irrigation Department, to maintain the up-keep of such tanks and works after they have been brought up to standard. In case such up-keep shall not be duly maintained, it shall be competent to Government to maintain the up-keep of such tanks and works and the cost of the same shall be rateably distributed among the raiyats and Inamdars, according to the survey valuation of their respective holdings, and such amount shall be recovered as a regular revenue demand.

VII. When small tanks (or Guntes) included within the boundaries of occupied dry crop survey numbers, shall be restored by the occupiers or cultivators of such numbers, no additional assessment will be imposed during the currency of this settlement, *i.e.*, for years... ..from the year.....to.....

VIII. The collection of grain levies ("Aya") by Patels and Shanbhogs is abolished by the Survey Settlement; but the existing practice of paying such grain levies to minor village servants, Talari, Toti, Niringanti, etc., is not interfered with by the Survey Settlement.

Forests and Woods.

IX. In Government reserved forests, the disposal of all wood of any description, and the grazing right, is vested in the Forest Department.

- X. To each village a certain portion of land is assigned at the Survey Settlement as free grazing land for common use. Excepting the (9) nine reserved descriptions of timber, according to the list in the margin, all wood in these common lands is reserved for the use of the villagers, under such rates as may from time to time be issued by the Government.
- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Honnay. 2. Lac tree. 3. Nandi. 4. Wild Jack. 5. Poon. 6. Karachi. 7. Teak. 8. Sasri and Abnus Black wood. 9. Sandalwood. | |
|---|--|

Timber of the reserved kinds in these common lands shall be at the sole disposal of the Forest Department.

XI. In the case of land already occupied at the time of the Survey Settlement, or taken up for occupation at or after that settlement, all wood shall be made over to the occupant on such terms as the settling officer may arrange, excepting the nine reserved descriptions mentioned in the preceding paragraph. The disposal of the wood of these reserved kinds shall be vested in the Forest Department up to one year from the date of the settlement, or from the date of the survey number being taken up; if taken up after the settlement should the Forest Department not reserve the wood within the abovementioned period of one year, it shall, excepting sandalwood, become the exclusive property of the occupant, to whom also any wood henceforward growing in the survey number in question, excepting sandalwood, shall exclusively belong.

XII. In all unoccupied assessed or unassessed lands, trees of the (9) nine reserved kinds are the exclusive property of Government, but trees of the unreserved kinds may be used by the general public under the provisions of the Forest Rules.

Local Funds.

XIII. As the plough tax and all extra cesses on land of whatever kind, have been absorbed in the revised settlement of the Revenue Survey, the Government of Mysore will impose for the full term of this settlement, on all land, in addition to the survey assessment, one anna in the rupee of such assessment (according to the survey valuation

of each raiyat's holding); which will be devoted to the construction and repairs of roads, to educational purposes, and to such other local objects as may be deemed necessary.

XIV. The irrigation cess having been abolished as a separate levy of one anna in the rupee on the assessment of wet lands, it will be hereafter merged in, and collected with, the ordinary assessment of such lands, and at the settlement of each taluk a lumpsum equivalent to the amount of the cess so merged in the assessment will be set apart by the Settlement Officer, out of the annual revenue of the taluk to form the "District Irrigation Fund" which will be administered by the District Committee, in the same way as the ordinary Local Fund, for the repair, improvement and reconstruction of works of irrigation within the taluk.

XV. In the malnad taluks the sum set apart to form the Irrigation Fund will be limited to such portion of the actual equivalent of the original extra cess as may appear to be fairly needed for the purpose for which the maintenance of a District Irrigation Fund is proposed and any portion of the sum so set apart that cannot be advantageously utilized for such purpose, may, with the sanction of the Government, be allotted as a grant-in-aid to the ordinary Local Fund of the taluk applicable to general improvements.

XVI. Whatever sum may be assigned as above, at the settlement of a taluk as the quota of the "District Irrigation Fund" it will remain as the fixed allotment for this purpose during the currency of the settlement.

XVII. The irrigation cess will similarly merge in the future survey valuation of all wet lands held in inam, whether in Government villages or in whole Inam villages, and 1—17th of such valuation will be collected similarly to a jodi, but under the designation of "Equivalent of the Irrigation Cess" separately from, and in addition to, the quit-rent leviable on such lands or villages and be carried to the account of the "District Irrigation Fund." But such wet lands in whole Inam villages as may derive their irrigation exclusively from a tank or other source of irrigation situated wholly within such villages shall not be liable to pay any irrigation cess or the equivalent thereof to the Government.

Provided that, for the purpose of fixing the amount of Irrigation Cess, the Survey Department shall ascertain and record the assessment of such wet lands in Inam

villages as may be irrigated by a Government irrigation work. And provided further that the survey valuation of all inam or other wet lands shall include any separate water rate which may be imposed thereupon.

XVIII. Kayamgutta villages and inam villages (Sarvamanya or Jodi) shall pay Local Fund cess at the rate of one anna in the rupee, the former at the fixed kayamgutta rent and the latter on the recorded value of the inam.

SECTION IV.—REVISION SURVEY.

Government may direct at any time a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment will take effect, till the expiration of the period of survey guarantee. Statutory provisions.

A revised assessment is fixed, not reference to improvements made from private capital and resources, but with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication. (Sec. 115, L. R. C.)

Improvement effected at the cost of Government entails a revised assessment (Sec. 116, L. R. C.).

OBJECTS AIMED AT DURING RE-SURVEY.

187. (i) Fresh operation of measurement or classification in the field is not necessary, inasmuch as the original operations were accurately carried out in the first instance.

268 d. 2nd
Oct. 1896
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(ii) Re-classification may be dispensed with in the case of dry lands also, if no great changes have taken place subsequently. The cases of garden and wet lands dependent on water supplied at the cost of Government are very different. In their case, the value assigned to the water-supply changes with every improvement, or deterioration of the works upon which they were dependent. Revenue Officers should bring to the notice of the Survey Department instances coming under Sec. 116, L. R. C. (i.e., instances of improvements effected at the cost of Government); consequently, the assessment fixed at the original settlement remains unchanged, although some tanks might have improved and others greatly deteriorated. The adoption of the original water valuation would be productive of loss to Government on the one hand and

unfairness to the raiyat on the other. The re-classification should have for its object no raising of the assessment in any way, in contravention of Sec. 115, L. R. C. (*i.e.*, cases of improvement made from private capital and resources and so not to be assessed). In revising the assessment, a true valuation of the water-supply as it exists at the time should be adopted as the basis.

(iii) Gardens under private wells are not much better than the best dry lands; others might have improved, but no enhancement of the assessment on that account is permissible.

A re-classification of rice and garden lands should be made with special reference to the value assignable to the water-supply, enjoyed by such lands and in accordance with the principles, enunciated for the assessment on the reclassified wet and garden lands (*vide* paragraph 185 (b) *supra.*)

Treatment of gomal lands during re-survey.

188. All lands actually required for cultivation out of gomal survey numbers may be made into new numbers, when individual applications therefor are dealt with. But, in meeting the increased demand for cultivation out of gomal land, the interest of the village cattle should not be lost sight of. In giving out gomal lands for cultivation, the sufficiency or otherwise of the remaining gomal for grazing purposes should invariably be considered. If gomal lands are assessed and granted for cultivation, indiscriminately, it may become difficult to set apart other lands for the purpose, when the villagers require gomal badly. A note to the effect that the gomal land left for the cattle of the village is sufficient should be made in the Settlement Records.

After sub-division of the lands for cultivation, they should be disposed of in the manner most advantageous to Government.

Treatment of forest lands at re-survey.

189. Lands already notified as forests or proposed to be notified as such, after the completion of investigation under progress, are not affected by the Revision Survey Settlement. The Conservator of Forests and the Survey Superintendent should, in communication with each other, settle the disposal of other forest lands.

4115-17-
1414, d. 5th
Nov. 1896.

B. 9928-32, d.
18th June
1904.

B. 9973-5-R.
P. 144-98, d.
10th June
1904.

Previous timely intimation of survey operations being easily obtainable, the Conservator of Forests should ascertain his probable requirements and intimate the same to the Survey Department who will do the needful in the matter. This does not prevent other lands not so set apart at the time of Revision-Survey Settlement being afterwards so appropriated, after the observance of the usual formalities.

N.B.—The reservation of such land does not extend to occupied lands.

Treatment of lands containing date trees, during re-survey.

190. (i) In taluks in which the revision settlement has not been introduced,* the lists of date reserves prepared by the Excise Department should be the basis of administration, the assessment being retained and the fact duly noted in Village Form No. I.

R. 7862-72—L.
S. 18-04-6, d.
20th Feb.
1905.

(ii) At the time of introducing the revision settlement in each taluk, the Excise and the Survey Departments should scrutinize, in conjunction, the lists of reserves. The Survey Department should see to the correct recording of the reserved areas and the striking off of the assessment.

(iii) After the introduction of the revision settlement, no further 'land' should be acquired by the Excise Department, excepting under the strict observance of Rule 11, Land Revenue Rules.

Procedure to be observed in Revision Settlements.

191. A. (i) The following procedure should be observed in connection with the resettlement of the taluks to be effected hereafter :—

(a) As soon as the proposals for the re-settlement of a taluk are ready, the Survey Superintendent will forward a notification in Kanpada in the approved form to the Deputy Commissioner of the District or Districts in which the taluk or any part of it is situated.

(b) The Deputy Commissioner, on receiving the notification, will cause it to be published without delay by

R. 5791-800—
L. S. 7-16-11,
d. 18th Nov.
1919;
R. 13-587-90—
L. S. 37-18-9,
d. 9th June
1920;
R. 608-53—L.
S. 7-16-5, d.
11th July
1912.

* Lists of taluks surveyed and settled and those into which revision survey has been introduced are given in Appendix XV to this Manual.

posting the same in the Chavadi or other conspicuous place in the village, copies thereof being also kept in the taluk offices concerned for public reference.

(c) All objections preferred by individual raiyats or by a body of raiyats holding lands under one common source of irrigation or under the same group within the period mentioned in the notification will be received by the Deputy Commissioner who will forward them with his opinion to the Survey Superintendent, through the Revenue Commissioner. The Survey Superintendent will then submit the same for the orders of Government with his final remarks on the said objections.

(ii) The form or notification for giving publicity to the general principles of re-settlement is given in Appendix XVI to this Manual.

B. (i) During the re-settlement of a taluk, a fair opportunity should be afforded to the raiyats to prefer beforehand all reasonable objections they may have in the matter.

(ii) The general principles of re-settlement, including the fixing of maximum rates should be previously notified in each village and objections received within two months duly considered before finally sanctioning the revised rates.

(iii) The parties who may be individuals or a body of raiyats holding lands under one common irrigation source or under the same group are allowed to raise objections, regarding the proposed maximum and average rates, as also to the grouping of the villages, in the taluk.

Other points connected with re-survey operations.

192. (i) Re-measurement of lands will be necessary, whenever the creation of roads, canals, railways, etc., renders it necessary.

(ii) The original classification of the soil need not be disturbed or altered; but a revision of the water classification of rice and garden lands will be necessary.

(iii) The following limits of increase are permissible during revision settlement:—

(a) The increase of revenue in the case of a taluk or group of villages brought under the same maximum dry crop rate shall not exceed 33 per cent.

(b) No increase exceeding 66 per cent shall be imposed on a single village, without the circumstances of

the case being specially reported for the orders of Government.

(c) No increase exceeding 100 per cent should, in like manner, be imposed on an individual holding.

(d) The calculation of the above percentage limits should be confined to the land revenue assessment proper.

Revised Guarantee at the Revision Settlement.

193. The following is the form of notification, under Section 233 (k) of the Mysore Land Revenue Code :—

R. 8518-27—
L. S. 50-04-1,
d. 11th Mar.
1906.

1. The Government of His Highness the Maharaja of Mysore having sanctioned the Revision Survey Settlement now being introduced under the provisions of the Land Revenue Code into the..... Taluk of the..... District, the following notification is promulgated for the information of the landholders in the said taluk :—

The survey rates as fixed under this settlement will remain in force for a period of.....years commencing from the revenue year,.....and ending with the revenue year.....

2. But Government reserves to itself the right of imposing an extra cess or rate for the use of water, the right to which vests in Government or which has been made available by the construction, improvement or repair of any irrigational or other works by Government.

3. In addition to the fixed assessment, cesses not exceeding such rate as may be allowed by law will be levied.

It is now announced that on all land one anna on the rupee of survey assessment of such land (according to the survey valuation of each raiyat's holding) will be levied for the purpose of providing funds for expenditure on objects of local utility, also on all wet and garden lands, excepting when exempted specifically or by any general rule or order, an additional anna* in the rupee of survey assessment (according to the survey valuation of each raiyat's holding) will be levied for the repair, improvement and re-construction of works of irrigation.

NOTE.—On re-settlement of a taluk, the irrigation cess is levied as a separate levy, even if it had been previously merged in the wet assessment (G. O. Nos. R. 474-85, dated 11th August 1903 and R. 2517-29—L. S. 73-06-4, dated 11th October 1907).

* Note.—If, as in the Malnad, the rate of the irrigation cess is less than one anna, an entry should be made accordingly.

4. The levy of an irrigation cess, as specified in Rule 3, does not interfere with the obligation resting on all landholders holding lands, either dry or wet, in regard to the maintenance and up-keep of tanks in the village or villages in which their lands are situated, to the extent specified in the rules for tank maintenance, and in case of default in regard to the payment of the cost incurred in carrying out the portion of the work that ought to have been done by the defaulter.

5. Government reserves the right of prohibiting wells being dug, or water courses (*kalves*), being made when they interfere with the storage of water in a work constructed by Government.

6. The Government right to all trees standing in lands which are now occupied is conceded to the occupants, with the exception of sandalwood, subject to the special exceptions recorded in the Settlement Record and to the provisions of section 43 of the Land Revenue Code, regarding road-side trees. The occupants may make what use they please of *shendi* and *bagani* trees, not specially reserved in the Settlement Records, excepting tapping the same for toddy, which right can be exercised by the Izardar alone, but with the consent of the occupant.

7. The existing practice of paying *miras* (grain levies) to minor village servants, such as, *talari*, *toti*, *nirganti*, etc., under the standing orders is not interfered with by the present revised settlement.

(iii) Raiyats, as a rule, take advantage of the means of irrigation, when supplied to them, and resignations of land are rare.

R. 8188-46-R.
F. 8-1900,
d. 24th Jan.
1902.

Notes.—During the currency of a Survey Settlement, questions relating to the alterations of rates of assessment on individual fields of a village may be considered, if no general principal or policy is involved in the case; in individual cases of hardship, however, redress will be given on adequate grounds.

Appeals against Revision Settlement.

194. The issuing of a notification, before the introduction of a survey settlement calling for objections, merely encourages the presentation of numerous petitions, contain a great deal of irrelevant matter and erroneous statements of facts and conceptions about the proposed settlement, as the raiyats gather no clear ideas from a preliminary notification, as to how their holding would be

R. 9188-67—
L. S. 22-04-2,
d. 25th March
1905; R. 4781-
20—L. S. 49-
06-2, d. 23th
Jan. 1907.

individually affected. Appeals on broad grounds within a period of three months from the date of the introduction of any settlement may be allowed. This course enables the raiyat to know the exact position in which he stands, and allows any representation made by him to be easily disposed of; it does not cause any material change in a settlement already introduced.

The form of notification prescribed is given in Appendix XVI to this manual.

SECTION V.—INTRODUCTION OF SURVEY AND SETTLEMENT INTO INAM VILLAGES.

It is lawful for the Government to direct the survey of lands in any part of territories of Mysore. (Section 106, L. R. C) Statutory Provisions.

In the case of an alienated village or estate, coming under the temporary management of Government, the Deputy Commissioner concerned is competent to let out the lands thereof at rates determined by means of a survey settlement or in other suitable manner. (Section 120, L. R. C.).

The provisions of Chapters VIII to X of the Revenue Code should not be applied to an alienated or kayamgutta village, unless the inamdar, or where there are more holders than one of such village,—so many of them as holding in aggregate not less than three-fourths of the shares in such village, apply for the extension of all or any of the provisions of the said chapters to their village. But, the aforesaid provision may be applied by Government for the purposes of fixing the boundaries of village, or any quit-rent or any local or irrigation cesses payable by such village, and also for determining any disputes relating thereto. (Section 236, L. R. C.)

Procedure in introducing settlement.

195. The responsibility of deciding whether the application for the introduction of survey and settlement should be granted has been transferred to the Revenue Department; and the Survey Department is now concerned only with the execution of the operations connected with the introduction of the survey and settlement. The form of Mutchalika prescribed has also been amplified. The

B. 5762-B
L. S. 70-C
d 12th Dec. 1910.

following rules *re* the procedure to be adopted for the introduction of survey and settlement into inam villages are issued:—

(I) On receipt of an application from the holder of an alienated or Kayamgutta village, the Deputy Commissioner should have the necessary enquiries made; if no objection exists to the application being sanctioned, he should take an agreement from the Inamdar in the prescribed form and forward the records of enquiry, together with his report, to the Revenue Commissioner who will submit the same with his opinion, for the orders of Government.

(II) When Government have authorized the extension, under Section 236 of the Land Revenue Code, of the provisions of Chapters VIII to X of the said Code to any such village, the Superintendent of Survey should include the work in the survey programme and intimate to the holder the earliest date on which it will be possible for him to take it up, with due regard to economy and urgency. If the taluk in which the inam village is situated is nearly ready for revision, the operation should be made to synchronize, as far as possible, with the revision of settlement in the manner most advantageous to Government and to the inamdar. If the revision of the survey of the taluk is not due for a long time more, and the survey and settlement of the inam village itself is likely to entail undue cost and inconvenience, on account of its remoteness from the tracts where the survey establishments are at work, the Superintendent of Survey should inform the inamdar of the fact. If the inamdar is unwilling to have the operations postponed to suit the general programme of survey work, the Superintendent may, at his discretion, arrange to have the work taken up, as soon as convenient, on the inamdar paying the cost to meet expenses of the special establishment required for introducing survey and settlement into the inam village. Such payment is ordinarily excused, when the revision settlement of the taluk in which the village is situated has taken place within the previous decade.

(III) The inamdar and the raiyats concerned should furnish help in the shape of flag holders, erection of boundary marks, etc., before the operations are commenced and deposit the money required for measurement of lands and the erection of boundary marks, in case the inamdar or his raiyats fail to render timely help. If such help be

rendered; the amount deposited should be refunded to the inamdar, on the completion of the work either wholly, or if it was necessary to engage any labour, such balance of it as may remain after defraying the cost thereof. Any sum thus expended on labour is refunded to the inamdar, after it is duly recovered from the raiyats concerned.

(IV) The inamdar or his agent and the village servants are bound to (a) remain in the village during the progress of the measuring and classing operations; (b) render every reasonable help towards the speedy completion of the work; and (c) to be liable for any extra expenditure that may be caused by his failure to do so, or by any other neglect or default on his part.

N.B.—Such cost is recovered as an arrear of land revenue and as a first charge on the village.

(V) The probable effect of the settlement should, as soon as convenient, be intimated to the inamdar. He will then have the option of deciding whether the operations should be continued and the survey rates adopted or further proceedings stopped. In the latter case, the inamdar will be liable for the cost, incurred for measurement, classification and other preliminary operations; and in default of payment the amount is recovered from him as an arrear of land revenue. If the inamdar agrees to the introduction of survey rates, the cost of the operations will be borne by Government (unless as provided in Rule II, the work has not been carried on in the usual course of the survey programme) and any amount that may have been deposited by the inamdar will be refunded to him, subject to deduction of cost of paid labour, etc., incurred by the Survey Department.

(V) (i) When the application is for the introduction merely of detailed survey into the village and not of settlement in addition, the cost thereof should be paid by the inamdar. In case the inamdar applies subsequently for the introduction of settlement into the village, only such part of the cost recovered from him as may remain, after deducting any extraordinary expenditure incurred by his delay in applying for settlement, will be refunded to him.

(ii) The introduction of Survey and Settlement into inam villages carries with it the obligation of the holders of the villages paying the Shanbhogs' and Patels' remuneration according to the scale fixed for Government villages. As the assessment fixed by the settlement and recoverable

by the inamdars would include payments (which previous to the settlement used to be made by the raiyats direct to the Shanbhogs and Patels), no special agreement with inamdars on this subject is necessary.

Note.—Though the introduction of the survey settlement takes place only on the application of the Inamdar, he cannot evade or alter his obligations in respect of individual holdings on the strength of the settlement.

(Government decision in Appeal No. 59 of 1914-15.)

8084—P. F.
101-98, d. 21st
Aug. 1894.

(iii) In introducing detailed survey and settlement into a jodi village, the Survey Department merely registers the lands of the village in the names of their present occupants. Whether the occupants are to be regarded as *Kadim raiyats* or not is a matter on which the Settlement Department has no power to pass any orders. It merely fixes the assessment leviable on the lands. A *Batayi* occupant has the same rights as a *Nagadiyat* occupant; the only difference being that the former pays *Kandayam* in kind, the latter in money.

Survey rates in Inam Villages.

2264-72—R.
511, d. 16th
Sep. 1898.

196. (i) When the provisions of Chapters VIII and IX, L. R. C., are extended to Inam villages, situated in taluks already settled, separate sanction of Government under Section 112, L. R. C., is not necessary for the survey rates fixed for the village, provided the rates are the same as those sanctioned for the adjacent Government villages previously settled. Exceptional cases requiring special treatment, should, however, be submitted to Government for orders.

R. 6059-68—
L. S. 18-16-4,
d. 21st Dec.
1915.

(ii) When an Inamdar applies for a revision of rent or assessment on the lands of his village, its resettlement will fall due along with the general resettlement of the taluk in which it is situated.

Allotment of Gomal lands in Inam Villages.

8084—P. F.
101-98, d. 21st
Aug. 1894.

197. In Inam villages brought under detailed survey and settlement, no lands which were not previously by established usage, should be assigned as free gomal, free gomal without the consent of the Inamdars. The raiyats have no right to claim free gomal in the village, if no such gomal existed therein, prior to the introduction of the settlement.

SECTION VI.—SURVEY SETTLEMENT RECORDS.

A register called "The Settlement Register," showing the area and assessment of each survey number, the name of the registered occupant, etc., and other records should be prepared by the Survey Officer, during the original survey or revision survey settlement. (Section 117, L.R.C.)

Statutory provisions.

The Survey Officer, prior to introduction of survey settlement, and Deputy Commissioners thereafter, may correct clerical and admitted errors in the Settlement Register. (Section 118, L.R.C.)

The Deputy Commissioner should have the custody of the Settlement Register and other records and cause the village records and accounts to be prepared in accordance therewith. (Section 119, L.R.C.)

RECORDS OF THE YEAR OF INTRODUCTION OF THE SURVEY SETTLEMENT.

198. The records are generally known as the settlement papers, and the following are the papers which it is necessary to have prepared in order to effectively introduce the new or survey settlement:—

(1) "Pahni Sud" or statement showing the old numbering of lands and the survey numbers, names of fields, description of tenure, name of occupant, and survey area of each number, generally known as the "sud" and always accompanied by a map of the village.

(2) "Akarband" or register of survey numbers, showing the total area under each head, arable and unarable, dry land, wet land and garden in detail, with the rate per acre and assessment of each, and the total assessment fixed on the entire number.

(3) "Pot Pahni Book" or inspection statement, showing the old and new numbering of every survey number, and full information regarding tenure and occupancy.

(4) Statement showing number and description of trees in each survey number, known as the "Jhar Patrak."

(5) Statement of grazing land, known as the "Hulbanni Takhta."

(6) Statement showing full particulars of each occupant's entire holdings under old and new systems, known as the "Wasul Baki."

(7) "Phutkul Patrak" or detailed statement of occupancies, when two or more are included in one and the same revenue survey number, with area and assessment of each.

(8) Statement of waste lands, known as the "Banjar Tahkta."

(9) The final Settlement Register, known as the "Lavani Faisal Patrika."

(10) The jodidar Tahkta or statement of Jodi inam land.

The uses and mode of preparing each of the above are given in the Survey Manual.

Note.—The Survey Department is responsible for the accuracy of those returns embodying the result of survey operations, but the responsibility of correctly preparing those returns, or of portions of returns, intended to record the existing state of occupancy, rests with the Revenue Authorities. The impression that the operations of the Survey Department act in any way injuriously to the rights comprised in the existing landed tenure, should be carefully removed from the minds of the people. The survey, apart from its general beneficial results in conferring an improved tenure, does not create new, or take away existing, rights of any description.

The settlement papers are very important and they are of great use during, as well as after, settlement.

199. The Amildar should keep the settlement papers for each village in separate *daftars*, not only for their careful preservation, but also for facilitating reference. The Deputy Commissioner or the Assistant Commissioner in charge of the taluk should take the opportunity, when he inspects the Taluk Records, of seeing that this is done.

Village Maps.

200. The advantages of village maps for revenue or general administrative purposes are unquestionable. The village map affords the most minute information as to the position, size and limits of fields, roads, water courses, etc., comprised within the village limits. The District map exhibits with equal accuracy, the relative positions and extent of villages, topographical features of the country and a variety of other information useful to the local Revenue and other authorities.

Supply of village maps to Shanbhogs.

201. (i) In the case of taluks that have been re-settled, copies of village maps are sent taluk by taluk to

(Paras 82 and 83 of the Joint Report.)

the Amildars concerned, as time, budget grant and current work permit of the same being done.

(ii) Of villages in taluks brought under revision settlement three copies of maps are sent after the introduction of revision settlement, instead of two, with the intimation that the 3rd copy is intended for the use of the Shanbhog.

(iii) In the case of villages in taluks where re-survey is in progress, revised maps are issued, after the introduction of revision settlement.

Marking of hikkals, foot-paths, etc., in Survey Maps.

202. All streams, main channels, important branch channels, large trees, houses, wells, *kuntes*, tanks and main channels issuing from the sluice of tanks are shown in the village maps. Tanks, roads, railways, etc., formed since the original settlement are shown not only in the village maps but also in the copies of old maps kept in taluk and village offices.

(ii) Old food-paths and cattle tracts and new ones subsequently formed are also shown in the maps, only after obtaining an agreement from the owners, or when the area covered by such tracts are duly acquired by Government.

(iii) Cases calling for special treatment during re-survey may be brought to the notice of the Survey Authorities for their consideration and disposal.

Note.—No general orders are necessary authorizing the correction of village maps and records, in consequence of the formation of new village roads, under the Village Improvement Scheme. There is no objection to corrections being made in cases in which the roads formed are important and maintained as permanent roads.

R. 12672-81—
L. S. 44-19-5,
d. 4th May
1920.

R. 10692-902—
L. S. 48-16-2,
d. 7th May
1917.

CHAPTER X.

SETTLEMENT OF BOUNDARIES; CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS.

Statutory
provisions.

The boundaries of villages and all disputes relating thereto are determined by Survey Officers, or other officers nominated by Government, in accordance with the rules stated in Section 126, L. R. C.

Determination of field boundaries is regulated by the provisions of Section 127, L. R. C.

If the parties concerned so desire, boundary disputes may be settled by arbitration. (Section 128, L. R. C.)

The Survey Superintendent may authorise any Survey Officer to cause to be constructed or repaired boundary marks of villages or survey numbers, cultivated or uncultivated and to assess all charges incurred thereby on the holders or other interested persons. The said officer may, by a general or special notification, require landholders to construct or repair the boundary marks of their survey numbers. (Section 130, L. R. C.)

Details as to (a) the size, material and description of boundary marks, (b) when the marks are to be considered in good repair, (c) mode of effecting repairs, (d) inspection of boundary marks, and other points are given in Rules 76 to 85 of the Land Revenue Rules.

Every landholder is responsible for the maintenance and good repair of the boundary marks of his holding. (Section 131, L. R. C.)

The charge of boundary marks devolves on Deputy Commissioners, after the introduction of the Survey Settlement. (Section 132, L. R. C.)

Wilful erasure and removal of, and injury to, or unauthorised erection of, a boundary mark entails penalty by fine, not exceeding fifty rupees for each mark so erased, removed, injured or erected. (Section 133, L. R. C.)

Substitution of dressed stones for earthen mounds.

203. Modification of the existing rules, so as to provide for the substitution of dressed stones for earthen mounds as boundary marks, is not called for.

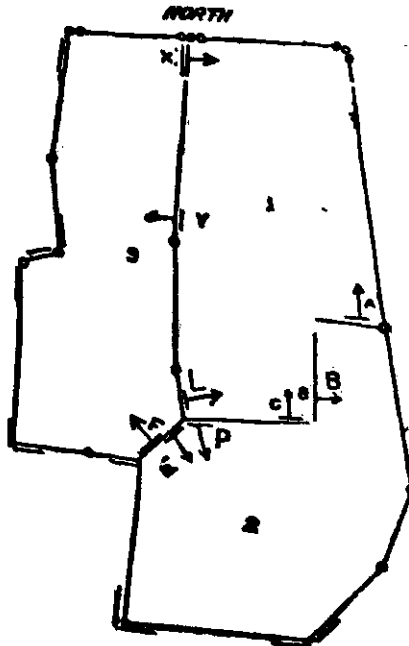
R. 8805-14—
L. S. 15-14-4,
d. 25th Nov.
1914.

Identification of bandhs and stones.

204. The following directions are issued for the identification of *bandhs* and stones in each survey number and for the determination of the responsibility of landholders for their maintenance :—

R. 7129-38—
L. R. 287-18-4,
d. 12th March
1914.

(i) Of mounds (*bandhs*) raised along the common boundary of two occupied survey numbers, every alternate mound counting from north to south or east to west should be repaired by the respective occupants. In other words, the first and third should be taken to the account of the previous survey number and the second and fourth to the account of the succeeding or the subsequent number, and so on. For example, in the common boundary of numbers 1 and 3, *bandhs* X and Z will go to survey number 1, and *bandh* Y will go to Survey No. 3. In the common boundary of Nos. 1 and 2, the *bandhs* A and C will go to No. 1 and the *bandhs* B and D will go to No. 2. In the common boundary of Nos. 2 and 3, the *bandh* E will go to No. 2, and the *bandh* F will go to No. 3. When there is a single *bandh* along the common boundary of two occupied survey numbers both the occupants should share equally.



(ii) Stones should be placed to the account of adjoining occupied survey numbers in the same manner, as explained in the above rule for mounds.

(iii) When, a road, *nalla*, river or the side of a village forms the boundary of a survey number, the marks erected along that side apply to the number in question.

(iv) Occupants of lands impinging on Government unoccupied, unassessed and assessed waste land are responsible for the maintenance in due repair of all the marks which divide their land from Government unoccupied waste land.

(v) The village community is responsible for the due maintenance and repair of all the marks, demarcating the boundaries of the free grazing lands and other lands assigned for communal purposes to their village. In the case of such lands, adjoining occupied survey numbers, the alternate marks should be repaired by the occupants and the village community, as laid down in Rules (i) and (ii).

(vi) Repairs to boundary marks in Government unoccupied and *kharab* lands, except free pasturage and other lands assigned to village community, are to be made according to the directions contained in Rule 78 of the Land Revenue Rules.

Maintenance of boundary marks in settled inam villages.

13448-9,
R. F. 81-92,
d. 27th Jan.
1933.

205. After the introduction of the Survey Settlement into an alienated village, the charge of the boundary marks devolves on the Deputy Commissioner of the District, under Section 132, L. R. C., and he is the proper officer to act under Sections 130 and 132 of the Code.

BANDH PAHANI RULES.

R. 8971-81-L.
R. 899-14-8,
d. 2nd Nov.
1916.

206. (a) Under Rule 85, L. R. R., *Bandh Pahani* consists of the following stages:—

(I) A preliminary inspection by the village officers at the time of field *pahani*.

(II) A second inspection by the same officers to see if the defaulting landholders have attended to the repairs of *bandhs*, after issues of notices to them.

(III) A test inspection by the Shekdar and taluk officials.

(IV) Inspection by higher officers.

(b) The test inspection of boundary marks by the taluk gumastas under Rule 85 (d), L. R. R., will be discontinued later on.

(c) Deputy Commissioners should bring home to the village officers their responsibility in the matter. The work of test inspection now devolving on the taluk gumastas should be performed entirely by the Shekdar, who should arrange his inspections, according to a well defined programme. The Amildar should check a certain per cent of boundary marks every year and embody the results in a special report to the Deputy Commissioner through his Sub-Divisional Officer.

The village officers should be gradually trained in the work, by opening survey training classes in suitable centres.

(d) Shekdars are tentatively empowered under Rule 85 (b), L. R. R., to issue notices under Section 130, L. R. C., to defaulting *Khatedars*, the boundary marks of whose lands are in disrepair.

(e) The high percentage of the number of days lost in measuring, on account of missing boundary marks and the opposition some of the raiyats display, impede survey operations.

R. 8561-80-L.
S. 17-16-2,
d. 11th Oct.
1916.

The Revenue Commissioner should issue suitable instructions to the Revenue officers for inspecting and maintaining boundary marks properly.

(f) The disappearance of a large number of boundary marks is due to the unrestricted ploughing up of ridges forming the boundary of fields to be left uncultivated. The Revenue Commissioner should issue necessary instructions and stringent orders to Amildars (through Deputy Commissioners) to pay proper attention to this important work.

R. 8077-86-L.
S. 25-17-4,
d. 10th Jan.
1918.

(g) If raiyats do not co-operate in the construction or repair of boundary marks, the procedure prescribed in Section 130, L. R. C., should be followed.

BOUNDARY DISPUTES.

(a) *Rules for settlement of disputes regarding village boundaries, etc.*

207. (i) A few experienced Survey officers should, with the co-operation of the villagers and the aid of local Revenue officers, define the limits of each village, and

secure their preservation by (a) proper landmarks, and (b) a descriptive record or map.

(ii) For defining the limits as above, previous notice should be given to secure the attendance of interested parties. In the absence of any dispute, the boundaries should be marked off as pointed out by them.

(iii) In the case of a dispute and if the land is cultivated by both parties, *the line of boundaries should be laid down according to actual possession.*

(iv) Trivial disputes should be settled summarily on the spot by the Surveyor.

(v) If the parties abide by the award of one or more arbitrators, an agreement to that effect should be taken in writing, and the boundaries laid down accordingly.

(vi) If the parties do not consent, the aid of the Amildar or other Local officer should be called in and an amicable settlement attempted; failing this, and in the event of the dispute being of recent origin (not noted in village papers) he should himself enquire into and mark off *the line of boundary.*

(vii) Long-standing disputes which cannot be amicably settled should be left over for adjudication by Survey officers on the strength of the evidence adduced by contending parties.

(viii) Disputes between Government and alienated villages (which cannot be referred to arbitration) should also be settled by Survey officers, as in Rule (vii).

(ix) All awards under the foregoing rules should be in writing.

N.B.—*Vide* also Section 126, L. R. C.

Disputes re boundaries of villages.

2606—P.F. 16,
d. 17th Aug.
1892.

208. Disputes relating to boundaries of villages should not be settled by the officers concerned, without a personal inspection of the localities.

(Appeal No. 151 of 1891-92.)

Frontier Boundary Disputes.

B. 6068-77—L.
S. 44-08-83, d.
22nd April
1917.

209. (a) In ordinary cases of boundary disputes, the District Surveyor concerned should be deputed to meet the Land Records Inspector and submit a report of the case to the Deputy Commissioner who should, in consultation with the Collector concerned, arrange to have the boundary

properly rectified. Important cases should, however, continue to be submitted to Government for orders.

(b) All boundary lines should be periodically inspected by a responsible officer preferably during the Jama-bandi, the officer conducting which should satisfy himself that the demarcation settled by the Mysore Survey Department has not been interfered with in any way. The result of his inspection should be noted in the village accounts. If any dispute comes to his notice, he should then and there hold an investigation and have the case submitted for the orders of Government.

The Amildar or Deputy Amildar conducting the preliminary Jamabandi should also personally inspect all boundary lines, at least once a year and lose no time in reporting to his official superior cases of doubt or dispute.

(c) Where a road or a river forms the boundary, the Madras Government have no objection to the exclusion from the British Territory of half the road and half the stream.

(d) *Unmapped plots on the Frontier.*

In all cases in which unmapped plots of land are found on the frontier, the officer deputed to represent the Mysore Government at the joint enquiry, should take into consideration the local position of each such land, and the records and other evidence bearing on the points at issue, and after duly exercising his discretion, arrive at a final decision in the matter, which should be submitted for the ratification of Government in due course, through the Revenue Commissioner.

CASES OF FRONTIER DISPUTES.

210. The following is a list of cases relating to Frontier disputes.

Serial No.	Number and date of G. O.	Names of Villages, Taluks and Districts concerned	Other particulars, if any
1	896—10, d. 20th May 1873	Kolar and Cuddapah ...	.....
2	1563—R. 19, d. 25th June 1873.	Agara, Yelandur Jahaghir and Kunturu, Coimbatore District.	.....
3	4653—Pol. 1, d. 28th Sep. 1874.	Bangalore and Kolar Districts and Salem District.	.....
4	4931—R. 26, d. 7th Oct. 1874.	Canara-Mysore Frontier ...	.....
5	6477—250, d. 6th Nov. 1876; and 10474—R. 473, d. 18th Jan. 1877.	Mysore and Malabar ...	.....

9564-71—B.
8118, d. 1st
April 1896.

R. 1992-3—L.
S. 7-11-10, d.
29th Aug.
1918.

R. 542-51—L.
S. 63-16-3, d.
17th July
1917.

Serial No.	Number and date of G. O.	Names of Villages, Taluks and Districts concerned	Other particulars, if any
6	5597—R. 50, d. 7th Sep. 1876.	Mysore and Coimbatore ...	.....
7	6058-9—R. F. 160-96, d. 7th Jan. 1898.	Kanajanhalli, Madakasira Taluk (Anantapur Dist.); and Sugur, Hiriyur Taluk.)	.....
8	7104-5—R. 2308, d. 31st Jan. 1898.	Jalodu, Pavagada Taluk; and Tengallu, Kalyansdurga Taluk (Bellary Dist.)	.....
9	8479-80—R. F. 29-96, d. 8th Nov. 1899; and 4411—R. F. 29-96, d. 18th Decr. 1899.	Basavankote, Jagalur Taluk; Sasvehalli and Kunimadiahalli, Harapanahalli Taluk (Bellary District.)	.....
10	R. 8178—d. 11th Feb. 1903	Giddanahalli, Challakere Tk.; and Kalhali, Kudligi Taluk (Bellary District.)	.....
11	202-7—2996-8001, d. 3rd Nov. 1903.	*Boundary between Mysore and Malabar.	*Demarcating and clearing certain portions of this boundary.
12	408-6—4269-72, d. 9th Dec. 1903.	Mysore and South Canara ...	.....
13	R. 926-7—L. S. 27-05-12, d. 6th Aug. 1907.	Masti and Karisandra, Malur Taluk; and Darasandrapalli, Hosur Taluk. (Salem Dist.)	.....
14	R. 8778-9—L. S. 72-06-9, d. 22nd April 1909.	Hiriyur Tk. and Madakasira Taluk. (Anantapur Dist.)	.....
15	R. 1192-4—L. S. 39-01-49, d. 23rd Aug. 1910.	Vadanakallu, Pavagada Tk. and Kalagalumi, Kalyansdurga Tk. (Bellary Dist.)	.....
16	R. 3477-79—L. S. 152-98-52, d. 24th Nov. 1910; and R. 2180-1—L. S. 152-98-56, d. 2nd Sep. 1913.	Nagasamudram, Molakalmuru Taluk and Macheri; Royadurga Tk. (Bellary Dist.)	.....
17	R. 7227-29—L. S. 51-05-24, d. 25th May 1912.	Byalahalli, Anekal Tk., and Bagur, (Salem District.)	.....
18	R. 103-4—L. S. 4-11-5, d. 5th July 1912.	Madalapur, Arkalgud Taluk; & Doddabandarahalli, Coorg	.....
19	R. 5846-8—L. S. 24-10-15, d. 12th April 1913.	Machinahalli, Molakalmuru Taluk; and Kadalur, Royadurga Tk. (Bellary Dist.)	.....
20	R. 6068-77—L. S. 44-08-32, d. 22nd April 1913.	Certain villages of the Pavagada Taluk and the adjoining British villages of the Anantapur District.	Vide Sub-para (a) of the preceding paragraph.
21	R. 23-30—L. S. 44-08-38, d. 2nd July 1913.	Araikere village, Pavagada Taluk; and Halkur (Anantapur District.)	.....
22	R. 835-6—L. S. 24-10-19, d. 23rd July 1913.	Manchinahalli, Molakalmuru Taluk; and Kadalur, (Bellary District.)	.....
23	R. 1992-3—L. S. 7-11-10, d. 29th Aug. 1913.	Alur village, Davangere Tk. and Kenchapur (Bellary District.)	Vide Sub-para (b) of the preceding paragraph.
24	R. 4949-4—L. S. 14-18-5, d. 11th Dec. 1913.	Ballur and Dasanur, Anekal Tk. and Kothagondapalli, Hosur Tk. (Salem District.)	.....
25	R. 13069-61—L. S. 55-16-2, d. 29th June 1917.	Virupasandra village, Pavagada Taluk; and Sinkolam, Hindupur Taluk.	.....
26	R. 12188-90—L. S. 1-16-6, d. 17th June 1918.	Certain villages of the Harapanahalli Taluk, Bellary District and certain villages of the Jagalur and Davangere Taluks and the Harihar Sub-Taluk.)	.....
27	R. 6590-9—L. S. 8-16-5, d. 29th Nov. 1918.	Certain villages of the Molakalmuru Taluk and certain villages of the Bellary Dist.	.....
28	R. 4760-1—L. S. 18-19-2, d. 29th Oct. 1919.	Rallahalli, Madakasira Taluk; and Kannavedi, Thimmanaikankote, Pavagada Tk.	.....

CHAPTER XI.

LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Deputy Commissioners and Survey officers acting under the general or special orders of Government, are competent to (a) determine what lands are included within the site of a village, town or city; (b) fix the limits of the same, with due regard to the subsisting rights of landholders, and (c) set apart for building sites within such limits any lands of Government. (Sec. 134, L. R. C.)

Statutory
Provisions.

Subject to the rules framed by Government, Deputy Commissioners may dispose of building sites. (Sec. 135, L. R. C.)

Except in the case of encroachments, existing rights of occupancy of all lands within the sites of villages, towns and cities, have been confirmed. (Sec. 136, L. R. C.)

Vide Rules 47, 48, 49, 50 and 51 of the Land Revenue Rules and sub-para (21) of paragraph 149 of this Manual (Chapter VII).

Localities in Bangalore City, where house-building is prohibited.

211. I. The boundary line within which erection of buildings, sinking of wells, or extensive excavation for any purpose whatsoever is prohibited in the City of Bangalore is as follows:—

787-B—R. F.
55-92, d. 2nd
July 1892.

From the Police Station near the Yelahanka Gate of the City, along the *Pete* road up to the Civil and Military Station Boundary Stone XII and thence along the Civil and Military Station boundary passing along portions of the *Pete*, St. Marks' and Sidney roads up to Civil and Military Station Boundary Stone XV, along Sidney road to the Cenotaph to the Police Station near the Yelahanka Gate of the City.

II. The erection of new buildings of any kind whatsoever (including extensions of existing buildings) is

prohibited within the area enclosed by a boundary line as follows:—

From the Madras Railway level crossing at the Palace South Gate along the Madras boundary to where it meets Miller's road, thence along Miller's road to where it meets Cunningham road, thence along Cunningham road to where it meets the Avenue road, and thence along the Avenue road to the Madras Railway level crossing at the Palace South Gate.

III. On lands assigned for public purposes, whether within or without the boundaries described in the preceding paragraph, new buildings or extensions of existing ones should not be erected, without the express previous sanction of Government.

Nature of the tenure of lands in possession of the Race Course Committee, Bangalore City.

R. 9746-51—
L. R. 514-14-B,
d. 7th May
1915.

212. The lands in the possession of the Race Course Committee, Bangalore City, are allowed to be held for use as a Race Course on the following conditions:—

(i) The lands will continue to be shown in the Government accounts as Government land; but, as at present, no assessment will be levied from the Race Course Committee.

(ii) The lands will be held in the sole possession of the Committee, so long as they are utilised for a Race Course, and they should not be alienated on any account.

(iii) If the Race Course ceases to be maintained on the lands in question, the lands will revert to Government.

(iv) No portion of the lands should be used for building purposes, except to the extent necessary in connection with racing. Save in the case of temporary sheds, the previous permission of Government should be obtained for the construction of any new buildings.

(v) If at any time any portion of the land is not required by the Committee, it should be handed over to Government without any claim for compensation.

(vi) A map as well as a statement of the area in the possession of the Committee, duly approved by Government, should be maintained by the Committee.

Lands in the possession of the Golf Club, Bangalore.

213. The undermentioned lands will be regarded as having been reserved for the Golf Ground, under Sec. 39,

14064-6—L. R.
896-19-9 d.
23rd June
1920.

L. R. C. The Club is allowed the use of the ground, subject to the following conditions:—

S. No.	Extent	
	Acres	Guntas
23	41	10
26	2	24
86	8	6
88	4	39
89	0	29, and
27 (only 2 acres and 27 guntas out of it) in the Mallenahalli village.		

(i) The lands will continue to be shown in the Government accounts as Government lands; no assessment will be levied from the Golf Ground Committee.

(ii) The lands will continue to be in the sole possession of the Golf Club Committee, so long as they are used as a Golf Ground; they should on no account be alienated.

(iii) When the purpose for which the Club is allowed the possession of the lands ceases, they will revert to Government.

(iv) No portion of the lands should be used for building purposes, except to such extent as may be necessary for Golf purposes. The Golf Pavilion already constructed with the previous sanction of Government, conveyed in their Order No. 9069—L. F. 326-92, dated the 23rd December 1892, will be allowed to remain undisturbed. Save in cases of temporary sheds, the previous sanction of Government should be obtained for the construction of any new buildings.

(v) If at any future time any portion of the lands is not required by the Golf Club, it should be handed over to Government, without any claim for compensation.

(vi) A map as well as a statement showing the details of the lands in the possession of the Golf Club, duly approved by Government, should be maintained by the Club.

N. B.—The lands left under the control of the Golf Club Committee should be measured and mapped and should be correctly described in the documents relating to them by the survey numbers, area and assessment.

Conversion of Agricultural Lands in Towns into Building sites.

R. 26-37—L.
R. 501-17-2, d.
27th April
1919.

214. By the conversion of agricultural lands into building sites their value is greatly enhanced, and as this increase in value is due, not to any efforts on the part of the occupant but to the accident of the lands being comprised in, or situated close to, the municipal limits, it is reasonable that Government should participate in the earned increment in the value of the land. Their share in the increased value (recovered in the shape of fine under Sec. 63, L. R. C. and Rules 58 and 59, L. R. R.) should be enforced.

N. B.—When agricultural lands are acquired by Municipalities and disposed of as building sites, larger amounts than the value of the lands are realised by them. In such cases, Government are entitled to compensation for loss of revenue or the land appropriated for building purposes. As provided in Rule XI of the Rules under the Land Acquisition Regulation, the assessment in such cases should continue to be paid by the Municipality concerned, or a lump sum should be paid once for all equal to 25 times the assessment of the land.

CHAPTER XII.

REALIZATION OF LAND REVENUE AND OTHER REVENUE DEMANDS.

SECTION I.—PRIORITY OF GOVERNMENT CLAIM AND RESPONSIBILITY FOR LAND REVENUE.

The registered occupant or holder of a land is primarily responsible for the payment of the land revenue thereon. On the failure of the registered occupant to pay up the assessment, it is recovered from the occupant or co-sharer or the person in actual occupation of the land, and credit is allowed to co-occupant or inferior holder for the recoveries made from him (Sec. 142, L. R. C.) (Vide also resume of Secs. 77 and 78, L. R. C., on page 139 of this Manual).

Statutory
Provisions.

Claims of Government in respect of land revenue on a land have precedence over any other debt, demand or claim whatsoever on it, irrespective of the year for which it is due. (Secs. 143 and 157, L. R. C.)

The land revenue on a land is also recoverable out of the crop planted or harvested on it during the year for which the revenue is due. (Secs. 144 and 157, L. R. C.)

RESPONSIBILITY FOR PAYMENT OF KANDAYAM.

215. (i) The term *Khatedar* is the same as "Registered Occupant" and "Superior Holder"; these need not necessarily be the occupants of whole survey numbers. Under Sec. 142, L. R. C., the registered occupant and the superior holder are primarily responsible to Government for the land revenue of their lands. On their failure to pay it, the amount is recovered from the co-occupants or other persons interested in such lands. So, it cannot be recovered from any person other than the registered occupant, so long as he is willing to pay and pays the same. If he

7740-28-R.
2602, d. 18th
March 1897.

fails, his *consent* is not necessary for accepting payment of the *Kandayam* from others.

R. 8925-32—R.
M. 229-07-6,
d. 16th Dec.
1908; R.
11148 L. R.
685-14-7, d.
30th May
1916.

(ii) A *Khatedar* or registered occupant is responsible for the assessment of the entire holding. Demand and other notices should be issued to him, prior to the sale.

Non-issue of notice to him is an omission vitiating a sale.

(Appeal No. 96 of 1911-12.)

(iii) His plea that he is not bound to pay the arrears due on the *entire khate*, but only on the portion on which he is interested is untenable.

R. 1426-34—L.
R. 18-05-1, d.
1st Aug. 1905.

Protection of the interests of persons other than registered occupants.

216. Deputy Commissioners have discretion to sell only one or more survey numbers, or such portions of estates as are sufficient to realise the amount of arrears due. The land in the possession of the actual defaulter will be first proceeded against. If the sale proceeds of the land are not sufficient to recover the arrears, further compulsory processes are taken, one of which is to proceed against *other* lands held by the defaulter. By proper and timely action, the rights of the other occupants may be easily safeguarded. Where, owing to the nature of the interests of the several persons in lands standing in one and the same *Khate*, any one pays more than his share of *Kandayam*, he may recover the excess payment made by him by recourse to the Civil Courts, or by the enforcement of the special provisions contained in the Revenue Code in this behalf. [*Vide also Secs. 75 and 78, L. R. C., and clause (c) of Rule 99, L. R. R.*]

R. 2413—R.
M. 837-05-5,
d. 25th Aug.
1908.

Liability of co-occupants for payment of assessment of the entire holding.

217. Though a part holder or occupant of a survey number pays up the *kandayam* due on his portion, his land cannot be excluded from the liability attaching to the whole survey number for the payment of the *kandayam* due thereon, so long as it does not form a recognised share of the survey number and has not been separately measured and assessed.

(Appeal No. 124 of 1905-06.)

Payments of arrears after the issue of processes.

218. A few hours' delay in the payment of arrears of land revenue after the period of limitation, may, if special circumstances exist, be condoned.

894—P. F.
87-08, d. 7th
Oct. 1908.

(Appeal No. 189 of 1902-08.)

SECTION II.—RECOVERY OF LAND REVENUE.

Land Revenue may be levied at any time during the revenue year (same as the official year—July to June) soon after the first day of the year for which it is due. But, except when the adoption of precautionary measures is necessary, it need be paid only at the stipulated times and in the prescribed instalments. (Secs. 145 and 152, L.R.C.; also Rule 86, L. R. R.)

Statutory
Provisions.

Crop which, or a portion of which, has been sold, mortgaged or otherwise disposed of may be prevented from being removed by the holder or his tenant, until the revenue is paid; but this precaution can be taken only in respect of the year's revenue. (Sec. 146, L. R. C.)

Similarly, a Deputy Commissioner may prevent the reaping of the crop, until the land revenue has been paid (Sec. 147, L. R. C.) But the reaping should not be unduly deferred. (Sec. 148, L. R. C.)

If, owing to disputes among the sharers, or for other cause, the Deputy Commissioner apprehends that the land revenue due on an alienated village or a share of it will not be paid as it falls due: he may temporarily attach or take under his management the entire village or the said share. (Sec. 150, L. R. C.)

The precautionary measures referred to above should be relinquished on security being furnished for the payment of the revenue due to Government. (Sec. 151, L. R. C.)

All payments of revenue should be made to the village patel, who grants receipts for the same, in the prescribed form, duly attested by the Village Shanbhog. Payment may also be made into the Treasury of the Taluk, in which the land is situated, the remittance being accompanied by a memorandum giving necessary particulars. With the sanction of the Deputy Commissioner, such payments may, in special cases, be made into the District or other Taluk Treasuries. (Rule 91, L. R. R.)

As regards grant of receipts, vide also second and third paras of the Statutory provisions on pages 94 and 95 of this Manual.

The patel is responsible for the safe custody of all revenue collected by him, and the Shanbhog for obtaining the patel's signature in his "Roz Khirdi," in token of his having collected the sums therein shown. (Rule 92, L.R.R.)

Any sum not paid within the prescribed time becomes an arrear, and the persons responsible for the payment of it are called defaulters. (Sec. 153, L. R. C.)

If arrears of land revenue due on a holding are not paid, the holding is liable to forfeiture, and the Deputy Commissioner levies the amount by sale of the occupancy (or alienated holding) and credits the proceeds, if any, to the defaulter's account. (Secs. 54 and 159, L. R. C.)

The different processes for recovery of arrears are described in Secs. 156 to 169, L. R. C.

When the Civil Court attachment of a land has been notified to Revenue authorities, they should invariably give notice to the Civil Court concerned, in case the land is forfeited under revenue processes. (Rule 96A, L. R. R.)

Inam lands held for village service should not be declared forfeited and sold. The arrear in respect of them must be realized by attachment and sale of the personal and other movable property of the defaulter. In the case of an unenfranchised inam, if the arrears cannot be recovered by the sale of the defaulter's personal or other movable or immovable property, the Deputy Commissioner should obtain the sanction of Government to the inam being declared forfeited and resumed. (Rule 36, L. R. R.)

Recognised shares of inam villages to be proceeded against for arrears due thereon.

219. Cases in which the shares have been separately registered as *vrittis* fall under the latter portion of Clause (c) of Rule 99, L. R. R., and only the shares of the defaulters should first be proceeded with. The sale of entire *Agrahar* is opposed to Rules.

Proprietors of *vrittis* separately recognised by the Inam Department, are entitled to notices of demand served on them individually for the quota of jodi due by each of them. A notice of demand addressed generally "to the Vrittidars of Maralakunte" is not valid. To forfeit

R. 2719—Mis.
117-06-16, d.
24th Sep.
1904.

4287—L. R.
285-16-7, d.
5th Nov. 1917.

a whole village, when the defaulters had their recognised shares of the *vrittis* to be proceeded against is also irregular.

(Appeal No. 86 of 1916-17.)

Resumed Inam Villages.

220. Inam villages resumed for arrears of revenue should not be again granted on the same tenure, merely because a party offers to pay the previous year's arrears of revenue.

2085-97, d.
20th July
1885.

Collection of Revenue.

221. (i) The arrangement by which money voluntarily paid is received and remitted by the British and Mysore States, may continue. Notices of demands of arrears are being served by the British Officers at the request of those of Mysore, and *vice versa*, no coercive process being applied on either side.

1261-9-48, d.
15th May
1885.

(ii) Collection should invariably be made by the Patel himself and the money kept in his custody till remitted to the Treasury. The primary duty of a Shanbhog is simply to keep accounts. He should, however, be present with the Patel, when the collection work proceeds and enter all transactions in the *Khirdi* then and there.

Letter No. C.
1152, d. 15th
Nov. 1886 to
the D. C.,
Mysore, and
G. O. No. 1518
—Pet. 249, d.
4th Aug. 1896.

(iii) *Kandayam to be paid to the patel of the village.*

The rules do not authorise payment of *kandayam* to the person who serves the demand notice.

R. 6290-8—
L. R. 200-07-4;
d. 27th March
1908.

Rule 91, L. R. R., enjoins that it should be paid to the patel or into the Taluk or District Treasury.

(iv) Shanbhogs are not authorised to collect the *kandayam* and should not be allowed to do so.

R. 2911-19—L.
R. 211-10-7, d.
25th Nov. 1912.

(v) Village servants should not be compelled to pay revenue due by defaulters.

25086-7—R.
3724, d. 28th
June 1895;
R. 6354-68—L.
R. 604-11-2, d.
17th May 1913.

Revenue receipts of sub-taluks credited in the Taluk Treasuries to be intimated to Deputy Amildars.

222. As a Deputy Amildar is solely responsible for the proper collection of revenue in his sub-taluk, and for the prevention of embezzlements or other irregularities in connection therewith, he should receive independent information of the revenue collections credited in the treasury. The Mysore Account Code requires that all payments made into a Taluk Treasury must be accompanied by a chalan in duplicate, one copy being meant to be sent to the District Treasury with the account and the other being retained

in the Taluk Office. In the case of remittances relating to a sub-taluk, the duplicate of the chalan, instead of being filed in the Taluk Office, should be sent to the Deputy Amildar of the sub-taluk, for keeping independent account of all remittances made to the treasury in respect of his sub-taluk. Separate demand, collection and balance statements should be prepared for the sub-taluk by the Deputy Amildar from the departmental records and the entries verified, as far as possible, by means of the above chalans, and sent along with the duplicates of the chalan to the Amildar of the taluk in which remittances from the sub-taluk are received. The Amildar should incorporate these demand, collection and balance statements with those to be sent from his office, after obtaining the necessary certificate from the Taluk Treasury.

The necessity for the preparation of the demand, collection and balance statement in the Account Department of their offices, independent of the treasury and then verifying the same with the treasury figures is impressed on Amildars. Strict attention should be paid to this rule.

N. B.—The above instructions apply *ceteris paribus* to the preparation of the demand, collection and balance return in the District Office also.

R. 88-97—R.
75-10-90, d.
9th July 1910.

(vi) When an occupant of the land, other than the Registered holder pays *kandayam* with a request that the amount may be appropriated for a particular survey number or survey numbers, the same should be accepted and an entry to that effect made in the connected records, an extract of the *Khirdi* being given whenever desired by a payer. Such appropriation is accepted without prejudice to the rights of Government to proceed against all the lands included in the *khate* if need be.

R. 2896-14020
—L. R. 869-
89-2, d. 22nd
June 1920.

(vii) *Recovery of arrears of revenue due by Government servants.*

The Government cannot, by an executive order, confer upon Heads of Offices, powers for the realisation of land revenue which are not contemplated in the Land Revenue Code: *The Government Order, dated the 18th September 1878, cannot be resorted to now.

* (No. 4634—Rev. 30) ordering that it should be made known to Government servants from whom arrears of revenue are due, that unless such arrears are fully paid up within three weeks of the date of intimation to them of the order, they would be liable to suspension from office, any unpaid salary at the time being retained.

(viii) *Demands to be correct.*

The onus of proving what the arrears due are does not fall on the defaulter. A correct demand notice should issue and coercive measures proceed on the basis of such demand.

R. 11784—
L. R. 75-16-4,
d. 5th June
1918.

(Appeal No. 1 of 1917-18.)

(ix) For ensuring prompt recovery and scrutiny of arrears, the forms given in Appendix XVII are prescribed wherein the correspondence relating to this subject should be registered. With the help of the entries made in this Register, the Jafti Patti, Wasul Baki or Demand, Collection and Balance Register and Kulwar Baki Pattis should be prepared in the Taluk Office.

R. 8872-82—
L. R. 75-16-7,
d. 11th Oct.
1917.

REVENUE MONEY ORDER SYSTEM.

In addition to the other facilities for payment of *kandayam*, occupants are permitted to remit their arrears by Revenue Money Order also. The following rules should be observed :—

(1) Revenue Money Orders must be used only for the remittance of land revenue, cesses, and any other item due on account of land, or ordinarily payable with land revenue, and should not be used for any other purpose whatsoever.

(2) Revenue Money Orders may contain pies (fractions of an anna) but not fractions of a pie.

(3) If a raiyat holds, or is interested in, lands covered by different *pattas* in the same revenue village, he may remit the land revenue due on all *pattas** by a single Revenue Money Order, provided that full particulars of each *patta* are given in the Money Order.

(4) The adoption of the system of payment is optional and no raiyat is compelled to resort to it, unless he wishes to do so.

(5) The rules do not confer the right to pay land revenue direct into the Taluk Treasury without the intervention of the village shanbhog on any class of landholders, except as provided by Rule 91, L. R. R.

(6) The Revenue Money Order forms, † are available

R. 6499-609—
L. R. 210-08-
13, d. 30th
May 1911;
K. 4607-15—L.
R. 812-14-4, d.
10th Nov.
1915.
R. 1405-13—L.
H. 631-15-2,
d. 2nd Aug.
1916;
R. 1169-76—L.
R. 43-16-2,
d. 1st Aug.
1917;
R. 1220-80—L.
R. 368-19-5, d.
22nd July
1920.

* *Vide* Glossary.

† *Vide* pages 92 to 94, Mysore Village Manual, Part III.

in all the Post Offices in the State, and this form consists of three parts, *viz* :—

- (a) The Money Order.
- (b) The acknowledgment.
- (c) The memorandum of particulars of remittance.

The first part is almost exactly like the corresponding portion of the ordinary Inland Money Order Form. The upper portion is intended to be filled up by the Post Office and the lower portion by the remitter.

The second part is the acknowledgment for the Revenue Money Order which will be returned to the remitter through the Post Office duly signed by the village shanbhog. This part should be filled up by the remitter.

The third part provides headings for the entry of particulars of remittance which should also be filled up by the remitter for the information of the village shanbhog and the Amildar.

(7) Revenue Money Orders are delivered to the village shanbhog by the Branch Postmaster, Postman or Village Postman, as the case may be, *without cash*. The shanbhog should see that the amount of each order as entered in the Money Order (1st part) corresponds with that entered in the acknowledgment (2nd part) and in the memorandum of particulars of remittance (3rd part). If there is no discrepancy, he should sign the acknowledgment portion of each Revenue Money Order (2nd part), detach it and make it over to the Post Office official who delivered the Money Order. The shanbhog should then grant a receipt for each Revenue Money Order and the coupon or memorandum of particulars delivered to him in the Postman's book or Village Postman's register, which will be presented by the Post Office official along with the Revenue Money Orders.

(8) If either the acknowledgment or the memorandum of particulars of a Revenue Money Order is not completely filled up by the remitter, or if the remitter has omitted to affix his signature on the memorandum of particulars of remittance (3rd part), the shanbhog should return the Revenue Money Order to the Post Office official and will not grant a receipt in respect of such Revenue Money Order.

(9) The shanbhog will then have the amount of each Revenue Money Order (which is in order and for which he has granted a receipt to the Post Office official)

passed through his accounts treating the Revenue Money Order in every respect as cash or currency note. But the shanbhog should on no account detain the Post Office official who must be sent away immediately the acknowledgment portion of each Revenue Money Order is detached and given to him.

(10) The memorandum of particulars of remittance (3rd part) of each Revenue Money Order will then be carefully filed in monthly bundals by the shanbhog.

(11) If the amount of a Revenue Money Order falls short of the amount payable to Government by the landholder concerned, the amount must still be credited in the village accounts. If on the other hand, the amount is in excess of the demand, the excess amount should be credited to surplus collections.

(12) When the day for making the next remittance arrives, all the Revenue Money Orders taken delivery of by the shanbhog should be sent by him to the Amildar along with other collections duly entered in a list in the prescribed form.

(13) The list should be received back from the Amildar duly signed by him or the Taluk Sheristadar or the Taluk Head Gumasta. The list should be filed by the village shanbhog with the memorandum of particulars of remittance (3rd part) of the Revenue Money Orders entered in it.

(14) The issue of a Revenue Money Order which is ultimately delivered to the shanbhog concerned too late for the *khist* day does not exempt the remitter from the penalties prescribed in the Land Revenue Code and the Rules thereunder.

(15) Revenue Money Orders taken delivery of by the shanbhog, the amounts of which cannot be credited in the village accounts owing to an irregularity in the remittance or any other cause should be detailed on the reverse of the list and sent to the Amildar with the memorandum of particulars (3rd part) attached to the corresponding money order portion (1st part). The total amount of such Revenue Money Orders should not be included in the amount of remittance made to the Amildar.

(16) Revenue Money Orders delivered to the village shanbhogs should be received in the Taluk Office invoiced in a list in the form prescribed in Rule (12) *supra*. If the amount of any Revenue Money Order has not been credited in the Revenue Accounts, owing to any irregularity in

the remittance, the Revenue Money Order should be treated as "Refused" and sent by the Amildar to the Postmaster or Sub-Postmaster at his headquarters under receipt. All Revenue Money Orders should, if their amounts have been credited in the Revenue Accounts, be signed by the Amildar or in his absence, by the Taluk Sheristadar or the Taluk Head Gumasta, and presented daily at a convenient hour for payment by book transfer at the Post Office (Head or Sub) at the headquarters of the Amildar whether such Post Office is the office by which the shanbhog's village named in the Money Order is served or not.

(17) The Postmaster or Sub-Postmaster at the headquarters of the Amildar gives the Amildar in exchange for the Revenue Money Orders, a voucher in duplicate representing the value of all the Revenue Money Orders presented to the former by the latter under the usual procedure prescribed for drawings from the treasuries in the State. The words "Revenue Money Order" should be written in red ink at the top of the voucher. On the reverse of the voucher, the following entry should be made by the Postmaster or Sub-Postmaster under his signature. "Please debit the amount of this voucher to the Post Office by book transfer." The duplicate voucher should be signed and returned immediately. The amount of this voucher should be entered, like other drawings from the Taluk Treasury in the Treasury Pass Book, but in the column headed "Amount drawn by transfer for Revenue or other official money order payments." This entry should be attested by the Taluk Treasury Officer. The amount of Revenue Money Order vouchers should not be charged against the letter of credit of the Postmaster or Sub-Postmaster.

(18) The amount of the original Revenue Money Order voucher should on the day it is given by the Post Office, be shown in the Taluk Treasury Accounts on the receipt side as amount received on account of land revenue by book transfer and on the disbursement side as amount paid to the Post Office by book transfer.

(19) On receipt of these vouchers in the District Treasury along with the daily cash accounts of the Taluk Treasuries, they should be attached to His Majesty's Treasury Jamkharch account in support of the debit.

Applicability of processes of recovery to mohatarfa tax.

223. The tax on a vacant building site is levied under clause (c) of Sec. 48, L. R. C., clause (b) of Sec. 156 of

the Code therefore applies to its levy. A vacant site may be forfeited and resumed for the tax thereon, under Sec. 159.

The mohatarfa tax on houses and shops is not in the nature of land tax, and Sec. 54, L. R. C., does not apply. Neither the house nor the shop can be forfeited. The other processes of recovery usually followed should be resorted to.

Recovery of mohatarfa in inam villages.

224. Revenue officers should not summarily collect the mohatarfa revenue for an inamdar, when the raiyats in the village refuse to pay tax. The remedy is by a suit in a proper Court.

C. 797, d. 15th
Nov. 1899.

Remission of notice fees

225. The power to remit notice fees which was formerly exercised by Deputy Commissioners and Sub-Division officers only, may also be exercised by an Amildar or a Deputy Amildar. Amildars and Deputy Amildars should exercise great care and discrimination in issuing notices and see that (a) the demand and recovery of the fees are properly brought into account, and (b) the remissions are granted *only after record of proper reasons in each case* under the Amildar's (or Deputy Amildar's) signature in the register of notice. [*Vide Cl. (c) of Rule 95, L. R. R.*]

R. 2189-47—
L. R. 205-08-8,
d. 31st Oct.
1911.

Special Notice Register.

[*Vide also resume of Statutory provisions on page 139 of this Manual.*]

226. (a) (i) This Register is maintained in each Taluk Cutcherry, so that persons interested in the continuance of an occupancy or alienated holding, including those who lend money on the hypothecation of the land, may get their names registered for being served with all notices of forfeiture and sale in respect of such lands. When entries are made in this Register, the same should be communicated to the shanbhog for a corresponding entry being made in the *Khate* Register thus "For No. 4 land, A is entitled to special notice as per order No. dated "

4977-84—R.
634-92, d. 14th
Sept. 1892.

(ii) The consent of the Registered *Khatedar* is not necessary for entering names of applicants in this Register.

Such entry creates no right or obligation of any kind, but merely enables parties whose names are thus registered to get notices of default by the registered holder, and thus affords them an opportunity of saving the land from forfeiture and sale for arrears of revenue.

R. 441-49, d.
22nd July
1902.

(b) *Fee for registry to be paid in Court Fee Stamps.*—The fee payable for the registry of the names and interests of the persons interested in the occupancy or alienated holding, should be pre-paid in Court Fee Stamps.

R. 1990-R. M.
215-07-4, d.
19th Sep.
1908.

(c) A contention that no intimation was given to an interested person, of the coercive measures and of the sale proceedings does not prevail, if he has not got his name entered in the Special Notice Register.

(Appeal No. 2 of 1908-09.)

ATTACHMENT OF CROPS.

12579-86—Cir.
264, d. 11th
Feb. 1891.

227. (i) In individual cases, Deputy Commissioners may issue orders, directing attachment of crops for the recovery of arrears. It is only when the procedure under all the Secs. 144 to 151, L. R. C., has to be adopted that the special sanction of Government is necessary.

650—P. F.
97-03, d. 2nd
Dec, 1903.

(ii) The power of attaching crops and realizing arrears from their sale is rarely exercised, especially in Jodi villages and its exercise is in expedient, except in well-established cases of recurrency.

(Appeal No. 8 of 1903-04.)

6-18—P. F.
8-03, d. 3rd
July 1903.

(iii) Coercive measures should not be adopted for the recovery of *trifling* amount of arrears of land revenue.

(Appeal No. 5 of 1901-02.)

FORFEITURES.

11500-8—R.
1335-92, d.
29th Dec. 1892.
1050-1—Cir.
19, d. 1st May
1891; 5768-75—
Pet. F. 55-98,
d. 22nd Feb.
1899.

228. (i) Before an occupancy or alienated holding is sold for arrears of land revenue due thereon, there should invariably be a declaration of forfeiture, under Sec. 159, L. R. C.

(ii) Amildars should not delegate to their Sheristedars the power of declaring a holding forfeited.

(Appeal No. 2 of 96-97.)

(iii) *Forfeiture not a proper process for recovery of arrears of toddy revenue and mohatarfa.* 8853—P.F.
51-1900, d. 8th
May 1901.

The lands of a farmer of toddy revenue who makes default in respect of certain sums due to Government should not be forfeited. Such forfeiture is proper only in regard to lands on which the arrears are due. Such an initial irregularity vitiates all the subsequent proceedings.

(iv) *Balance of arrears when to be remitted.* 9618-25—R.
1441, d. 11th
Dec. 1894.

If the lands contained in the holding are not worth the assessment thereon, the defaulter need not be pressed to pay the assessment from his other property. But, if he is not so poor, and he did reap or could have reaped sufficient produce from the lands and yet failed to pay their assessment, and the non-realisation of the arrear in the sale is not due to the poor quality of the soil, remission of the arrears should be refused.

(v) Once a land has been granted for coffee cultivation, it is treated as an ordinary assessed land, and Rule 38, L. R. R., holds good in respect of forfeited coffee lands also. Because the land has been forfeited and resumed by Government for the arrears due, it should not be regarded as having ceased to be coffee land and to have reverted to the ordinary tenure. R. 863-71-62-2,
d. 2nd Aug.
1904.

(vi) When the power of declaring forfeiture of an occupancy, under Sec. 159, L. R. C., is not actually delegated to an Amildar, he should not exercise that power. R. 8699—R. M.
929-06-4, d. 3rd
Dec. 1910.

(Appeal No. 4 of 1907-08.)

An *Umbli* Inam land fully assessed to revenue and dealt with under a mis-apprehension is, nevertheless, inalienable, and sanction of Government is necessary for altering its *tenure*. But, when a Government Officer has *bona fide* sold it to a third party at an auction, it is unfair to deprive the purchaser of it after a long term of enjoyment 1430—P.F.
182-08, d. 11th
May 1904.
(Also Rule 37,
L. R. R.)

(Appeal No. 78 of 1908-04.)

(vii) *Effect on Kadim tenancy of a revenue sale of Inam lands under Sec. 159, L. R. C.*

The law makes a clear distinction in the matter of the rights that pass under a revenue sale, between the R. 3110—L. R.
178-18-7, d. 6th
Aug. 1913.

holding in respect of which an arrear of land revenue is due and other immovable property of the defaulter. So far as the latter is concerned, only the right, title and interest of the defaulter can be sold; but as regards the former, the arrear is a paramount charge on the holding and every part thereof, and its sale after forfeiture (unless otherwise declared) extinguishes all tenures, etc., subsisting as against the holder. Were it not for such a provision, the interests of the State in the matter of the realisation of the land revenue would suffer materially; for one thing, all kinds of fictitious rights and interests would be set up against a forfeiture; and for another thing, where sales are made subject to the unknown or undisclosed rights of third persons, purchasers will not come forward readily to buy.

In a sale of an entire holding or land with all its rights, the auction purchaser is entitled to the full possession of the land to the exclusion even of *kadim* tenants.

(Appeal No. 10 of 1918-19.)

NOTE.—For a discussion of the relationship between superior holders and their tenants found in the same decision, *vide* paragraph 176 of this Manual.

Proceeding against property other than the land on which arrears is due.

B. 59562-78—
L. R. 55-09-5,
d. 1st March
1910.

229. The avoidance of hardship to the defaulter and the loss of revenue to Government are the two factors to be considered in determining the question, whether a defaulter's property *other than the land in which arrears are due should be proceeded against or not.*

DISTRRAINT.

Fl. 4569-78—
S. R. 54-09-5,
d. 8th Feb.
1911.

230. Subordinate officials of the Excise Department need not be invested with powers of distraining the defaulter's property, etc., for realising Excise Revenue. Where coercive processes are necessary, the same should be executed through the Amildar's subordinates *in the Revenue Department*, the Taluk Excise Officer and his staff being bound to comply with all reasonable requisitions from the Revenue officials for help, such as, bringing into touch with the defaulters and so forth.

ARREST AND IMPRISONMENT.

231. Cases of arrest and imprisonment should be rare. The enforcement of the provisions relating thereto is likely to entail undue hardship and severity. Formerly, the sanction of Government was necessary before the arrest of a defaulter could be ordered. (*Vide* para 1 of Rule XXXVIII of the L.R.R. of 1890.) Even now this power should be very rarely exercised and with great caution and discretion.*

ATTACHMENT OF ESTATES OR VILLAGES.

232. The attachment of a village will be sanctioned only under very exceptional circumstances. Full particulars of the necessity for bringing the estate under Government management should in each case accompany the recommendation which should be made only, when the sale of an estate would press heavily on the defaulter, who might deserve indulgence on account of losses sustained from adversity of season or other unavoidable cause, or where the defaulter or sole proprietor of the estate in respect of which the arrear is due is a minor, and it is necessary, not only for the better preservation of the property, but also for the realisation of the Government dues that the estate should be placed under attachment. (*Vide* para 3 of Rule XXXIX of L.R.R. of 1890.)

SECTION III.—REMISSION OF ASSESSMENT.

General Principles.

233. All abatement of the established assessment (remissions) should be regarded as exceptional to the ordinary management of surveyed districts and should not be made unless under very special circumstances.

Para 86 of the Survey Superintendents' Joint Report.

Rules for remissions of assessment of lands lying waste by breach of the sources of irrigation.

234. I. When by breaching or any other accident a tank or other work of irrigation is not available for irrigation, in lieu of the wet assessment on lands situated under such tank or other work, there shall be substituted during the first year of the breach or accident and succeeding years

9792-800—Cir. 214, d. 5th March 1890; 11825-32—R. F. 970-92, d. 19th June 1891; 7823—R. 3051, d. 27th Feb. 1896.

* Clause (a) of rule 97 of the revised L.R.R.

during which the tank or other work may remain unrestored and unavailable for irrigation, a temporary reduced assessment of half of the full wet assessment, which should be levied as *bengar kandayam*, the remaining half being shown in the accounts as a remission, without reference to any dry crops which may be raised.

NOTE 1.—The term "dry crops" includes *punaje* paddy.

NOTE 2.—*Remissions of assessment on garden lands under breached tanks.*

Gardens which are generally situated in the lowest part of a valley, are often able to sustain themselves after a tank has breached. The exclusion of a garden land from the operation of the following rules is not likely to cause any hardship. Individual cases of hardship may, however, be brought to the notice of Government for being dealt with on their merits.

II. When the breach or other accident occurs at a time of the year, after the usual supply of water has, or could have, been taken, the full assessment should be levied during that year, notwithstanding anything contained in the preceding rule.

III. Lands which, by their situation, are capable of being cultivated with wet crops, notwithstanding the breach or other accident, should not be given any reduction of assessment.

IV. In the year in which the breach or other accident occurs, the Deputy Commissioner or one of his Assistants should, after personal inspection during the cultivation season, decide once for all what lands are entitled to the reduced temporary assessment under Rule I.

V. The above rules apply to cases also in which a tank is emptied for the purpose of repair.

SUBSIDIARY INSTRUCTIONS.

235. (i) *Remission of half the jodi and half the irrigation cess.*

Half of the jodi on the inam lands should be remitted, whenever remission of half the assessment is sanctioned. Half the irrigation cess also may be remitted.

Remission of interest and notice fee is within the discretion of Deputy Commissioners.

(ii) *Remission of assessment under standing orders.*

Local Revenue Officers are empowered to grant remissions on their own authority in all cases in which the

R. 2248-56—L.
R. 586-11-2, d.
10th Sep.
1918.

R. 1150-60—L.
R. 41-16-8, d.
1st Aug.
1917.

R. 1510-9—L.
R. 981-10-2, d.
6th Sep. 1911

remissions are due under any standing order or rule; but if they happen to be included in the demand, collection and balance accounts, the sanction of competent higher authority should be obtained, as in the case of amounts absolutely irrecoverable.

(iii) *Remissions granted under rules not to be reported.*

1447-54—B.
229-92, d. 26th
July 1892.

The sanction of higher authority in each case in which remissions are granted under rules is not necessary; and the statement of arrears to be remitted, sent to such authority for sanction, need only contain such sums as are proposed to be written off, not under any defined rules, but owing to the poverty of the holders and other special causes.

(iv) *Remission of assessment in seasons of general drought.*

9048-55—Pet.
150, d. 16th
April 1897;
B. 1211-2—L.
R. 831-06-4,
d. 10th Aug.
1907.

If, as an individual case, a tank on which lands are dependent for their irrigation does not obtain a supply of water in any year, on account of deficient rainfall, no remission is usually granted. But if such loss of crop is *general in any locality*, and there is consequent distress, Government will, of their own accord, take action to relieve such distress. In such a contingency, the partial remission of assessment will be sanctioned. Deputy Commissioners must regulate their action in accordance with these principles.

NOTES.—In the year 1891-1892, remissions were granted under the rules of 1890, owing to general failure of tanks throughout the State.

B. 288, d. 2nd
April 1892.

In consideration of the exceptional conditions of the year *Kilaka* (1908-09), the following concessions were ordered:—

B. 4339-70—
Agri. 105-08-1,
d. 4th Jan.
1909; R. 9611-
56—Agri. 105-
08-2, d. 18th
May 1909.

(i) On lands classed as wet under whatever source of irrigation on which the wet crops in the year *Kilaka* totally failed, or the outturn was not more than 25 per cent of a normal crop (that is, not more than 4 annas out of a normal 16 annas), one-half of the assessment was remitted.

(ii) For occupied waste within the affected tract (*vide* Appendix XIX) the same rate of remission was also given as for land on which the crops totally failed.

N.B.—No remission was given on "mamul waste," that is on occupied land which is not cultivated regularly in a normal year and which might have been left uncultivated, even if the season were normal.

(iii) Where dry crops were raised with or without the aid of Government water from land classed as wet, the same concession as in (i) above was granted; but the average rate of dry assessment prevailing

in the village was also levied on the land on which dry crop had been raised.

(iv) In respect of lands classed as dry, half the assessment was *suspended* and the other half collected.

(v) In respect of lands classed as *bagayet* (garden) but on which wet crops were usually cultivated, the same treatment was accorded as for lands classed as wet.

NOTE 1.—Where there was a great loss of arecanut or cocoanut trees or of their produce, Deputy Commissioners were authorised to suspend the collection of one-half of the assessment.

NOTE 2.—The foregoing principles were also made applicable to (a) minor inam lands charged with full assessment, or with a quit-rent or jodi equal to, or more than, a full survey valuation; and (b) lands in whole inam villages under Government management.

(v) *Remission of local cesses.*

Remissions of local cesses do not follow remissions of assessment as a matter of course. The cess should invariably be collected on the entire assessment (including the portion of it remitted), a postponement being alone permissible in special cases, according to the discretion of the Deputy Commissioner.

(vi) *Remission allowed for bailing out water.*

Bailing out water for irrigation purposes involves additional labour and expense. Hence, an occupant is entitled to some compensation for the extra trouble. One-third of the assessment on the lands so irrigated may be remitted in such cases.

(vii) When the assessment at dry rates on lands forming the bed and *atchkat* of a breached tank exceed the wet assessment of the *atchkat*, it is obviously more advantageous to revise the wet assessment on the *atchkat*, assessing at dry rates than to attempt to restore the tank. The assessment in such cases should accordingly be revised.

(viii) *Powers of Deputy Commissioners to sanction remissions.*

Deputy Commissioners are authorised to sanction the remission of irrecoverable arrears of revenue in all cases where the amount involved is not more than Rs. 50, submitting to the Revenue Commissioner quarterly statements of the same. Cases involving amounts greater than Rs. 50 should be submitted to the Revenue Commissioner for orders.

N.B.—The power above referred to extends also to Inam and Jodi villages under Government management, so long as such management continues.

C. 20-90, d.
30th May 1909;
R. 1555—L.R.
28-10-2, d. 10th
Sep. 1910.

R. 4633-4—L.
R. 177-12-10,
d. 10th Nov.
1915.

6133—P. F.
194, d. 29th
Oct. 1892.

R. 9810-9—L.
R. 75-18-6,
d. 11th Oct.
1917; R. 12459
—L. R. 85-17-
11, d. 29th
June 1918

(ix) *Writing off irrecoverable arrears of revenue.*

(1) Want of proper examination of village accounts periodically and enquiry into arrears in proper time leads to embezzlement of Government money by Shanbhogs and consequent remissions of the amounts involved.

6582-90—Cir.
886, d. 2nd
Sep. 1890.

(2) In many cases, lands are sold and no bidder is forthcoming, or the defaulter deserts and the land lies waste. It should invariably be stated whether such lands have been resumed by Government and brought under the head of unoccupied lands.

(3) Arrears very often accrue in consequence of the delay on the part of the Taluk officials in reporting deaths and desertion of the *Khatedars*. Care should be taken that such delays do not occur. Ordinarily, the whole arrear must either be collected within the year following that to which the arrear relates, or if found irrecoverable, recommended to be written off. The Jama-bandi officer should go into the list of arrears carefully at the Jamabandi and pass his orders.

(4) All lands sold but for which there are no proper bids should be resumed.

(5) Lands on which arrears are due may be absolutely relinquished by the holders; but the same must be sold at once for arrears of revenue, and if there be no bidders, the lands should be resumed to Government. Transfers of lands on which arrears are due may also be accepted; but the transferees must be informed that the land would be liable to be sold, even for arrears of years previous to the transfer. In cases of remission of mohatarfa revenue, the *bab* or item to which it relates, that is, whether it is cart tax or shop tax, should be stated.

PRIVATE ENTERPRISE TANKS.

236. (a) *Chowthayi Remission*.—When a tank is entitled to a remission of one-fourth of the wet assessment, whosoever may be in possession of them, and the resignation of a land under the tank does not vitiate the claim of the *Chowthasidar* to get one-fourth of the wet assessment. The essential condition is that the tank must be maintained in an efficient condition, and that wet assessment is recovered by Government on the land from a third party.

1658-86—Peta.
264, d. 10th
Aug. 1896.

R. 227-86—L.
R. 845-09-8,
d. 18th July
1912.

(b) *Remission to be continued during the currency of the settlement.*

There are about 318 private enterprise tanks in the State. The terms on which permission may be given to persons coming forward to construct or repair tanks at their own cost were first laid down in the late Commissioner's proclamation of the 13th July 1863. Three kinds of concession are allowed therein:— *viz.*

(i) A remission of one-fourth of the assessment on the dry lands converted into wet by means of the work ;

(ii) An assessment equal to the highest dry rate in the taluk ;

(iii) A progressive rate of assessment (*Kowle*) to be paid by instalments, increasing year by year.

It is left to the option of the persons who undertake the work to chose any of the above concessions. There are, however, very few cases to which the two latter kinds of concession apply.

These concessions are restricted to limited periods, ordinarily not exceeding thirty years. In practice, however, the terms of the grant are not being interfered, so long as the works are duly maintained at the approved standard by the parties, who undertake their repair or construction.

The limited nature of the concession has not been expressly indicated by the Survey Department, though the concession has to be deemed subject to the conditions stated above.

Tanks constructed both prior and subsequent to 1871 should be dealt with alike ; where greater concessions are claimed, the burden of proving this right should be thrown upon the persons claiming them. Whenever there is an express grant laying down special conditions, these terms should be enforced. In cases in which the persons who are entitled to the concessions are able to show that the tank was undertaken prior to 1871 and that they have a right to claim the concession permanently, the right may be recognised with the approval of Government.

If the order of 1871 is strictly applied, the remission has to cease at the revision survey as the period of thirty years would then have elapsed. But the concessions have been allowed not merely for constructing the tank, but also for keeping it in a proper state of repairs, and though under the general rules regarding the maintenance of tanks, the occupants of the lands under the tank are still liable for its maintenance after the concession is

withdrawn and the tank taken over by Government, it is not equitable to deprive them of all the concessions, while holding them liable for the maintenance of the tank. The Committee that was appointed in 1868 to report upon the survey system was of opinion that the remission should be continued at the next revision of assessment. The concession already enjoyed by private tanks during the currency of the revision of the settlement may therefore be continued so long as the tanks are maintained in proper condition according to the approved standard. These concessions are not however applicable to later tanks, in the case of which the rules contained in Appendix F to the L.R.R. of 1890 should strictly be enforced.

(c) *When chowthayi remission should be refused.*

All private enterprise tanks should be inspected during the Jamabandi, and one year's time allowed for the repair of those not in good order. Deputy Commissioners are responsible for cancelling the *Chowthayi* remission of tanks not repaired by the end of the stipulated period.

R. 5718-20—L.
R. 969-34-2,
d. 31st Dec.
1914.

SECTION V.—SALE PROCEDURE.

A notice of demand issues immediately after the arrear accrues. (Sec. 158, L. R. C.)

Statutory
provisions.

Such notices are issued by the Amildar or Deputy Amildar within whose charge the arrear accrues. (Rule 95, L. R. R.) The costs of issuing notices are regulated by the table given under Rule 103, L.R.R.

The Deputy Commissioner may also cause—(a) the defaulter's movable property to be distrained and sold, and (b) the sale of the right, title and interest of the defaulter in any immovable property, other than the land on which the arrear is due. (Secs. 160 and 161, L. R. C.)

Such distraint is made by such officers or class of officers as are authorised by the Revenue Commissioner.

All property exempt from attachment or sale, in execution of a decree under the Civil Procedure Code is also exempt from revenue distraint or sale. (Sec. 162, L.R.C.)

All processes should be stayed on satisfactory security being given, or on the amount claimed being paid under protest, by the defaulter. (Sec. 170, L.R.C.)

Instructions in regard to the disposal of forfeited occupancies are given in Rules 35 to 40, L.R.R.

The following shows in juxta-position the salient points of difference in procedure between the sales of movable and immovable properties:—

MOVABLE PROPERTY.

(1) *A proclamation to be issued, in Kannada, of the intended sale, specifying the time and place of sale and whether the sale is subject to confirmation or not.*

(2) *Such proclamation to be made by beat of drum in the village in which the property was seized and in such other places as the Deputy Commissioner may direct.*

(3) *Written notice of the intended sale and of the time and place thereof, to be affixed in the Amildar's or Deputy Amildar's office, and in the Chavadi or some other public building in the village in which the property was seized.*

(4) *Sale to take place, after the expiration of at least 7 days from the date of the affixing of notice as above.*

IMMOVABLE PROPERTY.

(1) *Proclamation to be issued in Kannada, of the intended sale, specifying the time and place of sale, the revenue assessed upon the land and other particulars, the Deputy Commissioner may think necessary.*

(2) *Such proclamation to be made by beat of drum at the Headquarters of the Taluk and in the village in which the property is situate.*

(3) *Written notice of the intended sale and of the time and place thereof to be affixed in—(a) the office of the Deputy Commissioner of the District; (b) the office of the Amildar or Deputy Amildar of the Taluk; (c) the Chavadi or some other public building of the village; and (b) the defaulter's dwelling place.*

(4) *Sale to take place after the expiration of at least 30 days from the date of the affixing of notice as above.*

MOVABLE PROPERTY.

(5) Sale to be concluded by the officer conducting it, or to be confirmed by higher officers, as may be directed by the Deputy Commissioner.

(6) Mode of payment:—

Price of every lot to be paid up at the time of sale, or thereafter, as may be directed by the officer.

When sale is concluded on the very date of sale.

Purchaser to deposit immediately 25 per centum on the amount of his bid, and pay the balance before sunset of the day, after he is informed of the confirmation of the sale.

When sale is subject to confirmation.

IMMOVABLE PROPERTY.

(5) Sale always subject to confirmation.

(6) Purchaser to deposit immediately 25 per centum of the amount of his bid and pay the balance before sunset of the fifteenth day from that on which the sale took place.

(Secs. 171 to 180, L.R.C.)

In default of payment of the full amount of purchase money within the prescribed period, the Deputy Commissioner may order forfeiture, either wholly or in part, of the balance of the deposit, after defraying thereout the expenses of the sale and also direct a re-sale of the property. (Sec. 181, L.R.C.)

If the proceeds of the re-sale be less than the price bid by the defaulting purchaser, the difference should be recovered from him, as an arrear of land revenue. (Sec. 182, L.R.C.)

Other miscellaneous information regarding sales is given in Secs. 183 to 192, L.R.C.

30 days' rule re-sales.

237. (i) The object of allowing a period of thirty days from the publication of the sale proclamation is not only to protect the interests of the *Khatedar* by giving ample time to purchasers to come forward, but also to give time to all those that are interested in the land to pay the arrears and save the land from sale. Tenants have

certainly an interest in the land and have a right to pay the assessment and prevent the sale.

(Appeal No. 155 of 1891-92.)

901—P.F.
16-93, d. 12th
July 1893.

(ii) Exclusive of the day on which the sale notice is published and of the day on which the sale takes place, there must be *an interval of clear thirty days*.

R. 3736—L.R.
483-16-4, d.
9th Oct. 1917.

(iii) Under Sec. 173, L.R.C., no sale should be held, *till after the expiry of at least 30 days from date of service of notice*. The rule having been violated in this case, the sale was not upheld. Further, it was observed that the arrears were paid up nineteen days after the sale, *i.e.*, before it was confirmed.

(Appeal No. 88 of 16-17.)

Liability of first purchaser for loss by re-sale.

No. 1753-65—
R. 659, d. 10th
Aug. 1895.

238. (i) Secs. 181 and 182, L.R.C., contemplate two different stages; and it is only after the deposit made by the purchaser at the first sale is forfeited that a second sale should be ordered. If at such second sale, there is any deficiency, the same must be made good by the first purchaser under Sec. 182, without reference to the deposit already forfeited under Sec. 181. The forfeiture of the deposit is independent of the liability to pay the deficiency and should not be taken into account in fixing such liability.

Liability of purchasers for the arrears of previous years.

8624—P. 70, d.
10th June
1891.

239. (i) The purchaser is entitled to collect the arrears due to the former land-lord prior to the date of sale, inasmuch as he has purchased all the rights of the defaulter; but he cannot, on that account, be called upon to pay the arrears due for years previous to the sale, as the purchase money represents the value of all the rights he has purchased. The former land-lord continues liable for any arrears due to Government, after crediting the sale proceeds towards the sale.

R. 1783-91—L.
R. 59-16-2, d.
14th Sep.
1908.

(ii) Though under Sec. 191, L.R.C., the auction purchaser is liable for all instalments of Land Revenue becoming due subsequent to the date of the sale of the land, a partial or total remission of such subsequent instalments may be given, if the circumstances of the particular case render the grant of such a concession equitable.

Compensation to the purchaser when a sale is set aside.

240. (i) Where exceptional circumstances not affecting the regularity of the sale exist and justify its being set aside, the auction purchaser may be paid a reasonable interest on the purchase amount deposited by him.

1189-86, d. 5th
May 1882; R.
8275—R. M.
494-05-8, d.
17th Sep.
1906.

(ii) Sales properly held should not, as a rule, be cancelled in the absence of any material irregularity or mistake or fraud in publishing or conducting it. Sec. 184, L.R.C., lays down that no sale should 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 thereby. In exceptional cases, rendering the confirmation of a sale inequitable, the Deputy Commissioner may cancel the sale, though otherwise regular, under Sec. 185; but in such a case, there is a provision for the payment to the auction purchaser of a reasonable interest on the purchase amount deposited by him.

R. 1801-9—L.
R. 129-10-8, d.
28th Sep.
1912.

With all these safeguards, purchasers at revenue sales are sometimes inconvenienced and put to appreciable loss, owing to the cancellation of sales for reasons for which they are not responsible. Where this is due to manifest negligence on the part of any Revenue Officer in observing the prescribed precautions and formalities in the conduct of the sale, due notice of the conduct should be taken by his superiors. When, however, the cancellation is based on equitable grounds, the extraordinary powers of forfeiture and sale vested in Revenue Officers under the Code should be exercised to protect the ignorant peasantry from undue loss. As a set off, the auction purchasers at revenue sales enjoy certain advantages, such as simplicity of procedure and security of title, which more than compensate for the liability to an occasional cancellation on equitable grounds. Revenue Officers should bear in mind the seriousness of disturbing possession of land, when once it is given over to an applicant.

Purchaser at a revenue sale not entitled to alienate the property till possession is obtained.

241. (i) The purchaser of a land, sold for arrears of revenue, should obtain possession of the same under Section 187 of the Land Revenue Code through the Deputy Commissioner.

2430-97—P. F.
11-98, d. 21st
Sep. 1898.

(ii) Before such possession is obtained, he is not entitled to alienate it to others.

(iii) A claim to recover possession of land sold for arrears of revenue is one falling under clause (c) of Section 221, Land Revenue Code, and is not cognisable by a Civil Court.

Revenue sale not affected by a previous Civil Court sale.

5868-71—P. F.
29-97, d. 8rd
Jan. 1898.

242. If the notice of attachment in regard to the sale of a land held by a Civil Court is not given to the Revenue authorities and the proclamation of the sale not fixed in the Deputy Commissioner's office as required by the Code of Civil Procedure, the Civil Court sale does not vitiate the revenue sale.

Property sold for arrears of revenue to be accurately estimated.

4508-15—P. F.
47-98, d. 4th
Jan. 1899; R.
3692—R. M.
829-06-4, d.
8rd Dec. 1910;
R. 1616—L.R.
505-11-4, d.
19th Aug.
1918.

243. (i) Revenue officers should satisfy themselves that the property to be sold for arrears of revenue are fairly and accurately estimated and never under-estimated. The insertion of a long value or misstatement not only affects the jurisdiction of the officer conducting the sale, but also misleads possible bidders from offering adequate prices or from bidding at all. (I. L. R. 20, Allahabad, page 412). Any such under-statement or misstatement is a proper ground for setting aside a sale.

(Appeal No. 104 of 1911-12.)

7711-18—P. F.
70-99, d. 27th
April 1900.
(Also Rule 98,
L. R. R.)

(ii) Shekdars should not be entrusted with revenue sales, where the aggregate value of the property notified for sale exceeds Rs. 100 even though the value of each of the survey numbers or lots comprised in the property does not exceed Rs. 100.

Confirmation of sales.

489—P. 112,
d. 1st Dec.
1891.

244. (i) Officers competent to confirm sales should satisfy themselves that the intended sale of lands (particularly coffee lands) is properly published in all the neighbouring villages.

(Appeal Petn. No. 574 of 1890-91.)

1820—P. F.
85-01, d. 10th
Jan. 1902.

(ii) *Belated cancellations.*—Cancellation of the sale of a land for default of payment of arrears long after its confirmation is improper.

(iii) *Sales to be confirmed as soon as possible.*

Officers conducting the sales should, in cases where they are not competent to confirm them, submit their reports to their immediate superior without delay, and the latter should dispose of the case within three months from the date of their submission. This procedure prevents (a) unnecessary delay in the confirmation of sales, (b) inconvenience to parties, and (c) loss of revenue to Government.

R. 8184-42—L.
R. 497-09-1, d.
11th Nov.
1910.

(iv) *Collusive sales.*—A sale purporting to be of the nature of a collusive transaction should not be confirmed.

R. 6545—L.
R. 176-18-2, d.
3rd Dec. 1919.

(Appeal No. 12 of 1918-19.)

(v) *Form for intimating confirmation of sales to purchasers.*

The form given in Appendix XVIII should be adopted for intimating the confirmation of sale to the purchaser of a land sold for arrears of revenue.

R. 7108-18—L.
R. 920-40-4, d.
10th Feb.
1905.

Other instructions regarding sales.

245. (i) If a sale is not adjourned but closed on a particular date, the land should not be re-sold without a sale proclamation again.

7108—P. 181,
d. 15th Sep.
1891.

(ii) There is no provision in the L. R. Rules which renders compulsory the entry in the *Harajpatti* (sale list), of the estimated value of the lands sold, nor is the omission of such entry a material irregularity within the meaning of Sec. 184, L. R. C.

Pet. 1826-35,
d. 11th Feb.
1902.

(iii) When statutory provisions enjoin the holding of a summary enquiry for eliciting material points in a revenue sale case, the omission to hold such enquiry renders the subsequent proceedings null and void.

R. 1698-701—
L. R. 808-09-4,
d. 23rd Aug.
1919.

(iv) The discretionary power vested in Deputy Commissioners by the last clause of Sec. 185, L. R. C., should be exercised, where the price realised at the sale is grossly inadequate.

R. 10871-9—L
R. 428-08, d.
9th June
1908.

(Appeal No. 37 of 1908-09.)

(v) Revenue Law does not expressly prohibit defaulters from bidding at revenue sales.

(Appeal No. 7 of 1908-09.)

(vi) Resumption of a *khate* land for arrears, simply because there are date trees on it is wrong. It should be

6532-90—C.
196, d. 2nd
Sep. 1920.

sold, subject to the existing conditions for the preservation of trees.

2942—P. F.
275-92, d. 9th
Aug. 1898.

(vii) If a Jodidar tenders the amount of arrears due for his share, prior to sale and the Amildar refuses to receive the same, it is illegal to push on with the sale procedure. Deputy Commissioners should make enquiries to ascertain the truth or otherwise of the alleged tenders in such cases.

Decision, d.
March 1910.

(viii) In alienated villages mortgaged to Government by the Inamdar for a loan advanced to him by Government, the Government act only as mortgagee in possession, and have only the rights of the mortgagor. The demand pertaining to years previous to assumption of the management of the village by Government, becomes time-barred and should not be realised by Government.

(Appeal No. 129 of 1908-09.)

R. 2785-6—
L. R. 541-08-2,
d. 29th Sep.
1909.

(ix) More property than is necessary for the realisation of the arrears should not be sold.

(Appeal No. 52 of 1908-09.)

R. 2895-6—
L. R. 542-08-2,
d. 4th Oct.
1909.

(x) Lands should not be sold for arrears of assessment, when the remission of the arrears is under consideration of a superior authority.

(Appeal No. 120 of 1908-09.)

(xi) A Taluk Head Gumasta is incompetent to hold a sale. The Sheristedar who was in charge of the Taluk was not right in having delegated this duty to the Head Gumasta.

(Appeal No. 50 of 1914-15.)

12729-36—Cir.
269, d. 16th
Feb. 1891.

(xii) The existence of combination on the part of bidders can never be satisfactorily established. It can only be presumed, when the offer is unduly low. Under the Government Order of 1891, Amildars were competent to bid on behalf of Government up to the amount of arrear, if they were satisfied that the land sold was really worth the amount and the bids of others were unduly low; but the discretion vested in them had to be exercised with caution, as the object of the Revenue Rules is merely the collection of revenue and not unnecessary annexation of private property to Government.*

* The procedure in such cases now is to resume the land to Government.

SECTION V.—APPLICATION OF THE PROVISIONS OF
CHAPTER XI, L. R. C.

All sums due on account of the land revenue, forfeitures, cesses, profits from land, emoluments, fees, etc., leviable under the Land Revenue Code or under any other Act or Regulation and all other moneys specified in the section are recovered as a revenue demand or arrears of land revenue (Sec. 193, L. R. C).

Statutory
Provisions.

ITEMS RECOVERABLE AS ARREARS OF LAND REVENUE
(AS LAID DOWN IN OTHER ENACTMENTS):—

246. (i) All loans granted under the Land Improvement Loans Regulation of 1890, all interest (if any) chargeable thereon, and costs (if any) incurred in making the same (Sec. 7, L. I. L. R.).

(ii) All sums due to Government by the owner of a Cotton Mill on account of duties payable by him (Secs. 6 and 7, Cotton Duties Regulation, 1896).

(iii) All duties, penalties, and other sums required to be paid under Chapter IV of the Mysore Stamps Regulation, 1900 (Sec. 48 of the said Regulation).

(iv) Any excess fee found to be payable on an enquiry held under Section 24, Sub-Section (6), Court Fees Regulation, 1900, and any penalty or forfeiture under Section 23, certified to by the Chief Controlling Revenue Authority. (Sec. 26 of the said Regulation).

(v) All money, other than fines, payable to the Government under the Forest Regulation, 1900, or under any rule made thereunder, or on account of the price of any forest produce, or of expenses incurred in the execution of the said Regulation in respect of such forest produce. (Sec. 79, *ibid*).

(vi) All duties, taxes, fines and fees payable to the Government direct under any of the provisions of the Excise Regulation, 1901, or of any license or permit issued under it, and all amounts due to the Government by any grantee of a privilege, or by any farmer under the said Regulation, or by any person on account of any contract relating to the Excise revenue. (Sec. 28, Excise Regulation).

(vii) Any of the following moneys, *vis.*, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or a lessee under an award of a referee,

the cost of the performance under the Mysore Tramways Regulation by the Government or by a local authority or road authority of any work required by the said Regulation, or by an order, to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and reinstating a road under the Regulation. (Section 36, Mysore Tramways Regulation, 1906).

N.B.—This section does not authorise the arrest of the promoter or lessee or his surety, in execution of any process issued by the Deputy Commissioner.

(vii) Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under Secs. 21 and 22 of the Police Regulation, 1908 (Sec. 23, *ibid*).

(ix) All moneys due by a person to the Tank Fund under Section 10 of the "Tank Panchayet Regulation, 1911" (Sec. 17, *ibid*).

(x) Arrears of rent or revenue due from tenants in respect of property, belonging to a Muzrai Institution (Sec. 19, Muzrai Regulation, 1913).

N.B.—(a) Sec. 25 of the General Clauses Regulation, 1899 enjoins that Secs. 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines apply to all fines imposed under any enactment, rule or bye-law, unless the enactment, rule or bye-law contains an express provision to the contrary.

(b) All sums due on account of any tax imposed in the form of a rate on lands or buildings or on both, are, subject to prior payment of land revenue, if any, due to Government thereupon, a first charge upon the building or land in respect of which such tax is leviable. (Secs. 68 and 87, Mysore Municipal Regulation, 1906).

(c) Subject to the prior claim of Government in respect of land revenue or any money recoverable as land revenue, or of a land-lord in respect of rent or money recoverable as rent, a registered Co-operative Society is entitled, in priority to other creditors, to enforce any outstanding demand due to the Society from a member or a past member:—

(i) In respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure upon the crops or other agricultural produce of such member or person at any time within eighteen months from the date of such supply or loan.

(ii) In respect of supply of cattle, fodder for cattle, agricultural or industrial implements or Machinery, or raw material for manufacture, or of the loan of money for the purchase of any of the foregoing things upon any such thing so supplied, or purchased in whole or in part from any such loan, or any articles manufactured from raw materials so supplied or purchased. Sec. 19, Mysore Co-operative Societies' Regulation, 1918.)

CHAPTER XIII.

PROCEDURE OF REVENUE OFFICERS:

In all official acts and proceedings, a Revenue Officer is subject to the direction and control of the officer to whom he is subordinate. (Sec. 195, L. R. C.) Statutory Provisions.

Every Revenue Officer not lower in rank than a Deputy Amildar or an Assistant Superintendent of Revenue Survey in the respective departments has power to summon persons to give evidence and produce documents. (Sec. 196, L. R. C.)

Witnesses may be examined by commission under certain circumstances. (Sec. 197, L. R. C.)

Information as to (a) what particulars a summons or notice should contain, and (b) the mode of service thereof, is given in Secs. 198 and 199, L. R. C.

Procedure to be adopted in a formal inquiry is described in Secs. 201 and 202, and that relating to a summary inquiry in Secs. 203 to 209, L. R. C.

An enquiry which the L. R. C. does not require to be either formal or summary may be conducted by Deputy Commissioners or their Assistants personally, or by reference to the Amildars. (Rule 101, L. R. R.)

The procedure to be adopted in such inquiries is also described in the same rule.

HEARING PARTIES IN REGULAR CASES.

247. (a) The practice of hearing the parties in regular Revenue cases in person or by agent, after due notice of hearing, should invariably be followed, and the fact of having done this should be noted in the judgment or order passed by the presiding officer. 8047, d. 11th
1 sec. 1877.

(b) *Hearing parties in cases of a miscellaneous nature.*

When cases of encroachments of agricultural lands by raiyats through ignorance of the boundary of their own

P 2

holdings are heard by competent Revenue officers, the parties concerned should invariably be served with written notices.

Form of summons for witnesses in Revenue cases.

8197-206—R.
1115, d. 21st
Sept. 1896.

248. The form of summons for witnesses in Revenue cases prescribed by Government is given in Appendix XX. It should be adopted in all the Revenue Courts and Departments of the State.

Presence of parties at Jamabandi.

1209-16—P.
148, d. 27th
July 1897.

249. The presence of the parties should be secured at the time of Jamabandi by giving them a written notice, and they should be heard before penal provision is enforced against them.

Miscellaneous points.

6727-34—P.
878, d. 19th
June 1898.

250. (i) If any one does a wrongful act which results in Government assessed land being rendered unfit for occupation and cultivation, the proper course is for the Revenue Officers to take action to have such obstruction removed and to punish the offender for his unauthorised interference with Government land.

6745-52—P.
887, d. 20th
June 1898.

(ii) The Assistant Commissioner in charge of a taluk should invariably be kept informed of the proceedings taken by the Deputy Commissioner in order to prevent counter-action being taken by the Assistant Commissioner, and to give him every opportunity of acquainting himself with all that transpires within his jurisdiction.

Appearance of legal practitioners in Revenue Courts.

R. 6458-66—
L. R. 398-12
10, d. 16th
Feb. 1914.

251. Parties should be allowed to appear by *Advocates or Pleaders*, if they so desire, in the following cases, including appeals:—

- (i) Cases falling under Sec. 221, L. R. C.
- (ii) Regular suits under the Village Offices Regulation.
- (iii) All other cases in which a formal enquiry has been prescribed under the Land Revenue Code, or any other law.

NOTE.—(i) In any case not coming under the above category, the previous permission of the presiding Revenue Officer should be obtained before legal practitioners are allowed to appear and the Revenue Officer concerned should exercise his discretion according to what is fair and reasonable having regard to all the circumstances to the case.

(ii) Only Advocates will be allowed to appear before the Government, and Advocates or First Grade Pleaders before the Revenue Commissioner.

(*Vide Rule 102 B, L. R. R.*)

Taking thumb impressions of parties.

252. The signature of the deponents is not required under the Land Revenue Code to the memoranda of evidence recorded in formal or summary enquiries. It is unnecessary to prescribe any rules regarding the taking of thumb impressions in such cases. It is however desirable to adopt this procedure as regards the service of processes and petitions presented by illiterate persons and receipt of documents and property from Revenue Courts.

R. 8515-24—
L. R. 713-142,
d. 23rd Sep.
1915.

(*Vide Rule 102, L. R. R.*)

Service of Notices under the Income-Tax Regulation.

253. Deputy Commissioners are authorised to employ the ordinary Revenue Establishment for the service of notices under the Income-tax Regulation in all places other than Bangalore and Mysore cities and the Kolar Gold Field, as a tentative measure.

R. 2068-147—
I. T. 4-20-21,
d. 13th Aug.
1920.

When an application is made by an Inamdar to a Deputy Commissioner or a Sub-Divisional Officer, seeking for help under Section 97, Land Revenue Code, to recover the arrears of rent due to him from his tenant, the Revenue Officer should invariably hold a summary enquiry as required by Section 98, Land Revenue Code.

R. 1698-701—
L. R. 383-09-4
d. 23rd Aug.
1909.

CHAPTER XIV.

APPEALS AND REVISION.

Statutory
Provisions.

The general rule is that an appeal lies from any decision or order passed by a Revenue Officer to his immediate superior, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not. But no appeal lies to Government from an appellate decision or order passed by the Revenue Commissioner, except on a point of law or usage having the force of law. (Sec. 210, L. R. C.)

The Government may, however, withdraw at any stage any appeal or class of appeals pending before the Revenue Commissioner, and dispose of the same, or re-transfer the same for disposal to the Revenue Commissioner. (Sec. 210 A, L. R. C.)

No appeal should be brought after the expiration of 30 days, if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner or a Superintendent of Revenue Survey in their respective departments, nor after the expiration of 90 days in any other case.

N.B.—In computing the above periods, the time required to prepare a copy of the decision or order appealed against should be excluded (Sec. 211, L. R. C.)

An appeal presented after the prescribed period of limitation therefor may be admitted, if the appellant satisfies the appellate authority that he had sufficient cause for not presenting the appeal within the period. (Sec. 212, L. R. C.)

The appeal petition should invariably be accompanied by an authenticated copy (or the original itself) of the decision or order appealed against. (Sec. 214, L. R. C.)

Government and the superior officers of the Revenue and Survey Department have powers to call for and examine the records of cases and proceedings of their subordinates and to modify, annul or reverse the decision or order of the subordinate officer. (Sec. 217, L. R. C.)

Appellate authority not to refer appeals for orders of higher authority.

254. An appeal preferred against an order of a Sub-Division Officer should be disposed of by the Deputy Commissioner, according to law, leaving the aggrieved party to prefer an appeal to higher authority, if he chooses. The Deputy Commissioner should not make an *ad interim* reference to Government for a revision of the order passed by a predecessor of his.

204—P. F. 48-
64, d. 14th
Aug. 1903.

Grant of Copies of records in Revenue Appeals.

255. (a) The following instructions are issued for guidance in dealing with applications for copies of records in Revenue appeals and petitions presented to Government :—

4084—Pet.
864, d. 12th
Oct. 1896.

(1) Copies of the following papers may be granted, on application, to parties interested. —

(i) Petitions presented by the parties or by persons through whom they claim

(ii) Depositions of parties and witnesses.

(iii) Mahazars.

(iv) Sketch or plan.

(v) Documents finally accepted by the Deputy Commissioner.

(vi) Local officer's report as to the result of personal inspection.

(vii) Endorsements.

(viii) Judgments and decrees in regular cases, and in other cases extracts from orders, so far as they relate to the disposal of the matter complained of.

(2) Copies of reports and other correspondence should not be granted.

(3) As the final orders of Government are communicated to petitioners by endorsements, copies of proceedings and instructions sent to Deputy Commissioners should not ordinarily be granted.

Date of the original document to be invariably mentioned in every extract or copy.

(b) In every case in which an extract is given from an official document, the date of the original document should always be mentioned in the extract, though in the original it may not appear attached to the portion extracted.

255-208-L
R. 828-14-1,
d. 6th Oct.
1914

Time allowed for obtaining copies of records.

R. 16171-8—L.
R. 145-18-1, d.
18th June
1919.

(c) Sec. 211, L. R. C., provides that in computing the period prescribed for filing an appeal, "the time required to prepare a copy of the decision or order appealed against shall be excluded". Under this provision, what has to be excluded, is, clearly, the time required by the officer to whom the application is made for preparing the copy applied for, and not also the time allowed by the applicant to elapse, before taking delivery of the copy prepared. This distinction is not always clearly understood, with the result that sometimes the whole of the period between the date of application and the date on which the party chooses to take delivery is allowed in his favour, in contravention of the provision of law.

To avoid undue delay on the part of applicants to take delivery of the copies, the practice prevailing in the Civil Courts, namely, to inform the person applying for a copy of a document, as soon as possible after the requisite copying sheets are furnished, of the probable date on which the copy will be ready for delivery should be adopted in Revenue offices also; and the date of such notice as well as the date on which the applicant actually appears and takes delivery should invariably be endorsed on the copy.

(*Vide Rule 111A, L. R. R.*)

Notices in Revenue Appeal Cases.

R. 7672-767—
L. R. d. 8th
Feb. 1916.

256. Notices in Revenue appeal cases issued from the Revenue Secretariat for service on the parties are not served on them in time and the originals thereof returned to the Secretariat before the date of hearing. As this retards the speedy disposal of appeal cases, besides causing inconvenience and expense to one or the other of the parties, special arrangements should be made to ensure that notices are served on the parties concerned in time and the originals thereof returned, so as to reach the Secretariat at least a day before the date of hearing.

Powers of revision when to be exercised.

R. 4452—L.
R. 299-12-8, d.
9th Dec. 1914.

257. There is no period of limitation fixed for the exercise of powers of revision concerned by Sec. 217, L. R. C., but unless there are very strong grounds, it should ordinarily not be exercised, after the period allowed for

appeals, especially when the effect is to interfere with title to lands acquired in due (legal) course.

Appellate decision in channel offence cases.

258. An order in appeal by an Assistant Commissioner under the Channel Offence Rules is final. No second appeal is permitted, as the powers of appeal and revision provided for in the Land Revenue Code are not applicable to channel offences.

R. 4756-64—L.
R. 266-11-4, d.
1st March
1918

CHAPTER XV.

REVENUE JURISDICTION.

Statutory
Provisions.

The classes of suits for Revenue claims not cognizable by Civil Courts are detailed in Sec. 221, L. R. C. Suits entertainable by the Civil Courts are mentioned in Sec. 222, L. R. C.

Revenue Officers are not liable to be sued for damages in any Civil Courts for any act bona-fide done, or ordered to be done, in pursuance of the provisions of law. (Sec. 223, L. R. C.)

Punishment or prosecution of a Revenue Officer is no bar to civil remedies. (Sec. 224, L. R. C.)

Government have power to refer questions bearing on Revenue Law for the decision of the Chief Court. (Sec. 226, L. R. C.)

Suits defended by Government should, if so required by them, have precedence over the trial of any other suit or other Civil Proceedings. (Sec. 230, L. R. C.)

CLAIMS FOR POSSESSION OF LANDS.

2490-97—P. F.
11-98, d. 21st
Sep. 1893.

259. A claim to recover possession of land sold for realization of revenue due to Government falls under the category of claims referred to in clause (c) of Sec. 221, L. R. C., and is not cognizable by a Civil Court. The decree of the Munsiff is no bar to Government disposing of the case.

Suits for possession of Service Inams.

6506-18—P. F.
7 of 1900, d.
26th Feb.
1901.

260. Civil Courts are not debarred from taking cognizance of suits between members of the *hakdar* family regarding the possession of service inam lands vesting in the family.

Suits against Government Officers.

4668-79—Cir.
137, d. 25th
Sep. 1888.

261. Procedure to be adopted in such suits is given in Chapter XIII (Pages 80 and 81) of the Manual of General Circulars and Standing Orders.

CHAPTER XVI.

INAMS.

INTRODUCTORY NOTE.

An Inam is a grant by Government for the personal benefit of an individual or individuals, or for religious, charitable, or other purposes, or for service rendered to the State or to a Village Community. Lands so granted are held free of assessment, or subject to a *Jodi* (light assessment) or quit-rent. According to the L. R. O., the term "Inam" or "alienation of land" means the assignment, in favour of an individual, or individuals, or of a religious or a charitable institution, wholly or partially, of *the right of Government to levy land revenue*.^{*}

Definition of Inam.

2. The origin of inams dates prior to 1800 from antiquity. Under the orders of Dewan Purnaiya, a survey ("Akshaya Paimayish," as it was then termed, the survey having been instituted in the Hindu year "Akshaya") was made of all inam lands. This survey was neither accurate nor perfect; still, the results were of some use for purposes of inam settlement. Further, it was not a survey in terms of "acres and guntas" as now, but of "*Bjavari*."

Origin of Inama.

Purnaiya's Inam accounts were prepared "*Isamwar*" and "*Talukwar*", but not for the village; and they constitute the "original Jari Inamti accounts", or a record of valid grants, confirmed by due authority. Purnaiya is said to have restored the inams which had been resumed by Mahomedan Rulers, not on the original terms, but with the imposition of a substantial "*Jodi*". He also granted fresh inams, without exceeding the total old recorded value of the inams.

During his settlement, Purnaiya also dealt with excesses discovered in all personal inams over and above three Kanthirai Pagodas in value. The up-shot of his settlement appears, roughly, to have been the confirmation of inams of the value of about eight lakhs of rupees, with a *Jodi*, however, of about three lakhs.

3. A number of inams were also created during the period 1811 to 1831 during the regime of Maharaja Krishnaraja Wodeyar, III, and large alienations were made, in addition to which a good many

^{*} Formerly, that is, prior to the Commission days, the assessment was being levied both in kind and cash, on the principle that the ruling power was entitled to a certain proportion of the produce of every acre of land belonging to the State. The cultivators of dry lands paid a fixed money rent, calculated to be equal to about one-third of the crop, and those of the wet or rice lands, a payment nominally, in kind, of about one-half of the crop, but generally discharged in money at the average rates of the district, which were adjusted as soon as the state of the crop admitted of an estimate being made of its value. When the Amildar and the raiyats could not agree on the money payment, it was received in kind. (*Vide* "Selections from the records of the Mysore Commissioner's Office").

villages were granted on *kayamgutta* or permanent tenure. Lands, with a rough assessment valuation of 3½ lakhs of rupees, were thus granted as inams, the jodi imposed thereon being only about half a lakh.

4. The grants made by the British Commission since 1831, which may be called the third epoch in Inam History, were few, and were for special purposes, such as, the maintenance of topes, tanks, and avenue trees, and the up-keep of *Chatrams*. The jodi imposed was also substantial. Inams valued at Rs. 82,000 were granted during the period, the jodi being about Rs. 26,000.

5. In 1841, certain inams unsupported by documentary evidence, but recognised, in practice, were newly registered by the Revenue Authorities in accounts, called "Chor", "Swalpa", "Chora Many".* These accounts were later on accepted by the Inam Department. In 1847, however, during the preparation of the "Aval Number"* accounts, some unauthorizedly enjoyed inams were resumed. The recognitions, however, were comparatively large, valued roughly, at about Rs. 63,000, while the resumptions were few.

6. The question of an Inam settlement of Mysore was mooted in 1863; but the Inam Commission was not organised until 1864. This Commission was composed of an Inam Commissioner, a Special Assistant, and three Assistants all of whom were invested with judicial powers, which were however withdrawn, when the department was re-organised in 1872.

7. With the approval of the Government of India, a set of rules were issued in 1868, for the guidance of the Inam Commission, in the investigation and settlement of inams. These rules are based on the theory of the reversionary right of Government, and the governing principle adopted to test the validity of inams was that only such of them were to be confirmed, as satisfied either of the following two conditions :—

(i) The competence of the grantor, irrespective of the duration of the inam, whether 50 or less than 50 years old.

(ii) The duration of the inam for 50 years or more irrespective of the competence of the grantor.

The result of the settlement of the Inam Commission and the history of the various kinds of inams are set forth in the ensuing sections.

8. The following are the various classes of inams :—

I. Personal Inams :—

(a) Inams held for personal benefit.

(b) *Bramhadaya Inams*, including *Agrahar Inams*.

II. Religious (*Devadaya*) and charitable (*Dharmadaya*) Inams.

III. Kodagi Inams.

IV. Service Inams :—

(a) Miscellaneous Service Inams (such as Desponde, Deshmukhi, Deshkulkarni, etc.)

(b) Inams to Artisans and others for services rendered to the village community.

(c) Village Service Inams.

V. Miscellaneous Inams.

Appointment of an Inam Commission for investigation and settlement of inams.

Issue of Inam Settlement Rules.

Classification of Inams.

* *Vide* Glossary.

SECTION I—INAM RULES.

**Original Inam Settlement Rules.*

262. I. All grants of land, either free of tax or subject to a *jodi* (light assessment) and whether supported by *sannads* or otherwise, shall be held to be valid, provided they are registered in Purnaiya's Inamty Account of 1800 to 1810.

Letter No. 122, d. 21st April 1868 from the Govt. of India.

II. Inams granted by the Maharaja Krishnaraja Wadaiyar, III during His Highness' Administration between 1810 and 1831, for which *sannads* and "*niroops*" are forthcoming shall also be held to be valid.

What constitutes the validity of inams.

III. All other inams not falling under the two foregoing divisions, no matter by whom granted, shall also be held valid upon the production of trustworthy "*sannads*," or other genuine documentary evidence of their existence for the last 50 years.

IV. After the validity of the inam has been proved, each case will be disposed of as hereafter explained, according as it belongs to one or the other of the following general classes:—

(a) † Grants or endowments made for the support of religious and charitable institutions, and for the maintenance of persons therein rendering services.

(b) Personal or subsistence grants.

(c) Grants made by former Governments for service in the Revenue and Police Departments, which is no longer required.

(d) Village service inams.

V. All inams, coming under Rules I, II and III which are held by religious and charitable institutions

Treatment of religious and charitable inams.

*Published under Notification of the Inam Commissioner, dated the 14th December 1867. These rules have the force of law.

† "*Devadaya*," "*Brakmadaya*" and "*Dharmadaya*" Inams fall under this category.

The minor divisions into which each of the four classes of inams, (a) to (d) above, is classified are given, with brief descriptions, in Appendix XXI vide Vol. II of this Manual.

Kodagi
Inams.

and by persons therein rendering service, should be confirmed to their present holders, so long as the institutions are kept in good order, and service continued to be performed, according to the condition of the grant.

(a) Inams granted for the construction and repair of wells, tanks, water channels, and such-like works, will not be interfered with, so long as the works are kept in good order, and the terms of the grants are fulfilled.*

VI. All personal inams are to be treated according to the terms of the *sannad* under which they are held.

(a) All inams for which there are *sannads*, vesting the grantee with full powers of alienation and absolute right of disposal granted by competent authorities, such as, the Emperors of Delhi, the Maharaja, and his predecessors on the throne of Mysore, and by other independent Chiefs, the late Peishwas, and the Nizam, and not subsequently resumed or modified, will be confirmed, whether in the hands of the original grantees, their descendants, or alienees, without the imposition of an indemnification fee.

Inams granted by competent authorities vesting the grantee with full powers of alienation will not be subjected to any quit-rent.

(b) Inams for which no *sannads* are produced, or where the *sannads* produced are of an hereditary character, and where the tenure is not specifically restricted, are to be confirmed, to the present holder, and to his heirs, male or female, in direct succession, and to undivided brothers, and cousins, and to persons whose adoptions were made in conformity with the Hindu Law.

Treatment of inams for which there are no *sannads* and those produced are of an hereditary character.

(c) Option, however, will be given to the inamdar to render these grants, perpetual, and alienable, by payment of a quit-rent equal to one-eighth assessment of the entire tenure, irrespective of his position with regard to heirs.

Enfranchisement at a uniform rate of one-eighth quit-rent irrespective of the position of the present incumbent with regard to heirs.

(d) Enfranchisement of these inams in the hands of alienees is compulsory and not optional as in the preceding clause.

Enfranchisement compulsory in the case of alienees.

(e) All other personal inams which are less than 50 years old, and not granted by competent authorities, are to be charged with half assessment without option.

Compulsory enfranchisement at half quit-rent of recent inams less than 50 years old.

*This rule is repealed, as regards Kodagi Inams in Government Villages by Notification No. 869, dated 23rd January 1877.

(f) Indulgence will, however, be shown in cases in which there is a strong presumption in favour of an inam being 50 years old, and where the probability is equal on both sides, the intermediate rate of one-fourth quit-rent will be charged as a special case.

One-fourth quit-rent in special cases.

VII. If the inam was founded on fraud and took its rise subsequent to 1831, it will be resumed, and subjected to full assessment.*

Fraudulent inams will be fully assessed.

But, if the present incumbent was not a party to the fraud, indulgence will be shown by charging his inam with a quit-rent of two-thirds.

Two-thirds quit-rent if the present holder is not a party to the fraud.

VIII. Grants by former Governments in remuneration for services wholly or partially discontinued in the revenue and police departments are of two kinds:—

Treatment of the several descriptions of village service and other grants.

(a) Those which are no longer required, or rendered.

(b) Inams still continued on condition of performing certain services which are seldom rendered, or cannot be made available for any useful public purpose.

Each class will be dealt with according to the following rules:—

(c) Inams granted to "Desamooks," "Desapondia," and such like offices which are no longer required, and where a compromise has already been effected on the abolition of the service, are to be regarded as subsistence grants, to be disposed of according to Rule VI and its clauses. Where no commutation of the service has been effected, the inams of these offices fall under Clause (F) *infra*.

"Desamookhi" and such like grants to be treated as personal.

(d) Inams held for village offices of revenue or police, the duties of which are still required to be performed, will only be registered in the present settlement for purposes of record, but they will be dealt with by the Survey and Settlement Department.

Settlement Department.

* The transfer of a land from inam to Government should invariably be reported to Government for information (No. 9383—Ptn. 1220, dated 29th March 1896.)

4684-144, d.
14th Nov.
1872.

NOTE.—The inams possessed by the minor village servants should not be interfered with. The Inam Department should merely register them showing area, assessment and jodi and the earliest accounts in which they are mentioned, adding appropriate remarks against such as are held without competent authority.

(e) But inams granted to artizans and others for services rendered to the village community, should be confirmed as hereditary grants to the holders, and their heirs, subject to the continued performance of the particular service for which they were granted.

Inams of artizans will be confirmed on their existing terms.

Treatment of grants for service not required or rendered, to be confirmed on rates not higher than half assessment at the option of the Inam Commissioner.

(f) In cases in which service may be no longer required,* or is of a nominal nature, the inam will be confirmed to the holders as a permanent and alienable property subject to payment of a quit-rent not exceeding half assessment.

This quit-rent will be charged in commutation both of the service thus discontinued, and the right of reversion possessed by Government. The mode and the rate of commutation will be determined on a consideration of the nature of the service, and how long ago it ceased to be rendered, or enforced, and the circumstances attending it in each case.

NOTE.—*Vide* decision of Government in Revenue Appeal Case No. 104 of 1902-03 given on Page 53 of this Manual.

IX. In the case of alienation of inams referred to in Rules VI and VII and their clauses, satisfactory proofs are necessary either from entries in the public accounts,

Proof of alienation required; in default liable to full assessment.

*Old classes of Shanbhogs into "Sirkar" and "Sthal":—

1. "Sthal Shanbhogs" are ordinary "village Shanbhogs" and where they exist, perform duties accordingly; this office has been in existence as far back as records exist, and they are village Wattandars.

2. Where there is no village Shanbhog, the Sirkar Shanbhog, performs the duties pertaining to the office of the former.

3. Where there is already a village Shanbhog, the Sirkar Shanbhog appears to help officials, in the Amildar's Office, in respect of the accounts of the villages in his charge.

4. There is no record of how the office of "Sirkar" Shanbhog originated: it appears to have come into existence in the times of the Pallegars (towards the end of eighteenth century), and they were being appointed to check the accounts of the Village Shanbhogs.

5. The Sirkar Shanbhogs have held service land in many of their villages from long periods. (Precis of docket No. 834, dated 22nd October 1877, from the Superintendent, Revenue Survey, to the Survey and Settlement Commissioner, Mysore.)

reliable documents in possession of the inamdars, or from the admission of the original grantees, or their registered documents, or undisturbed possession for the last 12 years. On failure of all proof of the alienee's title, the inams will be fully assessed.

NOTE 1.—(i) Alienations of inam lands made subsequent to the date of the promulgation of the Inam Rules, namely, 14th December 1867, will not be recognised, unless such inams are of the nature described in Rule VI, Clause (a), or enfranchised under Clauses (c) and (d).

(ii) In the case of a *de facto* lapse, the inam should be at once resumed. (Illustration—A, the original grantee or his recognised representative not having powers of alienation, died without heirs after the 14th December 1867, having also since that date alienated his inam with or without consideration to B. Proof of the extinction of the family of the alienor must be clearly shown.)

(iii) In cases in which the *sannad* of the late Maharaja under which an inam is held conveys in its body the powers of alienation, but the words giving such power are omitted in His Highness' autograph, a strained construction should not be put on the latter. The subscribed words should be clear and distinct in order to nullify the powers set forth in the body of the grant. Where there is any ambiguity, the Inamdar should be given the benefit of the doubt.

(iv) The public should be warned that purchases of inams which they may make would be at their risk, unless the Government's claim to reversion therein is compromised.

(v) All service Inams alienated before the 9th September 1835, and for which no service is performed by the alienee, should be enfranchised on half quit-rent.

NOTE 2.—*Mortgages*—(i) If a mortgage deed is dated before 14th December 1867, its validity is recognised, a notice being issued in the usual way to the mortgagor or to his heirs, to come forward within three months from date of notice and file the usual statement, or assent to the claim of the mortgagee. The fact is then recorded in the register and the title-deed made out in the name of mortgagee, with compulsory enfranchisement, if over 30 years' standing. Should the Inamdar's family be reported to be extinct, a notification is issued in the most public manner calling upon any member of the family who may be alive to come forward within three months of the date of such notice, under pain of attachment under Rule XIII: failing which, so much of the inam as is equal in *Beris* to 12 per cent on the original debt is confirmed to the mortgagee, with compulsory enfranchisement the remainder, if any, being resumed and fully assessed. This rule applies only to cases within the limit of 30 years by which the Inam enquiry is governed, as the new law only came into operation on the 1st August 1873.

Ch. Commr's.
No. 949-22, d.
22nd May 1872
Inam Comr's.
No. 83, d. 5th
June 1871.
Secy's. No.
8120-108, d.
5th Sept.
1872.

Inam Commissioner's
Memo No. 1861, dated
14th October 1872.

Secretary's No. 5248-
167, dated 16th Decem-
ber 1872.

Secretary's No. 400-26,
dated 29th April 1872.

Notification by Inam
Commissioner dated 18th
December 1867.

Chief Commissioner's
Order No. 3964-166, dated
17th October 1872.

Govt. of India
Notn. No. 144,
d. 20th July
1871 (Mysore
Gazette, d. 9th
Sept. 1871).

But, if within that term of limitation, the title deed is made out in the name of the mortgagor, the parties should be left to themselves to effect necessary transfer.

(ii) Should any dispute arise, the fact should be noted in the register and the parties referred to Civil Courts, the title-deed being made out in the name of the Inamdar mortgaging it.

(iii) If the mortgaged deed bears date after 14th December 1867, the transaction should be ignored and the inam settled, as if no such deed were in existence. The fact, however, should be recorded concisely in Column 19 in each such case and the title-deed made out in the name of the Inamdar.

R 5155-57—
L. R. 60-07-8,
d. 18th Jan.
1910.

NOTE 3.—Alienation by holders not to be noted in column 15 of the Inam Register. (Appendix XXII.)

Names of subsequent alienees who derive their titles from the gifts made by the original holders of inams should not be entered in column 15 of the said register. It is only the names of persons upon whom the Inam village has devolved in the usual course of descent from the original Inamdar, or in the case of transferable inams, the name of the persons in whom the entire right of the Inamdar is vested that should be entered in the said column. Government recognise such persons only as are entitled to the privileges of an Inamdar, and not of persons having mere proprietary rights as *Kudim* tenants or grantees from the Inamdars.

The right of each *Vrittidar* to hold his *vritti* and exercise all rights of ownership in his share in the inam village is not affected by the entry in the column 15, and it does not therefore give the particular *Vrittidar* whose name is entered in that column any claim to interfere with the enjoyment by the other *Vrittidar* of their *vrittis*, or their liability to pay only their proportionate share of the jodi separately, under Rule 99, clause (c) of the Land Revenue Rules, if their names are omitted from the Inam Register. Some single person should be held responsible for the good administration of the village, the recovery of Government dues thereon, and the maintenance of village accounts to be rendered to Government, and to exercise control over the village in respect of these matters. It is for this purpose that only the principal Inamdar is entered in the register and not others who have merely proprietary rights in portions of the Inam village.

X. The extent and assessment of inams, recorded by the Survey Department, will be invariably adopted in the inam settlement of the surveyed taluks.

Survey, extent and assessment to be adopted in surveyed Taluks.

(a) In case of the Inam Commission out-stripping the survey, the extent and assessment of inams given in the Inam Registers of 1810, or of a reliable subsequent

What extent and assessment to be adopted in un-surveyed taluks.

account, will be adopted, leaving the excess to be charged after actual survey, according to the course laid down in the following rule.

XI. In dealing with excess in inams, all excess over and above the rate of excess discovered in the Government lands of the

Treatment of excess in all descriptions of minor inams.

village plus 10 per cent, will be charged with full assessment.

(a) If the excess above the area recorded in the accounts or in the "sannad" is proved to be within the limits mentioned in the grant itself or a separate "Hud-namah" and where no room for encroachment existed, and if it is also proved to have been in the uninterrupted enjoyment of the inamdar for the last 50 years, it will be regarded as a part of the original inam, and no additional charge will be made even if it happens to exceed the indulgence shown in the preceding clause.

(Vide G. O. No. 21529-30—P. F. 116-92, dated 1st June 1894, for an instance of such a concession.)

XII. The settlement will be made either with the registered holders of the inam, or, where none are registered, with the head member of the family enjoying the inam, who, according to existing practice, is alone considered responsible to Government. But this rule will not interfere with the enjoyment of subordinate shares in the inams by the other members of the family, which will also be recorded on the register.

XIII. *† When the inam has to all intents and purposes been entirely abandoned, there being no acknowledged owner in existence, or, if, being in existence, he omits to come forward to claim it, and when the recorded possessor fails, after due notice, to appear to prove his title, such inam will, in the first instance, be placed under attachment by the Assistant Superintendent, attached to the Inam Settlement, and after the expiration of one year from the date of the notice, will be held to be liable to be fully assessed to the public revenue.

XIV. The quit-rent to be imposed under the rules being a consideration required in return for an extension of rights, will be exclusive of, and in addition to, any jodi with which the land may be already charged; but the additional quit-rent will vary according to the value of the holder's rights, and will be calculated not on

*† This rule was substituted for the original rule by the Chief Commissioner's order No. 2168—Rev. 148, dated the 23rd June 1874.

the full assessment of the land, but on the difference between the full assessment and the jodi already existing, which represents the net value of the land to inamdar.

XV. The minimum rate of quit-rent to be charged will be two annas, and it will not be calculated in terms lower than two annas, when the amount is less than one rupee; it will be charged in terms of four annas for sums between one and five rupees; in terms of eight annas for sums between five and ten rupees; and in terms of one rupee when the due amount exceeds 19 rupees.

Minimum rate of quit-rent, and the mode of calculation.

XVI. Fractions will always be avoided in the quit-rent now imposed and in the process of combining it with a old jodi.

Fractions to be avoided.

XVII. Inams once converted into a permanent and alienable property under the rules, will be subject to no further interference on the part of the Government, except such as may be necessary for the punctual realisation of the quit-rent now charged, or the existing jodi thereon.

Refusal of the redemption of the existing jodi and quit-rent now charged.

XVIII. Inam granted by the Commissioner, with or without the sanction of the Government of India, will be confirmed according to the terms of the grant without any new quit-rent; any excess, however, will be charged full rates minus 10 per cent.

(a) Grants made by the Mysore Government for a certain number of lives, or old inams restricted to one or more lives, will be made permanent and transferable by the payment of one-eighth quit-rent in the first life, one-fourth in the second, and half in the third and subsequent lives.

XIX. The term "inam" is to be understood to apply also to whole inam villages, whether held entirely free of land tax, or on a favorable quit-rent, or jodi, and such villages dealt with upon the same principles as are above prescribed for minor inams.

Interpretation of the term Inam.

XX. On the validity of an inam being established, by inquiry conducted in accordance with the foregoing rules, a title-deed will at once be furnished under the signature of the Inam Commissioner acknowledging the title to the inam on behalf of the Commissioner for the Government of the territories of His Highness the Maharaja of Mysore, specifying in it the nature and terms of the tenure.

XXI. After settlement has been once made by the Inam Commissioner according to the foregoing rules, it shall not be competent for any Judicial Courts of the Province to question the validity of his settlement, or the right to levy the quit-rent, or annual payment imposed in commutation of the reversionary right of Government, and the concession now authoritatively made to make the Inam permanent, heritable and alienable.

XXII. Appeals against the Inam Commissioner's decisions shall be made direct to the Commissioner of Mysore (now to the Government of His Highness the Maharaja of Mysore).

Note.—A specific period within which such appeals should be preferred is not provided for in the above rule. It is since laid down that the appeals should be preferred within a reasonable time, to be fixed in accordance with the provisions of the ordinary law of limitation. Appeals *long after the original settlement* should not be entertained, especially when there are no adequate grounds for condoning the delay.

XXIII. The Inam Commissioner duly authorised by the Government to conduct the Inam settlement shall not be liable to be sued in any Judicial Court for any *bona fide* act done, or ordered to be made, in the official capacity.

XXIV. All quit-rents payable under these rules shall be levied in the manner in which ordinary land revenue is recoverable and the claims of Government to such quit-rents shall have preference over any other debt, demand whether in respect of mortgage, judgment, decree, execution or attachment, or otherwise howsoever, against the lands, or the holder or holders thereof.

XXV. The Inam Commissioner and his Assistants shall exercise the powers conferred upon the ordinary Revenue Courts of the Province under the provisions of the Mysore Revenue Procedure Code (now Land Revenue Code).

Title-deed to be presented to the inamdar in acknowledgment of his Inam tenure.

Settlement as regards the right of Government to levy the annual quit-rent to be questioned in any Civil Court.

Appeals from Inam Comr.'s decisions..

R. 8700-1—L.
R. 462-06-2,
d. 18th Dec.
1907.

Inam Commr. not liable to be sued for any act done *bona fide* done in his official capacity.

Quit-rent how to be levied.

Liability of the Inamdar to payments of irrigation and Local taxes.

XXVI. All Inamdars shall be liable to contribute their quota of the payments levied from all revenue paying occupiers of land, towards the repairs of irrigation channels and tanks under which they hold land, and also towards such other local cesses as may be imposed by competent authority.

Settlement of Ardhamanya lands.

Inam Comm's. Cir. No. 208, d. 6th Feb. 1877.

263. (i) When an Inam village is found to contain a small area of *Government* lands, managed by Government, a title-deed should be issued for the *whole* inam village, excepting, on the face of the title-deed, the Government lands, whether under occupancy or waste.

(ii) A statement should be furnished to the District Authorities informing them of the survey numbers of each village, which are not declared to be inam and whose *Jamabandi* has therefore to be made like other Government lands; and so far as these numbers are concerned, the patel and shanbhog are responsible to Government.

(iii) The above course is applicable only to cases in which a fraction of the village is held and managed by Government, the remainder being confirmed to the Inamdar. When the Government land equals or exceeds one-fourth of the whole value of the village, the interest of Government would predominate and the inam lands should be confirmed in detail as minor inams, unless the whole village was distinctly granted as inam or was prescriptively managed as such, and the Government portions had accrued to Government by subsequent lapse or confiscation of some share or shares. In this latter case, the status of the village as an inam village should not be interfered with, and the Government survey numbers, whether few or many, should be excepted on the face of the title-deed and treated as explained in the first para above.

Relinquishment of Inams.

218, d. 27th Sep. 1870.

264. (i) Partial relinquishments of inams should not be accepted, unless the portion tendered has been separately recognised in the title-deed, or a subsequent sub-division of inams has been made by the Inam Commissioner or other competent authority, apportioning the assessment, jodi and quit-rent in fair proportion, to prevent loss to Government. (*Inam Precis No. 35.*)

(ii) *Amount of jodi to be remitted on relinquished portion.*

When a portion of a personal inam bearing jodi and consisting of an entire survey number is allowed to be relinquished, the reduction to be made in the jodi should not be the amount of full survey assessment of the number relinquished, but only such portion of the jodi as the full assessment of the relinquished portion bears to the full assessment of the whole inam. The whole inam holding is primarily liable to the whole amount of the jodi charged on it. Permission to relinquish portions of inams cannot be claimed as a matter of right and is only allowed as an indulgence; consequently, remission of the proportion of the jodi due on the relinquished land is all that is admissible. Similarly, when portions of inams consisting of entire survey numbers are allowed to be transferred or sold for arrears, the transferred portion carries with it the proportion of the jodi due on it.

3219-26—R.
590, d. 31st
Aug. 1890.

Settlement of resumed inams.

265. (i) Inam lands which have been partially or wholly resumed by Dewan Purnaiya, but which are still enjoyed free of rent, may be confirmed on half quit-rent on the *zafed* (resumed) portion, plus one-eighth quit-rent on the *Jari* or unresumed part, the circumstances connected with each case being fully recorded in the register.

5161 d. 9th
Jan. 1871;
9, d. 9th
June 1868 (as
modified by
Secy's No.
5373-161, d.
21st Dec.
1873 to the
Inam Comr.
and the
letter's Cir.
No. 25, d.
27th March
1871.

(ii) The above rule does not apply to resumed lands already paying full assessment.

(iii) When the resumed inams already bear a *Kanike* or *Jodi*, the quit-rent should be charged upon the difference.

Minor Inams in resumed inam villages.

266. When a jodi or other inam village is resumed, minor inams granted by the Inamdar of the village after the grant to him by Government, are not recognised. Such minor inams cease with the termination of the inam tenure of the village.

321-9, d. 17th
April 1894.

Grant of fresh inams in lieu of the original lands.

267. If an Inam land is rendered unfit for cultivation by the flow of the *kodi* water of a breached tank,

4030—R. F.
174-92, d. 10th
Sep. 1892.

or other natural cause, grant of a fresh inam in its stead is not permissible, as the original inam was not rendered unfit for cultivation *by an act of Government*.

Resignations of whole inams.

Inam Comr's
Cir. No. 213,
d. 27th Sep.
1870.

268. Where inams *enfranchised** or *unenfranchised* are resigned by the holders of their own accord, such relinquishment may be accepted. The relinquished land should not be considered as inam. The title-deed issued by the Inam Department should be returned to the Inam Commissioner for cancelment and necessary correction made in the Inam Register. A like course should be pursued in the case of inams purchased at public auction by the Government.

Transfers of enfranchised inams.

14054-92—R.
F. 227-92,
d. 20th Feb.
1898.

269. (i) The provisions contained in the Revenue Rules regarding transfers of Government lands are applicable to all enfranchised inams. When a transfer or change of registry involves a sub-division of the quit-rent, the same should be made, in accordance with the rules.

(ii) A Register of transfers and changes of registry should be kept in each taluk in the form given in Appendix XXIII; and the orders passed on the application of parties must be communicated to the village officers for necessary entries being made in the accounts.

(iii) In the case of unenfranchised inams, each change of registry should be reported for the orders of Government.

* Enfranchisement of an inam is the acquisition, by the Inamdar of full powers of alienation and absolute right of disposal of the inam and other privileges, in consideration of an annual "quit-rent", payable by him to Government.

SECTION II.—PERSONAL AND SERVICE INAMS.

Personal Inams.

(*Vide* Rule VI of the General Rules relating to Inams pages 222 and 223.)

*Kayamgutta villages.**

(1) NATURE OF THESE INAMS.

270. (i) *Kayamgutta* grants proper were tenures intended to promote cultivation under the incentive of a permanent assessment, based on the then existing revenue. They should be distinguished from grants assessed with arbitrary rents, more or less favourable to the grantees. The *Kayamgutta* villages were granted on *Shraya* (Progressive assessment) tenure, the *gutta* attaining its maximum in the course of three or five years.

(ii) *Sthal kayamgutta* or *Mahal jodi villages* were inams that were subsequently resumed by Tipoo Sultan or other Ruler, but were again continued, without a formal grant or entry in the accounts; they also include villages which the holders were allowed to continue to enjoy on a fixed assessment, under the authority of the minor taluk officials, pending a formal enquiry into their validity.

(2) TREATMENT OF MAHAL JODI VILLAGES.

(i) "Mahal Jodi" villages which came into existence subsequent to 1831 should, unless otherwise specially sanctioned by Government, be treated under Rule VII and its clause.

(a) Those which are older than 50 years are valid under Rule III.

(b) Those which came into existence previous to 1831, but are of less duration than 50 years should be continued under clauses (e) and (f) of Rule VI.

(ii) (a) *Kayamgutta* villages were granted by the *Fousdars*, who had the authority of Maharaja Krishnaraja Wadiyar III, whose *nirups** were obtained and copies of which were furnished to the *guttadars*, before putting them in possession of their villages. No *kayamgutta* village was granted between 1810 and 1831, without the late Maharaja's authority.

Inam Comr.'s No. 26, d. 30th June 1868, to the Secy. and letter No. 2568 — Rev. 44, d. 31st July 1865 to the Inam Comr.

Letter No. 869 — R. 5, d. 10th April 1877, from the Secy. to the Chief Comr. of the Govt. of India, Foreign Dept.

Secy.'s No. 2568-44, d. 31st July 1868, Inam Comr.'s Pro. No. 8, d. 20th Sept. 1869.

Para II of Inam Comr.'s letter No. 26, d. 30th June 1868, to the Secy.

**Vide* Glossary.

Secy.'s letter
No. 2568-44,
d. 31st July
1868, to the
Govt. of
India.

(b) None lower than a *Fouzdar* duly authorized by the Maharaja was competent to make such grants.

(3) INVESTIGATION INTO THE VALIDITY OF THESE TENURES.

143, d. 25th
Aug. 1877,
6207—Rev.
133, d. 27th
Sep. 1877.

A list of *kayamgutta* villages was prepared in the late Dewan Cutcherry, soon after 1831. The terms of the title-deed were settled as follows:—

(i) after enquiry was held into the following points:—

(a) The grounds on which the village was entered in the list;

(b) When, by whom, and on what terms the grant was made;

(c) The items of revenue made over;

(d) The party to whom the village was originally granted; and

(e) The manner in which it passed into the hands of the present holder.

(ii) If, after the necessary investigation, the village was found to have been held on proper authority, and the tenure appeared not to have originated in fraud, the village was confirmed as a *Kayamgutta* holding, on the existing *gutta* amount, free of additional payment, and recognised as a *permanent, heritable and transferable tenure*. If otherwise, the village was treated as—(a) a *jodi inam*, subject to payment of adequate quit-rent (equal to one-half of its net value) having regard to the length of enjoyment; or (b) as a Government village, subject to full assessment, according to the circumstances of the case. A title-deed was issued in the case of each village thus confirmed.

NOTE.—The expression “net value of a *Kayamgutta Inam*” means the survey valuation minus the *gutta* amount.

(iii) Where the grants though held on good title, such as, *sannads* from Maharaja Krishnaraja Wadiyar, III do not appear to have been based on a proper enquiry into the value of lands, but to have been given simply as *gifts* for the *personal* benefit of the grantees, they were treated as personal inams and enfranchised on the rates of quit-rent provided for in the Inam Rules.

(iv) The *Shraya* grants, made with the view of bringing waste lands under cultivation, were generally intended to be converted into *Kayamgutta* on their reaching the maximum rent; but until this was actually done by a formal

2765-76—R.
490, d. 5th
Sept. 1879.

order, the title to such a *Kayamgutta* tenure was not complete, for the assessment was liable to further examination and revision, on the occasion of issuing such final order. Such villages were, however, regarded as *de facto kayamgutta* tenures. But owing to their defective and incomplete title, they were charged with an additional assessment equal to one-half of their net value and converted into valid *kayamgutta* tenures at such enhanced rent.

NOTE.—Such additional half assessment must invariably be charged in every case of a *de facto kayamgutta* tenure, the title to which is incomplete on account of the absence of a formal *kayamgutta sannad* by the late Maharaja himself.

(v) The village should be surveyed by the Survey Department for determining the value for the purpose of securing a proper basis for the assessment of local and irrigation cesses.

(vi) The procedure laid down in the Inam Rules for the attachment of Inams is also applicable to *kayamgutta* villages.

Secy.'s No.
7006-14-8, d.
29th Oct.
1877.

Brahmadaya inams.

AGRAHAR INAMS.

271. (a) *Definition.*—An “*Agrahar*” is ordinarily a grant of houses for the residence of Brahmans, with an endowment of lands or other income for their maintenance. The grant is for the benefit of the grantees, who, in return, have to pray for the prosperity of the grantor and his family.

(b) *Conditions on which Agrahar Inams are granted.*

(i) The grantees should keep up the *Agrahar* and arrange for the houses being tenanted by themselves or other Brahmans; and though they are allowed to alienate the endowments, i.e., the houses as well as the lands, they can so alienate them *only to Brahmans*.

(ii) In the case of *Agrahar* grants made by Maharaja Krishnaraja Wadiyar III, the service, though it is understood to be merely, nominal should continue to be performed; and the *Agrahars* that is, the Brahmin residences with the endowments attached, should also be maintained in efficiency in commemoration of the grantor. *Agrahar* Inams should therefore be settled on the aforesaid principles and construed with reference to their

5199-90—Rev.
886, d. 7th
Jan. 1880.

general character and not with reference to the wording of the *sannad*.

(iii) Powers of alienation with the restrictions above referred to are inherent in these grants and may be recognised in regard to all of them, irrespective of the fact of their being expressly provided for or not in the *sannads*.

(iv) Houses are not essential appendages of these *Agraharam* grants. Grants of houses may sometimes be made under the name of *Agraharams* without lands attached to them, or lands may be given without houses being built.

R. 1680—R.
M. 77-06-3, d.
2nd Sep. 1907.

NOTE 1.—The order of 1880, above referred to does not apply to Agrahar Inams settled under the terms of clause (c) of Inam Rule VI, prior to the issue of the said order.

3790-14—P. F.
15-1900, d.
19th Nov.
1900.

NOTE 2.—*Residence in Agrahar to be enforced, if required by the terms of grant.*

The terms of the grant should be strictly enforced and the *vrittis* compelled to reside within the limits of the Agrahar village. If representatives of more than half a *vritti* live in the village, the others may remain elsewhere, if such concession is not inconsistent with the original grant. Temporary absence elsewhere is excused, if they keep a house in the Agrahar. Inamdars defaulting and persisting in such default, render their *vrittis* liable to be resumed; and the Deputy Commissioner should hold such *vrittis* under attachment, till such defaulters provide themselves with houses in the Agrahar and reside in them.

NOTE 3.—For rules regarding the settlement of *Agrahar* Inams in the Sringeri Jahgir, *vide* pages 220 and 221 of Volume III of this Manual.

MALNAD INAMS.

Introductory
Note.

The term "*warg*" was used in the malnad to signify a single holding, that is, all lands covered by one and the same *patta*. The "*warg*," however, unlike the modern *patta* comprised fields of not only one village, but also those of others situated conveniently side by side. Each *warg* contained also different kinds of soil and also different tenures, and all these were not assessed separately, but a fixed amount was levied for the whole extent.

In some cases, the Inamdar and *wargdar* were identical, while in other cases, they were different. In the latter cases, the Inamdars were remunerated by the *Wargdar*. At the time of settlement of the malnad inams, it was found that no boundaries existed to mark the *sirkar* and inam lands respectively, and that the accounts merely contained a remark that "out of certain assessment a portion is *sirkar* and a portion alienated." A special scheme of settlement was therefore necessary in the case of malnad Inams. The rules stated in paragraph 272 were accordingly issued for commuting, into a cash payment from the Treasury, or into a *pucca* land inam, the right of Inamdars over *wargs*.

Chief Com-
mr.'s Note, No.
169, d. 23rd
Oct. 1873.

On and after the date of settlement by the Inam Superintendent, the claims of all Malnad Inamdars on the *Wargdar* (in cases

where the Inamdar and Wargdar are different and the former is not in possession of the inam land) shall cease absolutely, a cash payment equivalent to the difference between the full value of the inam and the jodi, if any, as set forth in the accounts being confirmed and certificates issued in the form of Muzrai title-deeds. The amount is paid to the Inamdar from the Government Treasury.

COMMUTATION INTO CASH INAMS.

272. (a) All connection whatever between the Inamdar and the *wargdar* absolutely ceases from the date of such confirmation.

(b) Cash inams confirmed are heritable, under the restrictions imposed by the Muzrai Rule VII, Clause 3. They may not be sub-divided, though no hindrance exists to the employment of co-sharers. The name of the head member of the family should alone be entered in the accounts. The cash payments are not liable to quit-rent; but if they are commuted into land, Land Inam Rules are applicable thereto.

Para 35 of the enclosure to the Secy.'s No. 5701-127, d. 26th Feb. 1872; paras 5, 6 and 7 of Secy.'s No. 3940-684, d. 14th Oct. 1872.

(c) Cash inams may be so commuted into land at the option of the Inamdar, the selection of the land either from the Government land in the Inamdar's occupation, or from Government waste, rest with the Survey Department.

Para 6 of the enclosure to the Secy.'s No. 774-178, d. 8th April 1872.

(d) Applications for commutation will be disposed of by the Survey Department, at the settlement of the taluk, and the Inam Department shall not interfere therewith.

(e) If land is available, and the Inamdar desire it, commutation may be allowed by the Survey Department to the full value of the Inam, both *Jodi* and *Uttar*. When there is not sufficient land for the whole amount of the inam, the net inam, or the *jari* may be so commuted at the option of the Inamdar.

Para 15 of the enclosure to Secy.'s No. 5701-127, d. 26th Feb. 1872.

(f) "*Chor inams*" confirmed in cash should, in the case of religious and charitable institutions, be reduced by one-half and the remainder allowed, only so long as the conditions of the grant are fulfilled.

Para 10 of Secy.'s No. 3940-684, d. 14th Oct. 1872.

(g) Personal cash "*chor inams*" should be continued in full, during the life time of the incumbent at the time of settlement, but without the option of commutation into land, and the allowance would lapse finally at his death.

Para 2, -ditto-

(h) The commutation into land of cash inams entitled to such commutation will be allowed without reference to the limit of one hundred rupees imposed on Muzrai grants.

Para 11 of Secy.'s No. 3940-684, d. 14th Oct. 1872.

Para 8 ditto.

(k) Cash payments should either lapse to the State or be gradually eliminated, wherever practicable, by conversion into land at the settlement.

Chief Com-
mr.'s No. 189,
d. 23rd Oct.
1873; Pro. 3921
R. 17, d. 19th
July 1875.

(l) From the date of confirmation of the cash inams, the *wargdars* on whose *warg* the inams had been assigned should pay to Government, with their *khists*, the full assessment of the inams. Any payment which the *wargdars* thereafter make to the Inamdars is entirely at their own risk. All the payments made by the *wargdars* should be entered in the Jamabandi accounts and the payments to be made by Government to the Inamdars budgetted for annually, the charge being shown under "Land Revenue Miscellaneous—Malnad Land Inam Payments."

(2) The following paragraphs give a summary of the other instructions that were issued for the settlement of Malnad Inams.

Secy.'s No.
6824-211, d.
27th Feb.
1873; para 5 of
Inam Com-
mr.'s No. 906,
d. 23rd July
1873.

(i) Cash inams confirmed should be entered in a return (Appendix.....) and sent to the District Officer for check, at the annual settlement of the taluk.

Para 7 and
9 of encl. to
Secy.'s No.
774-173, d. 8th
April 1873;—
para 2 of encl.
to Secy.'s
No. 5702-127,
d. 26th Feb.
1873; Secy.'s
No. 6101-177,
d. 31st Jan.
1873, para 3;
and Inam
Comr.'s No.
1196, d. 12th
Aug. 1873.

(ii) Where the inam land is actually in the enjoyment of the Inamdar, whether he is the *wargdar* or not, it should be confirmed to him in the terms of the *sannads* and accounts and under the land Inam Rules, subject to the existing *pagadi**, which will be treated as jodi, the allocation, demarcation, assessment, etc., of the land being reserved to the Survey Department.

Para 9 of the
encl. to
Secy.'s letter
d. 26th Feb.
1873;

Chor inams of this class are governed by the Land Inam Rule VI, Clauses (E) and (F).

(iii) All questions connected with **Hankallu* and **Hadya*, nor distinctly included in the original grant, should be left for disposal by the Survey Department.

Para 6 of the
encl. above.
Para 8 of
the Secy.'s
No. 556-10, d.
1st May 1873.

(iv) No cash payment is granted in exchange for a land inam in the possession of the Inamdar, which may be waste, or which he may for any cause wish to exchange.

(v) Jodi land entered as such in the accounts should be confirmed, subject to the payment of jodi, *but no* Government land, which is not at present inam, can be confirmed as inam.

Secy.'s No
2465-98, d. 6th
Aug. 1872.

(vi) Where the Inamdar, who is *Wargdar*, resigns the *warg*, his inam therein contained, whether *jari* or *chor* should be considered to have lapsed absolutely from the date of his resignation, and should not be revived at any time.

Chief Comr.'s
No. 4081-169,
d. 21st Oct.
1878.

(vii) If the Inamdar and *Wargdar* are different individuals, the following rules apply to dormant inams in waste *wargs* :—

Chief Comr.'s
No. 6969—R.
318, d. 21st
March 1874.

(a) If the inam be valid under rules I, II and III, the net value thereof should be confirmed to the Inamdar, and land of equal value assigned to him at the survey settlement, no cash payment being made in the meantime. If however the *warg* is waste for upwards of 30 years, the claim for revival should be barred.

(b) If the inam be *chor*, non-enjoyment for three years or more bars revival.

Chief Comr.'s
No. 4831-169,
d. 21st Oct.
1878.

(viii) Jodi inams of whatever class should be regarded as having lapsed absolutely, where the jodi has not been duly paid *for the year for which it is due*.

(ix) Land claimed as inam which has been entered in the accounts as Government land, and has been assessed as such for 12 years, should, however authentic the title thereto, be deemed to have been lapsed and treated as *kandayam* lands.

(x) In all cases where a deduction under the head of *nashta* is made in the old accounts from the value of the inam, the same deduction should be adhered to, and the residuary value alone confirmed in the terms of the original entry and condition.

Inam Comr.'s
Order, d. 18th
Feb. 1874.

Service Inams.

GRANT OF FRESH INAMS.

273. (i) (a) When new villages are formed, houses or newly built in *bechirakk* villages and when the revenue derived from the villages is considerable, Government will grant inams for the village servants and for the maintenance of pagodas built therein on a moderate scale.

11582-41—
Pctn. 1097, d.
14th Jan.
1894.

(b) The assessment of all pagoda and charitable

inams, resumed for the non-performance of service, should be credited to the Muzrai funds, in view of their being appropriated for any new grants made.

Devadaya Inams.

RESTORATION OF ALIENATED INAMS.

Notn. No. 266,
d. 17th Nov.
1877; G. O.
Nos. 7704-12—
234, d. 5th
Jan. 1882;
and 1890-8—
Cir. 52, d.
4th July
1887.

274. 1. (i) All inam lands granted to religious and charitable institutions and for the maintenance of persons rendering service therein, should be confirmed and continued to them, as long as the conditions of the grant are duly fulfilled.

(ii) Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale (whether by private contract or by Civil Court or Revenue sale), gift, mortgage or otherwise, the following rules should be observed :—

(a) Where such alienations were made prior to the 31st January 1853, but within 50 years computing the period of possession up to 14th December 1867, the lands or villages so alienated should, if not restored voluntarily by the holder, be confirmed, subject to a jodi of one-half of the assessment (*i.e.*, survey valuation), the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

(b) In the case of alienations made subsequent to 31st January 1853, a notice should be issued to the alienee or alienees, requiring him or them to restore the lands to the institutions, to which they belong, within six months from the date on which the notice is served on the alienee or alienees, or his or their agent or manager, who may be in charge of the lands, and on default of compliance, the lands should be summarily resumed and restored to the institution by the Revenue Authorities, in consultation with the Inam Superintendent.

(c) In the case of a simple mortgage or hypothecation of the inam lands without possession, the transaction should be declared *null and void*, in so far as it is intended to create a lien on the lands, or the lands should be treated as security for the loan advanced.

2. Lands held for 50 years and upwards, with or without titles, computing the period of possession, up to 14th December 1867, should be confirmed to the holders on the terms prescribed in the Land Inam Rules, and

should not be included in the title-deed granted by the Inam Department to the religious institutions.

3. The alienations, whether made in favour of disciples of the institution or others unconnected with it, should be treated alike, and disposed of under these rules.

Note 1.—The above instructions should not be indiscriminately given effect to for the benefit of the inamdars, who are themselves the chief offenders in the matter. The alienation of inams granted for public services of a religious or charitable nature should be prevented; the families of persons guilty of having made the alienation should be removed from their offices and their connection with the institution for which the inams were granted severed. Where the purchasers or the mortgages have obtained the inams through ignorance for a valuable consideration, the inamdars who alienated the inams, or the new nominees to the offices, or the communities interested in the institution should be compelled to make good to the alienees the consideration actually paid by them and a reasonable compensation, before the inam is restored to them. If they do not consent, or are not able to pay the compensation, and the institution is not of such a general public character as to require the intervention of Government for its protection, the lands alienated should be resumed and brought under full assessment.

Note 2.—The alienation of a religious inam by a Civil or Revenue sale does not differ from that by private contract. Deputy Commissioners must resume and restore the inam land to the religious institution to which it belongs.

Resumption of inams for failure of service.

275. In the case of temples or other religious and charitable institutions in which the public are interested and which are not the private property of the managers, even though originally founded by them, failure to keep up the institutions in proper condition should not lead to the resumption of their inams or other public endowments, but to the displacement of managers by others who are likely to conduct the institutions in an efficient manner. The new managers and the public interested should be called upon to repair the buildings and restore the institutions to a proper condition by public endowments and private contributions, where necessary. Any stoppage or reduction of sanctioned expenditure which may be unobjectionable, may be sanctioned by the Deputy Commissioner, so that the savings may be appropriated towards the buildings. Where such arrangements cannot be made for restoring the institution to an efficient state, or where it is private property, the inams and other endowments

3233-42—R.
544, d. 26th
Sep. 1870.

made to it by Government should be resumed for failure of service, with the sanction of Government.

Resignations of Devadaya Inams.

980—R. 51,
d. 4th July
1877.

276. When an inam land is confirmed in the name of an institution, the *Archak* who is a mere servant of the temple has no right to make over the lands to Government. He should merely resign his service, if he does not want to continue as *pujari*. On the application of the villagers, some other person, whether a member of the late *Archak's* family, or another, should be appointed in his stead.

The representatives of a temple are not the *pujaris* or worshippers, but the recognised managers of the institution, or the inhabitants of the village in which it is situated.

Umbli Inams.

8590—R. 609,
d. 9th Sep.
1879.

277. (a) *Definition.*—“*Umbli grants*” are subsistence grants given to persons from whom generally some service, real or nominal, is expected.

(b) *Treatment of these inams.*—(i) Where such *umbli* service is simply nominal, the inams may be treated as personal grants. But, where they are granted to the near relations of the Maharaja, the conditions incidental to the tenure should not be altered by the Inam Settlement.

(ii) *Umbli grants* of villages to the near relations of Maharaja Krishnaraja Wadayar, III, actually in their enjoyment, should be confirmed to them on their existing *umbli* tenure which carries with it the obligation of attachment and allegiance to the Maharaja, even where no particular service is expressly specified; such grants should not be enfranchised or rendered alienable.

(iii) *Sannads* granted by Maharaja Krishnaraja Wadayar, III are to be construed by the general tenor of the whole document, rather than by the phrases used in any particular part of it. Where powers of alienation appear to be clearly and intentionally conveyed, and to have been acted upon, such cases may be exceptionally disposed of as alienable grants. In all other cases, the conditions of the *umbli* tenure as inalienable should be adhered to.

(iv) Cases where the *umbli* villages have already been alienated, and are in the possession of the alienees

should be submitted to Government for orders on their merits.

Desamukh Inams.

278. (i) In the case of inams, granted by Dewan Purnaiya on clearly stated conditions of service at any time since Purnaiya's affirming the grant, or within 50 years, and whose release from the conditions of service has not been declared by a competent authority, and which conditions are liable to be called into activity again the rate of quit-rent, should, under Inam Rule VI, Clause F, be one-fourth.

9125—R. 238,
d. 25th Feb
1875.

(ii) Cases in which the inamdars are proved to have rendered service within 50 years should be settled under Inam Rule VIII (F).

Recognition of pateli umbli lands as service inams.

279. There were 32 superior *pateli* inams in the Manjarabad Taluk, one belonging to the *Mokhtesar patel*, three to *Nad Patels* and the remaining 28 to *Mande Patels*. The Survey valuation of these inams (inclusive of certain cash payments in the case of unidentifiable lands) amounted to Rs. 596-12-0. On the ground that these inams were originally granted for certain services no longer required, or only of a nominal character, the Inam Superintendent enfranchised them, subject to the payment of half quit-rent, amounting for the whole taluk to Rs. 285-8-0.

1148-51—16, d.
1st May 1899.

In view of the important services rendered to the State by this class of patels, and their local influence and general usefulness, their inams are continued *in full* as service inams, and the patels regarded as Public Servants, liable to be called on for service in the Police, Revenue and other Departments of the State on any occasion of emergency. The conditions of the *sannads* granted to them by Sir Mark Cubbon in January 1844 (*vide* Form No. 2 of Appendix V) continue to have full force and effect.

Non-performance of artisan service.

280. (i) Inams granted to artizans, such as, black-smiths, carpenters, etc., for services rendered to the village community differ in their nature from inams granted to

6928-9—R. F.
216-93, d. 16th
Dec. 1893;
5583-93—Pat.
1220, d. 29th
March 1896.

village officers, and are protected from alienation. On failure of an incumbent, the artisan inams should not be transferred to another; nor could the alienee of the inams be compelled to render the services, under Section VIII (E) of the Original Settlement Rules. These inams were confirmed as hereditary grants to the holders and their heirs, subject to the continued performance of the service for which they were granted. On proof of non-performance of the service, the inam tenure should be cancelled and the lands fully assessed and treated as ordinary *kandayam* lands.

Alienations of Village Service Inams.

ary
ions.

The term "Emoluments of Village Officers" is defined in Sec. 3, V. O. R. According to Sec. 5 of the same, these emoluments are not liable to be transferred, partitioned or encumbered in any manner whatsoever, and it is also not lawful for any Court to attach or sell such emoluments or any portion thereof.

*In the case of lands not assigned as emoluments, the right of transfers, partitions or encumbrances between different members of a *hakdar* family is, however, not affected.*

The action to be taken in respect of alienations, contrary to the above provisions is described in Rules 26 to 29 of the Rules under the V. O. R.

3964-166, d.
17th Oct.
1878.

281. In the case of service inams, mortgages or alienations made prior to 9th September 1835 are alone recognizable.

All service inams alienated before the said date and for which no service is performed by the alienee, are enfranchised on half quit-rent.

Procedure in cases of unauthorised alienations.—

7. 4221-91—L.
R. 896-08-16,
d. 26th Oct.
1908.

282. The following measures should be adopted when Service Inam lands are unauthorisedly alienated, whether by sale, mortgage, transfer, or relinquishment (either absolutely or *in favour of others*) and *darkhast*.

(i) Cases of alienation by absolute relinquishment and *darkhasts* are of two kinds:—

(a) Where the transactions is *bona fide* and the interval between the relinquishment of the service inam land by its holder and its subsequent acquisition by himself or by others in *darkhast* proceedings is sufficiently long to preclude any suspicion of collusion between the holder of the Service Inam lands, the *darkhastdar* and the village officials, the relinquishment must be considered as

in accordance with Rule XXV of the Potgi Rules* and valid. A note to this effect should be made in the register of service inams, if not already done.

(b) Where the circumstances connected with the transaction are fraudulent and the relinquishment is made only with a view to obtain the land subsequently on *darkhast*, or to facilitate a pre-arranged alienation, and the proceeds realized in the *darkhast* sale proceedings are small, when compared with the intrinsic value of the land.

(ii) Sales by Revenue Officers for arrears of revenue may also have to be left unchallenged for the reason that purchasers plead that they were induced to buy the lands by the auction of the officers of the Government themselves and that the Government revenues, have benefited by such transactions.

(iii) No valid rights can be conveyed by alienations, effected by means of sale whether by parties or by Civil Courts, mortgage, transfer or relinquishment in favour of others referred to in para 1 or by means of relinquishment and *darkhast* of the kind contemplated in para 2 (b) and the alienees can have no just claim for any consideration, as the transactions are contrary to rules and therefore null and void, and any sanction that might have been given by the local officers can be of no avail.

(iv) If village officials are parties to such alienations, their conduct should be suitably noticed, according to the circumstances of each case.

NOTE.—Conversion of the official inam land into an ordinary *Kandayam* tenure is not a proper remedy, in cases of its alienation by sale, mortgage, or transfer. The erring village official and his heirs should be threatened with dismissal, if they allow the official land to continue encumbered and remain in the possession of strangers, who should also be warned that the land is liable to be summarily resumed.

8299-96—R.
F. 244-92, d.
21st Sep. 1896.

Long lease of Service Inams is tantamount to alienation.

283. A lease of the service inam for 30 years, is certainly an alienation, as it keeps out the inam land from the village official's (in the case in question Shanbhog's) enjoyment for that period; it should not be upheld. An

854-61—180, d.
18th July
1896; 3749-3—
R. 660, d. 16th
Sep. 1897; R.
3228-32, d.
16th Feb.
1906.

* Vide pages 30 to 37 of Volume III.

officiator who involves himself in such unauthorized transactions renders himself liable to be removed.

Nature of Inams not changed by the imposition of full assessment.

510—P. F. 10-02, d. 7th Nov. 1903; R. 7706—R. M. 119-05-4, d. 23rd Dec. 1905.

284. (a) The imposition of full assessment does not change the nature of the service inam tenure. It remains a service land, but it is open to Government to enfranchise such lands.

(b) A service inam fully assessed and partly in the enjoyment of a *hissedar* is nevertheless a service inam.

(c) In all cases of alienations of service inams, Government have a right to set them aside, if they consider that such interference is called for.

Alienation of service inam in inam villages.

526—P. F. 81-08, d. 11th Nov. 1903.

285. The service inam lands in a jodi village are subject to the same rules as those in Government villages, and their alienation should not be recognised by Government. Deputy Commissioners should not interfere to impose full assessment on the lands, because they are in the possession of the *alienee*. The lands are assigned for Shanbhogi service, and their enjoyment should be the remuneration for such service. If the *hakdar* shanbhog forfeits his right to the office, or is unable to perform such service, the jodidars may nominate a proper gumasta to whom the lands should be transferred as remuneration. Suitable arrangements should be made and the lands should continue to be attached to the office of shanbhog.

Resignation of service inam lands and the liability to pay jodi thereon.

1994-2002—R. F. 277-92, d. 21st Aug. 1897.

286. (i) Under Rule XXV of the Potgi Rules, the service inam lands can be resigned, when they are entire fields or recognised shares. The effect of this rule is that the fields resigned will be immediately entered in the accounts as Government land and the *jodi* tax payable by the hereditary officer reduced by the full amount of the survey assessment of the relinquished fields.

(Vide also Potgi Rules XXXIV and XXXV regarding the distinction between "a hereditary village officer" and "an officiator.")

(ii) With regard to levying the amount of jodi, in default of its payment, Sec. 156, L. R. C., authorises the forfeiture of the alienated holding ordinarily; but Rule 36, L. R. R., prohibits such a course in respect of service inam and directs the sale of the personal and other movable property of the holder instead. If action in relation to the service inam is deemed necessary in any particular case, special orders of Government must be obtained.

Resumption of Service Inams.

(i) Before sending up recommendations to Government for resumptions of service inam lands for the arrears of revenue due thereon, Deputy Commissioners should satisfy themselves that all the persons interested in the service inam lands have been consulted, to ascertain their willingness or otherwise to pay up the arrears and retain the lands.

R. 11552-68—
L. R. 357-15-2,
d. 10th June
1916.

(ii) The authority competent to grant an inam can alone order its resumption. All cases of resumptions should therefore be reported to Government for orders.

R. 1048-58—L.
R. 333-12-2, d.
30th July
1913.

SECTION III.—KODAGI INAMS.

287. Definition. Kodagi inams are grants of land or of a share of the produce for the up-keep of tanks constructed or restored by private individuals.

Classification of Kodagi Inams.

288. All Kodagi Inams fall under one or other of the following heads:—

Inam Comr's
No. 63, d. 5th
Aug. 1889.

(i) Those in respect of *Kodagi tanks* which were built and transferred to Government, *without the condition of keeping them in repair by the builders*, who obtained the inams in return as a reward.

(ii) Those in respect of *Kodagi tanks* constructed by the ancestors or predecessors of the present holders, the condition of keeping them in a state of repair resting on them.

(iii) Kodagi inams in the hands of people, who or whose predecessors, had nothing to do with the construction of tanks, but were placed in charge of them and

required to keep them in an efficient state, reimbursing themselves from the proceeds of their inams.

(Vide also Selection No. 2 of Govt. Records.)

Settlement of Kodagi Inams.

289. (a) *Where the inams consist of grants of land.*—

(i) Inams granted to private individuals for the "construction and up-keep" of tanks should be enfranchised at one-fourth quit-rent, where the Chief Revenue Officer of the District in which such tanks are situated certifies that the conditions of the grants have been fairly observed and that the tanks are now in use.

Where such certificate cannot be furnished, inams of this class should be enfranchised at half quit-rent.

(ii) Inams granted to private individuals for the *up-keep* of Government tanks should be enfranchised at half quit-rent, where a certificate to the effect stated under Clause 1 is granted by the Chief Revenue Officer of the District.

Where such certificate cannot be furnished, inams of this class should be confirmed to the present holders on half assessment for their life and on their death brought under full assessment.

Note 1.—The expression "Chief Revenue Officer" includes the Sub-Division Officer.

Note 2.—No *Kodagi* inam should be considered as granted only for "up-keep," unless upon distinct and express proof. As a general rule, *Kodagi* inams were granted for "construction and up-keep" and the grant for mere 'up-keep' was very rare. Express proof is required to rebut the presumption that the inam was granted for "*Construction and up-keep as well.*" By the abolition of the then existing system and by the framing of the rules of 1877 which have the force of law, vested rights of persons were interfered with and Government had to accord a liberal treatment to their cases. All cases for which such treatment was claimed, and in which (after a consideration of the entire evidence adduced) there was no proof of a grant for 'up-keep' only were treated as falling under class [i] *supra*.

Note 3.—The cases brought under class [i] were settled at one-fourth or half quit-rent, according to the fairly good order or total disrepair of the tanks concerned, at the time of the settlement, as ascertained by the evidence recorded; but in special cases in which that evidence was impugned, the exact condition of the tanks at the time was ascertained by enquiry from local officers.

Note 4.—Cases not brought forward in time, owing to ignorance, or for want of sufficient notice, were however ordered to be received, enquired into and decided, if the application for revision was made within a year, after the publication of the results of the revision in the pending cases.

9620—R. 48,
d. 20th Dec.
1876; 18108—
R. 571, d. 26th
Mar. 1877.

4704-11—188,
d. 29th Sept.
1888.

(iii) Minor Inams, as *Kere-bandi*, *Kere-kolga** and others of the same kind granted for the petty repair of the earth work of tanks, will be confirmed to the present holders on half assessment for their life, and on their death brought under full assessment.

Note.—This rule does not apply to those cases which have been confirmed on a permanent tenure *prior* to the issue of Notification No. 369, dated 23rd January 1877.

Notn. No. 156,
d. 6th Sept.
1877.

(iv) *Kodagi* inams in rent-free villages, as also in jodi or quit-rent villages, should be confirmed on the existing conditions, if their up-keep rests with the jodidars, subject to such regulations for the due and efficient maintenance of the tanks as may be laid down by the Irrigation Department under the authority of the Government.

(v) Inams granted for the construction of tanks by private individuals, when such tanks were made over to the Government and the up-keep rested with the State, should be confirmed to the holders, without imposing any additional burden on them; but it is optional with them to acquire the powers of alienation by payment of one-eighth quit-rent. When no quit-rent is imposed, the inams may be continued to the holders and their descendants by birth or adoption, as laid down in Inam Rule VI, Clause B.

(vi) The combined quit-rent, including the former jodi to be imposed under the foregoing rules on *kodagi* inams (including *Kere-bandi* and *Kere-kolga*) should be credited to the Irrigation Cess Fund of Districts, the maintenance of *kodagi* tanks having devolved on the State.

Note 1.—The above rules has retrospective effect from 16th September 1874. The object of giving retrospective effect was to include in their provisions of *kodagi* tanks that were resumed since the 16th September 1874.

Note 2.—No investigation is necessary as regards the *kodagi* inams resumed, prior to 16th September 1874.

Note 3.—As regards inams resumed since that date, the certificate as to the condition of the tank is not necessary, as the resumption

* " These inams were granted for the annual petty repairs of tanks. As, however, the system was found practically useless, and the inamdars invariably neglected their obligations, such inams were confirmed to the present holders on half assessment for life, and on their death brought under full assessment." (*Mysore Gazetteer*, 1897 edition, Vol. I, p. 691.)

will be cancelled and the inams continued to the holders for life on half assessment. The very fact of the inams having been resumed is *prima facie* proof of the original conditions not having been fulfilled; no further enquiry under rules I and II is necessary.

Note 4.—The rules for charging excess in the case of personal inams apply equally to the *Kodagi* inams also.

Note 5.—In cases where the Government have accepted the service of the holders, *Chor* and *Sihal Kodagi* inams should not be resumed but enfranchised on the same terms as other *Kodagi* inams.

Note 6.—The above rules for the enfranchisement of *Kodagi* inams apply only to the inams granted in respect of Government tanks and not to those granted for tanks in inam villages. This latter class of inams will be held, subject to the original conditions of maintenance and up-keep attached to the grant. The holder of the inam village has a right to proceed against his *Kodagidar* for any neglect of the *Kodagi* conditions.

(a) *Where the inams consist of payment of shares of produce on certain lands.*

In surveyed taluks, the gross produce should be assumed at seven times the survey assessment of lands (occupied and unoccupied) and the value of the inamdar's share calculated therefrom.

After the value of the inamdar's share has been ascertained as above, it is commuted into a money payment in the first instance under Rule XI of the Rules for the Settlement of Ready Money Grants, option being given to the inamdar of applying for a grant of land in lieu, under clause 2 of the said rule. The quit-rent imposed may be either levied from the land or deducted from the cash allowance.

Rights and liabilities of kodagidars after settlement.

290. (i) The enfranchisement of *Kodagi* Inams releases the *Kodagidars* not only from their liability for the future repairs, but also renders void the previous engagements entered into by them in the prospect of their continuing to enjoy the inam lands undisturbed.

This rule applied solely to *kodagi* tanks in Government villages, though in particular instances where the *Kodagi* inams had been previously resumed by Government, it was ruled that the *Kodagi* inams should be transferred to the holders of the villages, with all the obligations incidental to the *Kodagi* grant. No interference can be exercised in respect of *Kodagi* tanks, situated in inam or *kayamgutta* villages, further than that which has been

18829—P. F.
187-91, d. 15th
Feb. 1894.

1020—R. 88,
d. 20th July
1877.

2905-11—R.
894, d.
19th Aug.
1879; 9006-13-
R. F. 221-92,
d. 20th Dec.
1892.

prescribed for the regulation and control of tanks lying in chains or series.*

(ii) The abandonment of a *kodagi* tank by the Public Works Department does not give the Kodagidara right to the stones thereof. Enfranchisement relieves the kodagidars of their rights and liabilities; no reversionary right to the stones is recognised.

Restoration of resumed Kodagi Inams.

291. A Kodagi inam resumed prior to the issue of the rules of December 1876, on the ground that the tank for the maintenance of which the inam was granted was not kept in an efficient condition, was ordered to be revived and settled under the rules, on condition of the Kodagidar agreeing to restore the tank to an efficient condition at his cost.

12419-148,
d. 6th Feb.
1891.

Bavadi Dasvandams.†

(i) The inams known by this name were granted for the up-keep of certain wells, irrigating Government lands. They are of three kinds, *viz.*—

Secy's Nos.
2173-442,
d. 23rd
July 1872;
782-48, d.
12th May
1878.

(a) Land defined and separately in enjoyment.

(b) Land not defined, but included in a given quantity of *Sirkar* land, without situation of the inam being determined.

(c) A share in kind out of the produce of the lands watered by the wells.

(ii) These inams are registered as per particulars in the accounts and, if valid, are confirmed on existing tenure. If not valid, or given by incompetent authorities, they are resumed, but, the assessment of the resumed lands is not to be levied, till the introduction of the Revenue Survey.

SECTION IV—QUIT-RENT.

292. Quit-rent is an additional levy on an inam, calculated on the difference between its survey assessment

292, d. 13th
Feb. 1874;
2401—Cir. 62,
d. 6th July
1888.

* For control of tanks lying in series, *vide* the Chapter on Irrigation (*Viz.*, XIX) in this Manual.

† These are inams granted for the digging and up-keep of wells, chiefly in some of the taluks of the Kolar District. Formerly, one-fourth of the produce of the lands thereby irrigated was paid to the constructor of a well, as well as his remuneration. But this proportion is not strictly kept up in practice." (*Mysore Gazetteer*, 1897 edition, Vol. 1. p. 691.)

and original jodi, for extension of certain rights to the Inamdar, such as, rendering the inam perpetual, full powers of alienation, and absolute right of disposal of inam and other privileges. The rates of quit-rent are one-eighth, one-fourth, half and two-thirds, according to the circumstances of each case.

NOTE.—An inam, if unenfranchised, would be hereditary only, and, in the event of the failure of lineal heirs to the Inamdar, it would lapse to the State. Quit-rent is the consideration paid to Government to convert it into a permanent and transferable property like any *kandayam* paying lands.

If the *sannads* granted by competent authorities vest the grantee with full powers of alienation and absolute right of disposal, no indemnification fee is imposed.

192-14, d. 10th
April 1874;
Inam
Commr.'s No.
768, d. 6th
May 1874.

NOTE.—In cases in which the Jodi entered in the *Jari* accounts has either been only partially paid, or not paid at all, the inam should be confirmed on the jodi as entered in the *Inamti* accounts with a quit-rent, in addition thereto, of half the difference between the jodi so fixed, and the survey assessment.

*Treatment of cases in which enfranchisement
has been refused once.*

2284-70, d. 1st
Aug. 1873.

293. (i) If an inamdar, who refused enfranchisement at the settlement, wishes subsequently to enfranchise his inam, his application is ordinarily liable to be rejected, except where special grounds exist for its admission.

(ii) When the application is admitted, the former settlement should be cancelled and the title-deed called for from the Inamdar to be destroyed. The case should then be settled *de novo* under the rules in force at the time, and in all such cases the quit-rent imposed for enfranchisement should be levied retrospectively, from the date of the original settlement with compound interest at the rate of 4 per cent.

*Rules for the valuation of whole inam villages for
calculation of quit-rent and local cess.*

292, d. 13th
Feb. 1874.

294. (i) Whole inam villages for which title-deeds were not issued before the 12th October 1872, will be surveyed and valued by the Survey Department, prior to the final settlement of the quit-rent, leviable on such villages.

NOTE.—The words "issued before the 12th October" must be interpreted as referring to the date of the title-deeds and not to the time of their actual delivery.

(ii) The Inam Department should register the inam villages situated in the taluks in which Inam Settlement

operations are in progress, with reference to the information available in the old accounts and Pooniah's *Paimaishi* Registers and fix an *ad-interim* quit-rent on the best existing data, on personal inams and on those of less than 50 years' standing, granted to *Devastnawams*, etc. The *ad-interim* quit-rent so fixed should be paid by the Inamdars concerned, till the permanent amount is settled, after the measurement and valuation of the villages by the Survey Department.

(iii) If the quit-rent, finally fixed under the survey valuation of a whole inam village be less than the *ad-interim* quit-rent, the excess paid by the Inamdar should be refunded to him. If the survey quit-rent exceed the ordinary quit-rent, the inamdar is not required to pay the difference, prior to the final settlement of the amount.

(iv) In cases in which the enfranchisement of whole inam villages is optional, under clause (C) of Land Inam Rule VI, the Inamdar may, if he chooses, decline immediate enfranchisement with the payment of the *ad-interim* quit-rent imposed by the Inam Superintendent; but in this case, the ultimate enfranchisement of the holding, on its valuation after survey settlement, would be conditional on his paying up the quit-rent leviable under such valuation, in arrears, with interest at 4 per cent thereon from the date of the original settlement.

(v) At the time of registration, the holders of whole inam villages should state in writing whether they wish to have a detailed survey or not. In the latter case, a less detailed survey should be made for gross and net valuation.

(vi) Whole inam villages for which title-deeds were issued before the 12th October 1872 will not be surveyed, or their settlement re-opened, except in cases where there is reason to believe that large errors, requiring correction have occurred through fraud or misrepresentation, or where it is found impossible to calculate the Local Fund cesses properly, without such survey. Orders of Government should, however, be obtained in each case.

(vii) The valuation which is required for the calculation of the quit-rent and the cesses, should be made on just and sound principles, and the survey assessment on the lands under cultivation, with 25 per cent of the assessment on the arable waste on account of prospective improvements, together with a reasonable pasture rent on the unarable waste, is a fair valuation to adopt. In

exceptional cases, where lands are laid waste by the Inamdars, through mere neglect, to an extent much out of proportion to the waste in similar Government villages, or where the extent of cultivated lands are under-stated, the Survey Superintendent may assume, for the valuation, the full assessment on such portion of the lands as ought to have been cultivated, and 25 per cent on the remaining waste only.

14223-5—P. F.
100-98, d. 17th
Feb. 1874.

(viii) The Superintendent of Revenue Survey should revise the valuation, with reference to the extent of land actually under cultivation, at the time of classification, without any distinction as to whether a field was cultivated more or less than half. An Inamdar cannot claim that the valuation of his village may be fixed with reference to the extent under cultivation, in any year named or chosen by him. The extent of actual cultivation in the year of classification must invariably be the basis of valuation.

(ix) Where lands classed as garden are cultivated with dry crops owing to the insufficiency of the water-supply in the wells, simply because there were wells in them at the time of classification excavated by the Inamdars for temporary use during famine times, the so called garden lands should be assessed at dry rates. If the village tank is out of repair, and the lands thereunder which were wet at the time of classification, are now cultivated with dry crops and *punji* rice, and there is no likelihood of the tank being repaired and the lands under it brought under wet cultivation, it is the Inamdar's fault, and no reduction of quit-rent is called for on this account.

8006-17-243 d.
4th March
1887.

(x) If in any case the Inamdars find that 25 per cent of the assessment on arable waste is too large an addition to be made to the survey valuation on the ground of prospective improvements, they have their remedy in relinquishing such portions of the arable waste, as they may not wish to retain. Upon such relinquishment, the remission of the proportion of the jodi due on the relinquished land will be sanctioned, under the rules regulating the relinquishment of portions of minor inams.

Valuation of excluded minor inams in inam villages.

B. 7828-38-L.
R. 810-09-2, d.
4th May 1910.

95. In the case of whole inam villages, the valuation for the purpose of quit-rent is taken to be equivalent to the survey assessment on the lands under cultivation,

with 25 per cent of the assessment on the arable waste, on account of prospective improvements, together with a reasonable pasture rent on the unarable waste at the time of classification [*Sub-para (vii) supra*]. From this has to be deducted the value of any minor inams which might have existed prior to the grant of the village. No extra assessment will be imposed, if any excess is discovered in such minor inams; merely quit-rent is chargeable thereon. The value of the excluded minor inam is not separately ascertained; for the purpose of the quit-rent on the inam village, the value of the minor inam should be deemed to have increased in the same proportion as that of the entire village. No different principle or method of valuation is necessary for levying local and irrigation cesses. Without any actual measurement, the result will be merely approximate whether the entire village or the total extent of the particular description of land of which the minor inam is comprised is taken as the basis for calculating the ratio of increase.

Collection of quit-rent on excluded minor inams in whole inam villages.

296. (a) *Kayamguttadars* and holders of whole inam villages are responsible for the collection of quit-rent on the excluded minor inams, situated in their villages. As a remuneration for the trouble and responsibility of collecting the quit-rent, a commission of 10 per cent of the quit-rent, in cases where the quit-rent is not less than Rs. 10, is allowed to the *Kayamguttadars* (or the *Inamdars*). Where the quit-rent is less than Rs. 10, one-fourth of the amount collected is allowed.

7744—Rev.
140, d. 8rd
Nov. 1876;
5718—R. 97,
d. 7th Sep.
1877; 11861—
F1. 12, d. 20th
March 1879.

(b) Payments of the commission should be made on bill prepared in the form given in Appendix XXIV and audited annually. Bills supported by the Treasury Officer's certificate may be forwarded direct to the Comptroller, with the order of Government duly cited.

Liability of included minor inams to pay jodi.

297. (a) If the minor inams have been assigned by the grantee of a jodi village, subsequent to the grant of the whole village, the minor *Inamdars* are liable in the same way, as holders of unalienated lands of the village, for their fair quota of any general charge, as jodi, quit-rent or local cess, imposed on the property by the State.

6219-B. 396,
d. 25th Nov.
1874; 2094-1
244, d. 29th
May 1877.

No. 119, d. 6th
Aug. 1877;
4590—R. 100
d. 6th Aug.
1877.

(b) All holders of minor inams, included in an inam or alienated village, are liable, and may be required, to pay their quota of the local cess leviable in such village, to the proprietor of the village.

(c) All such minor inamdars are also liable to pay to the village Inamdar their fair quota of any *jodi* or *quit-rent* imposed on the village by State, so long as the terms on which the minor inams were granted do not preclude the demand of any future payment by the grantee. No contracts or agreements into which the principal inamdars may enter with the minor inamdars affect in any way the right of Government to recover the *jodi* or *quit-rent*.

Resignation of portions of inams when permissible.

899—65 d. 5th
April 1874;
and Inam
Comr's. No.
903, d. 30th
May 1874.

298. (i) Resignation of parts of inams with a grant of reduction of *jodi* equal to the recorded assessment of the resigned portion should be forbidden everywhere in un-surveyed taluks, whether in or out of malnad.

(ii) After the survey, when the inam land has been assigned a definite location and has been valued, no objection exists to resignations of parts of inams, with a reduction of *jodi* equal to the survey valuation of the resigned portion, which should never be less than an entire "survey number or field."

Combined Jodi and Quit-rent.

8108—111, d.
8th Sep. 1878;
10691-19—R.
1194, d. 9th
Jan. 1894;
2220-8—R.
858, d. 20th
Aug. 1895;
1609-17—R.
518, d. 19th
Aug. 1900; R.
419-27, d. 21st
July 1902.

299. (i) In cases where the old recorded *beriz* and the *jodi* payable are equal, an addition of ten per cent should be made thereto as the valuation on which is to be calculated the *interim* combined *quit-rent* for enfranchisement.

(ii) Where the combined *jodi* and *quit-rent* of any inam is greater than the full assessment chargeable thereon at the survey rates, the charges should be reduced to the amount of the assessment, without altering the tenure. All cases in which the *quit-rents* are in excess of the assessment should be reported to the Superintendent of Inams for necessary alterations being made in the registers.

Note.—Rule (i) above is applicable to *Kayamgutta* villages under similar circumstances and also to service inam lands, but not to the shares of service inam lands such as those referred to in Rule XXV of the Potgi Rules.

*Omission of certain particulars from the
Quit-rent Register.*

300. Inam villages, whose quit-rents were exempt, under para 7 of Government Notification No. 2401-10—Cir. 62, dated 6th July 1888, from revision on the basis of survey valuation, had, nevertheless, been surveyed before the issue of that Notification, and particulars as to their survey extent and assessment have been entered in the Quit-rent Registers. The entry of acreage and assessment in the Quit-rent Registers in these cases is apt to mislead the Revenue Authorities in calculating the local cess due from the Inamdars on the survey assessment, instead of on the old *beriz*. The entries relating to these villages made in columns 10, 11 and 12 of the Register (Appendix XXV) showing their survey extent and assessment, should be struck off and the columns left blank. The corresponding columns in the final title-deeds may be also left blank, and the heading of the column 3 changed from "the date on which the title-deed has been issued" to "date of the title-deed," so as to indicate the correct interpretation of the word "issued."

B. 6133-42—
L. B. 213-13-2,
d. 7th Feb.
1914.

SECTION IV.—EXCESS IN INAMS.

Old system of measurement of land.

301. Formerly, the mode of estimating the quantity of land was not by actual measurement of the land, but by the quantity of seed grain required to sow the arable land. The term "*Candy*" or "*Khandi*" was used to describe a portion of land; and it signified the extent in which a candy of seed grain was sown. Wet land requires about four times the quantity of seed, that can be sown with advantage, in the same extent of dry land. It follows therefore that a candy of dry land is about *four times as large as a candy of wet land*.

The local or "*sthala*" *Bijavari* accounts varied for different taluks, and even for different villages in the same taluk, inasmuch as the area is variable, according to the quality of soil, but were uniform throughout one and the same village, the variation consisting in a different number of seers to the *Khandy*.

The "*Krishnaraja Bijavari Khandi*" consists of 160 seers. All lands were ordered to be measured by this unit by Dewan Purnaiya.

Note.—"Kudu" or 1—20th of *Khandi* is equivalent to 3,200 square yards in dry and 500 square yards in wet land. The conversion of the old units into area in acres* and guntas is merely an arithmetical process.

The "*Krishnaraja Paimayish Kandi*" is a measure of pure area deduced from actual measurement in the survey, conducted under Purnaiya's orders. A considerable portion of the State was measured by this mode and the inam recorded in the terms of these *kandies*. An additional ten per cent of land was allowed, to cover imperfections, if any in measurement.

Rules for the treatment of excess in Minor Land Inams in Settled Maidan Taluks.

163 d. 12th
Dec. 1887;
5066—Cir. 126,
d. 12th Dec.
1887; 2106-15—
P. F. 58-95,
d. 16th May
1902.

302. (1) All inams the survey assessment of which does not exceed Rs. 5 should be confirmed in full.

(2) In the case of inams, the survey valuation of which exceeds Rs. 5, one-half of the excess over and above the extent, authorized by the Inam Department should (in lieu of 10 per cent of such excess allowed) be confirmed as inam, and the other half charged with *full survey assessment*.

NOTE 1.—In no case should land bearing survey assessment of more than three times the survey valuation of the extent of inam authorized by the Inam Department be continued as inam, except when three times such survey valuation falls short of Rs. 5. In this latter case, land bearing survey assessment up to, but not exceeding, Rs. 5, should be confirmed as inam out of the extent enjoyed as inam.

NOTE 2.—The inam confirmed under the above rule should not bear a survey valuation of less than Rs. 5.

Notn. No.
2116—P. F.
58-95, d. 16th
May 1902.

(3) Out of an individual survey number hitherto enjoyed as inam, all excess over and above the extent confirmed as inam under rule 2 above, should be treated as Government land and charged with full assessment, leviable as additional quit-rent on the whole inam. The Inamdar was at liberty to relinquish any portion of the excess assessed at not less than Rs. 2, within six months of the notification to him of the settlement of the excess.

(4) (a) The settlement of the excess is made by the Superintendent of Revenue Survey, and within six months of the announcement of his settlement, the Inamdars apply for relinquishment, if any, of the excess in their inams.

*1 acre or 40 guntas = 4,840 square yards.

(b) The assessment charged on the excess was originally termed 'Khaltsat' and later a 'Kasar' and constitutes an additional quit-rent. The Registers in the office of the Superintendent of Revenue Survey should show separately—(i) the quit-rent proper; (ii) the charge on account of excess, and (iii) the total combined quit-rent payable by the Inamdar.

NOTE.—Except in cases where encroachment by Inamdars on Government land can be clearly proved and the Government land can be distinguished, the Inamdars should be allowed to choose the portion of the land to be relinquished by them, subject to the condition that the portion relinquished forms a compact block, easily separable from the rest. Though this may prove an encouragement to the Inamdars' relinquishing the excess in a greater number of cases than when the Survey Officers were to decide the portion to be relinquished, the Inamdars are entitled to some indulgence on account of their long enjoyment of the inam, including the excess.

303. When an Inam, consisting of a definite portion of a village, whose *Bijavari* is not ascertainable, is confirmed on a combined quit-rent on the basis of the value recorded in the *Sannad*, and the survey valuation thereof exceeds the recorded value, no excess should be brought under "Khaltsat," if there is no proof of encroachment on the Government land.

575—R. F.
55-94, d. 8th
July 1894.

Excess in whole Inam villages (including Minor Inams).

304. (1) *Jari* inams, consisting of whole villages and minor inams included therein are left out of consideration, as the owners are entitled to hold the entire area within their village boundary on the terms of the settlement made by the Inam Commissioner, without reference to the extent of the holding. In cases where the excess is proved to be within the limits of the grant or of a separate "Hadnama," and has been in the enjoyment of the inamdar for fifty years or more, it should, under Rule XI, clause (A), be regarded as part of the original inam and exempted from additional charge.

416-R. 14, d.
12th April
1877.

Included Minor Inams.

(2) In regard to the excess discovered in minor inams in inam villages, the Government have no claim to any assessment on them, *beyond the quit-rent chargeable thereon*. The determination of the point whether the excess is the result of an encroachment on the lands of the holder of the village or due to inaccurate entries in

C. 23, d. 3rd
April 1890.

the accounts is a matter, which requires adjudication in Courts of Law. The excess above 50 per cent only should be subjected to such quit-rent, as it would be liable to pay, if it formed part of the inam village, and the holders of minor inams and village inamdars left to settle their disputes, if any, in Courts of Law.

Excess in excluded minor inams.

1292-179, d.
5th June 1869.

305. In the settlement of minor inams in inam villages, their present extent or what was recorded in the old accounts was confirmed, unless objected to by the Jodidars, in which case all excess in them was disposed of as in Government villages; the full assessment on the net excess was paid to the Jodidars, instead of to the Government, or the land incorporated with that of the jodi village deducting it from the minor inams. In these villages, all inams excluded from their assets were separately registered, as the Government have the right of reversion.

Allocation of excess in minor inams by whom made.

1425-149, d.
19th Nov.
1872;
Inam Com'rs.
No. 865, d.
11th June
1873.

306. The Inam Department is not competent to charge the full assessment on any excess found in minor inams, under Rule XI, whether it precedes or follows the survey. This work should be left to the Survey Department, the Inam Department simply confirming each inam in the old extent and valuation and sending to the Survey Department a list of such inams, together with the area and valuation, according to the standard accounts of the entire village. On receipt of these figures, the Survey Superintendent, should reduce them to their modern equivalents and fix a precise survey number for the land. On intimation of the same to the Inam Department, the details should be entered in the title-deeds, to be got back from the taluks in which the inam enquiry preceded the Survey Settlement.

Excess in inam lands held under different title-deeds.

5084-42—P. F.
50-98, d. 26th
Jan. 1899.

307. When an inam is held by an inamdar under two or more different title-deeds, the inamdar is entitled to be dealt with separately for each inam, the excess being charged separately in each case. In cases where encroachment is not proved, the inamdar may select the portion of the inam which he prefers to retain, the excess

'being valued at dry rates and located in the dry numbers of the inam.

Demarcation of Excess in Land Inams.

308. (i) The net excess chargeable with full assessment shall be wholly separate from the inam and demarcated accordingly and treated thereafter as ordinary *kandayam* land.

10-2, d. 8rd
April 1872;
825-149, d. 8rd
Nov. 1872;
481-88, d.
18th April
1874; 2356-96,
d. 31st July
1872.

(ii) In the case of a mixed tenure of land—partly inam and partly (the excess portion Government land—a special treatment should be accorded. Each portion of the survey field or number will be so entered; but it need not be made into separate survey numbers of two different descriptions; nor is it necessary to define which portion is inam and which Government, as the occupant of the inam pays the assessment of the Government portion as a *quasi-jodi* or "*Inam Kasar*" on the whole survey area so treated.

Excess in Malnad Warg Inams.

309. The following instructions are issued:—

(i) Inam land the survey valuation of which is equal to 11-10ths of the assessment, should be confirmed as inam, the surplus being fully assessed.

8650—R. 196,
d. 8th Jan.
1878.

(ii) The surplus land whose survey assessment does not exceed Rs. 10, should be incorporated with the inam, the assessment being charged as *jodi*.

(iii) Where the survey assessment exceeds Rs. 10, the surplus land should be assessed as *separate Government land*, subject to the condition that when the separate demarcation of such land is inconvenient, the full assessment on it will be levied as *inam kasar*.

NOTE.—The excess in minor inams in the Shikarpur* Taluk was settled partly under the rule applicable to maidan inams and partly under the following rule of proportion:—

Total recorded beris or bijavari of village	}	Recorded Inam beris or bijavari	}	Survey value- tion of the village	}	The present value of the inam
		:		::		:

(iv) If any land inams have been confirmed by the Inam Department in the malnad taluks, the excess

10168-71—R
1830-92, d.
26th Dec.
1892.

* The *Sthals bijavari khandi* in Shikarpur was an area of land, sown with about 1,600 seers of grain.

discovered in the inams may be dealt with under the rules given in paragraph 302 above.

Excess to the extent of 50 per cent is allowed in the case of inams in maidan taluks, owing to indefiniteness of the ancient land measures. No such indefiniteness exists in the case of inams determined by *shist* (assessment) Ten per cent is, however, allowed in the case of *shist* inams, in order to provide for any remissions which the assignees may find it necessary to grant in famine years.

Excess in inams granted to chattrams, musafir khanas, topes and avenue trees.

310. These inams should be dealt with as follows:—

I. Inams granted for the up-keep of *chattrams, musafir khanas, topes and avenue trees* under the terms of the late Commissioner's Circular of 22nd July 1846 should be confirmed in full, in cases where the boundary marks, specified in the *sannads* are clear, or there is no doubt regarding the correct position of the land originally granted. But where the boundary marks are not clear, or doubts exist regarding the correct position of the lands originally granted, the inams should only be confirmed up to the area specified in the original *sannads* and old accounts, plus 25 per cent, the surplus being brought under full assessment.

II. When the area actually held as inam is less than the area specified in the original *sannad*, the deficiency should not be made good.

III. Out of any individual survey number, hitherto enjoyed as inam, all excess over and above the extent confirmed as inam under Rule I, should be treated as Government land and charged with full assessment. When such excess does not exceed Rs. 5 in survey valuation, it should be treated as part of the inam and the amount charged as *jodi*. When, however, such excess exceeds Rs. 5 in survey valuation, it should be measured into a separate survey field and treated in all respects as Government land.

IV. The extent confirmed as inam under these rules is entered in the *Akarband* and village accounts as dry crop land, whatever the description of the land may be. But, the inamdar should pay water rate at the prescribed rates, if he uses water from a Government work.

V. The excess area to which the inamdars, whose inams have already been settled under the orders of 1874,* may be entitled under the new Rules of June 1891, must be made good by the grant of fresh lands. Where this arrangement is not possible, the case must be reported for the orders of Government who will consider whether a money grant cannot be made instead.

2672-91—Cir.
26, d. 19th
May 1892.

VI. (a) Any excess, over the area allowed by the first settlement under the Rules of 1874, to which an Inamdar may be entitled under a revised settlement under the Rules of June 1891 should be made good to him out of (as far as possible) the area resumed under the first settlement, where such resumed area is at the disposal of the Government or is surrendered for the purpose by the occupants thereof. But the revised settlement should not be made the occasion for the exchange of fresh lands in place of old ones, at the mere option of the Inamdar.

16246-55—R.
F. 296-32, 25th
March 1893.

(b) Where however the resumed land is not available or the portion of it available is not sufficient, the excess or balance of the area required, should be granted out of Government unoccupied land, in the same or neighbouring villages, equal, as far as possible, in character, quality and value, to the resumed land. All cases of assignment of fresh land should be reported for the confirmation of Government.

(c) Where an adjustment in either of the two ways *supra* be not feasible, the case should be reported for the orders of Government, with a recommendation for the grant of an equivalent in land out of the Inamdar's private holding, if any, in the same or neighbouring villages, or for a ready money inam from the treasury, or for such other equitable disposal.

* *The points involved in this order are:—*(i) Under the old Rules for dealing with excesses in inams, granted for the up-keep of *chattrams*, *muscafirhansas*, *topes* (*vide* paragraph 130 on "Topes" and Avenues Trees) an area of land bearing survey assessment equal to the value of the grant, as represented by the old assessment was confirmed to the inamdar, together with an allowance of 10 per cent, and all excess charged with full assessment.

*Dated 3rd
October
1874.

(ii) These grants have been recorded in units of area, ascertained at the time by actual measurement, and in most cases defined by boundaries more or less identifiable: the inams should be dealt with upon the basis of area, as recorded in the *sawads* and accounts, and where the boundaries are clearly defined and identifiable, existing enjoyment should not be interfered with.

Excess in Devadaya Inams.

R. 2978-88, d.
9th Jan. 1902.

311. The *Devadaya* inam lands are intended solely for the benefit of the temples concerned, and their continuance as inam is absolutely necessary to ensure service being performed in a proper manner for the prosperity of His Highness the Maharaja and the State of Mysore, according to the original intention of the grants. To free these institutions from petty annoyances, the increased assessment in the shape of *khalsat* is remitted. The amount of *khalsat* assessment due on the inam lands actually in the enjoyment of temples should be written off the accounts, and its levy waived, the excess lands being treated, as part and parcel of the original grant.

SECTION V.—MISCELLANEOUS.

(I) TITLE-DEEDS.

Rules regarding the issue of Title-deeds.(i) *Issue of Ad-interim title-deeds.*

1278—R. 41,
d. 15th May
1875.

312. (a) *Ad-interim certificates.*—The Superintendent of Inam Settlements is authorized to issue in the case of all minor inams, disposed of in unsurveyed taluks, *ad-interim* “certificates,” prepared simultaneously with the draft title-deed, the latter being retained until the necessary data for its completion are supplied by the Survey Department.

(b) These certificates should, for identification, show the extent and beriz of the inams, according to the old accounts, as well as the number or name of the properties, as entered in the village accounts.

(ii) On the issue of the title-deed,* the provisional certificates become useless; and to avoid any misunderstanding on this point, the certificates should bear a footnote to the effect.—“This certificate is issued provisionally and pending the issue of a formal title-deed which will be granted, when the actual area and assessment have been finally determined by the Survey and Settlement Department.”

18—R. 1, d.
1st April
1876.

The proceedings of the Inam Department should be limited to declaring the liability of inam villages to local

* For the form of title-deed, *vide* Appendix XXVI.

cesses in the *interim* certificates, the duty of assessing the villages in such cases being left to Revenue Officers.

Final Title-deeds.

(iii) All items of revenue granted to Inamdars at the Inam Settlement, should be clearly and expressly mentioned in the title-deeds issued to them. 10522-R.—60,
d. 1st March
1878.

(iv) No stamps are required for the title-deeds issued under the Inam Settlement. 1095-R. 226,
d. 25th June
1879.

(v) Fresh title-deeds should not be issued each time there is a change in the proprietorship. 5925, d. 21st
Jan. 1856.

(vi) In the case of title-deeds for inams granted to village artizans and others for performing certain services, the individual names need not be entered therein; they should be made out thus:—"Title-deed granted to the servicedar for the time being," the particular service being mentioned in the body of the first paragraph thereunder.

(vii) The Inam Superintendent is not competent to make any changes in a title-deed, or in a final order. The Chief Commissioner (Government) can alone sanction this. When alteration or modification appears necessary in any title-deed or final order, a full report should be submitted for orders. Inam Comr.'s
No. 1870, d.
14th Nov.
1878.

*Pattegaddes.**

313. Lands attached to Inam villages, but entirely out of their boundaries, and situated within those of Government villages, are called *Pattegaddes*. They are mostly wet and are said to have been granted with the inam villages themselves which did not contain sufficient wet land. Inam
Comr.'s Nos.
10 of 1868-69;
804, d. 31st
May 1873;
1473, d. 23rd
Sep. 1878.

These lands are confirmed on the same terms as the whole villages to which they are attached, but as minor

*"These are patches of land held by the raiyats of one village in another not as *paya kavis* (foreign cultivators) but as a part and portion of their own village. These pattegaddes are distinguished by separate boundary-marks from the other lands of the village in which they are situated. The origin of these tenures is traceable to certain mutual agreements between the cultivators of adjoining villages, to allow those of one to cultivate portions of wet lands under the tank of another constructed by the joint labour of all. The tenure may also be in part due to exchange of land, by which raiyats who had no wet land in their own village became entitled to a portion of the wet land in another." (*Mysore Gazette*, 1897 edition, Vol. I p., 691.)

inams in Government villages, and covered by one title-deed.

Only one title-deed should be issued for any *one inam held under one grant*, whether it consists of one or more than one number, and whether the land be situated in one or more villages, without reference to the number of shares. Only such shares are to be entered on the back of the title-deed as are recorded at the time of registry. All disputed claims should be referred to Civil Courts.

Inamdars' rights to the timber in their villages.

Notn. d. 22nd
June 1869;
Secy's Nos.
7-6, d. 3rd
April 1871;
1869-50, d.
20th July
1871.

314. (i) Inamdars, whose *sannads* give them the right to *all* the timber on their lands, are at liberty to fell and sell all such timber, *excepting sandalwood*, without previous reference. Those whose *sannads* do not confer such right, can only fell and sell the *unreserved timber* on their lands. They cannot deal with the reserved kinds without authority or permit from the Forest Department, issued in the prescribed manner, and for which the prescribed fee must be paid.

(ii) In either case, pass-ports must be taken for the removal of timber from the inam land on which it has been felled.

(iii) An inamdar whose *sannad* confers no rights to the timber growing within his inam village, stands on the same footing as a holder of *kandayam* lands, with regard to the privilege which has been conceded of felling timber on the lands of which he is actual occupier, that is, he will be permitted to fell all trees (*excepting sandalwood and teak*) which have been granted by him, or by his immediate ancestor, or by any one from whom he had derived his possession of the lands on which they are situated.

Inamdars' rights to the Sayar and Abkari revenues.

3697-30, d. 8th
Oct. 1873.

315. The Sayar and Abkari revenues of inam villages are resumed by Government, if not specially alienated to the inamdars in the *sannads*, or if enjoyed without authority. If duly granted, they should be managed by the District Officers, and the net proceeds paid to the Inamdars, after deducting the cost of collection.

For further particulars on the subject of Inamdars' claim to the Excise Revenue of their villages, vide Appendix V, Part II and Chapter XI, Part I of the Mysore Excise Manual.

Proceeds of cattle pounds in inam villages.

316. Section 18 of the Cattle Trespass Act (I of 1871)* provides that after defraying costs out of the sums received on account of fines and unclaimed proceeds of the sale of cattle in a cattle pound, the surplus, if any, may under orders of the Government be applied, to the construction and repair of roads and bridges and to other purposes of public utility.

425—R. 5, d.
17th April
1878; R. 1881-
9, d. 4th Jan.
1904; 16288—
L. F. 876-92,
d. 15th march
1894.

Inamdars are not therefore entitled to the proceeds of fines, levied under the Cattle Trespass Rules, and they should be prohibited from levying pound fines. In the case of Jahgirs, as Sringeri, Yelandur, the proprietors may be allowed to establish pounds, provided they conform to the rules.

Inamdars may, under the authority of the President of the District Board, establish cattle pounds in their villages, on the condition of their placing the surplus proceeds at the disposal of the local authority within whose jurisdiction the cattle pound is situated.

Grant of copies of decisions, etc.

316A. (i) All applications for copies of decisions are to be addressed on a one-anna stamp paper, together with Court Fee labels of the value of 8 annas for every 360 words or fraction thereof (according to the provisions of the Court Fees Regulation) for authenticating the copies.

1885—R. 93,
d. 26th may
1874; Inam
Comr.'s No.
932, d. 8th
June 1874.

(2) Extracts only are given, *with a copy in extenso of the final order*, in the form prescribed in Appendix XXVII.

(3) No copies of decisions are given till the quit-rent registers are issued.

(4) A fee of one anna is charged for every hundred words fair-copied, to cover the cost of transcription.†

(5) The question regarding the parties entitled to get copies of inam decisions and statements presented by Inamdars is governed by Section 91 of the Registration Regulation, which provides for the grant of copies of "*Sannas*, inam title-deeds and other documents, purporting to be or to evidence grants or assignments by Government of land, or of any interest in land" to all persons applying for the same.

II. 9060-9—L.
R. 701-14-2, d.
13th Sep.
1915.

* As further amended by Regulation VIII of 1892.

† For the revised scale of copying fees, *vide* Rule 115, L. R. R.

Sub-division of lands in Inam villages.

No. 656-64—
 Pet. 184, d.
 16th July
 1896.

317. In inam villages into which the survey settlement has been introduced, raiyats desiring sub-division of their lands should, in the first instance, apply to the Inamdar. They may appeal to the Deputy Commissioner, if the Inamdar does not comply, or refuses to comply with their applications. This course should be followed, only after the settlement has been closed, *and not during the survey settlement*, when the Settling Officer, has full discretion in the disposal of applications for sub-division.

Amalgamation of the Inam with the Survey Department.

R. 15909-11—
 L. R. 857-18-2,
 d. 12th June
 1919.

318. The Inam Department has been amalgamated with the Survey Settlement Office, as a Branch thereof, so that the Superintendent of Survey Settlement is also Superintendent of Inam Settlements.

CHAPTER XVII.

CESSSES AND TAXES.

Clause (2) of Sec. 111, L.R.C., authorises an officer in charge of a Survey to fix a rate or cess on the means of irrigation.

Statutory Provisions.

Government have powers to impose a cess under the provisions of any law for the time being in force for purposes of local improvement, such as, (a) construction, maintenance and improvement of schools, (b) village and district roads, bridges, tanks, wells etc ; (c) accommodation for travellers; and (d) similar purposes. (Sec. 114, L.R.C.).

Prior to 1867, the sum devoted to Local Funds was treated as included in the assessment, and 1-16th from out of the lumpsum of the realizations of a taluk, was being credited to Local Funds : in all Settlements up to the end of 1867, this course was adopted. In 1868, it was decided that an extra anna should be levied on the assessment of each raiyat, on account of ordinary Local Funds for general purposes of improvement and an additional anna on all irrigated lands, solely for the repairs of tanks. The incidence of these cesses is explained in the ensuing paragraph. Railway cess is a recent levy authorised by Section 24 and 26 of the Local Boards Regulation (VI of 1918) for facilitating the opening up of the country by railways. The principles regarding the levy of this cess are briefly enunciated in paragraph 330 *infra*. The system of Mohatarfa taxation and the Rules governing it are given in Section IV of this Chapter.

Introductory Note.

SECTION I—INCIDENCE OF LOCAL CESS.

319. Local cess.—(a) In all settled taluks, one anna in each rupee of assessment (according to the survey valuation of each raiyat's holding) is levied, in addition to the assessment. This is devoted to (i) the construction and repairs of roads, (ii) educational purposes, and (iii) such other local objects as may be deemed necessary from time to time.

Cl. XIII of the Survey Guarantee; Notn. No. 43, d. 23th Nov. 1879.

5764-80—Cir.,
d. 29th Feb.
1872.

(b) In unsettled taluks, Local Fund cess of one anna in every rupee has been imposed on the revenue, derived from the several sources indicated below and recovered in addition to, and not deducted from, the net proceeds realised from such sources.—

- | | |
|--------------------------------|-------------------------------|
| 1 Forest produce of all kinds. | 3 Unclaimed or Amani gardens. |
| 2 Pasture lands. | 4 Bagani toddy. |
| 5 Salt pans. | |

396 Ft., d.
30th July
1872.

NOTE 1.—Forest produce referred to above is intended to include only such produce, the collection of which is given on contract and not timber, etc., cut, collected, and sold, by the Forest Department. The cess is not leviable on the latter.

1025-R. 72. d.
9th May 1874.

NOTE 2.—Village officials and servants are not exempted from the incidence of any of the local cesses in force for the time being.

R. 593-608 R.
F. 66-94, d.
29th July
1902;
R. 4598-614
R.F. 66-94, d.
16th June
1903.

Items on which local cess is levied.

320. The cess should be levied on the following items:—

I.—A. Land Revenue Proper.

- (1) Raiyatwar assessment.
- (2) Recorded value of jodi and sarvamanyam villages.

Notn. 105, d.
10th June
1871.

Cir. 5764-90
d. 29th Feb.
1872.

R. 7152-L.R.
293-17-2 d.
17th Jan. 1918.
Notn. 43, d.
24th Nov.
1879.

[NOTE.—Recorded value means the amount at which the Inam has been valued for purposes of the Inam settlement.]

- (3) *Gutta* or annual rent from kayamgutta villages.
- (4) Recorded value of minor inams.

(4) Secs. XIII
and XVIII of
the revised
Survey Guar-
antee

Cir. 5764-90,
d. 29th Feb.
1872.

G. O. of 29th
July 1902.

- (5) Sale proceeds from pasture lands (*Hulbanni*).
- (6) *Batayi* produce when standing crop is sold.
- (7) Revenue from *Shraya* villages.

'B. Land Revenue Miscellaneous.

- (8) Tax on lime-stone kilns.
- (9) Unclaimed or Amani gardens.

5156-62 R.
879, d. 7th
Jan. 1880.

Cir. 5764-90,
d. 29th Feb.
1872.

II. *Abkari.*

Formerly, the Local Cess was being levied on the following items :—

- (i) Arrack.

Notn. 812, d.
14th Nov.
1871.

NOTE.—The cess is now merged in the still-head duty.

- (ii) Toddy,—both date and bagani
- (iii) Ganja
- (iv) Duty on beer

Cir. 5764-30
d. 29th Feb.
1872.

But in the marginally-noted G. O., the following directions have been given :—

Fl. 9243-54,
S. G. 145-06-1,
d. 16th June
1907.

(a) The separate levy of a local cess on tree-tax is abolished and the cess at present levied merged in the main item, the rates of tree tax on the various kinds of trees being as follows :—

				Rs.	A.	P.
Date	....	....	....	1	4	0
<i>Bagani</i>	....	....	....	2	0	0
Cocoanut	....	....	....	2	2	0
Palmyra	....	....	....	1	9	6
<i>Dadasal</i>	....	....	....	0	8	6

(b) Levy of a local cess on toddy shop rental is also abolished.

(c) The cess on tree-rent is merged in the main item itself.

N.B.—1/17th of the tree-tax, the shop-rental and tree-rent, collected should be credited to Local Funds, in lieu of the one-anna cess formerly levied on these items.

(*Vide* also Art. 41, Mysore A. C., Vol. I).

III. *Forest.*

(10). Forest produce, the collection of which is given out on contract, such as :—

Cir. 5764-30.
d. 29th Feb.
1872; 896, d.
30th July 1872

- (i) Lac
- (ii) Gall-nut
- (iii) Marking-nut
- (iv) Soap-nut
- (v) Honey
- (vi) Gum
- (vii) Honge-seeds
- (viii) Tamarind and other *Amarayi*
- (ix) Grass
- (x) Date leaves

- (xi) Wild cardamom, pepper and saffron.
- (xii) Jali leaves contract.
- (xiii) Kan assessment.

IV. SAYER.

Notn. No. 812,
d. 14th Nov-
1871.

- 11. Betel nut or *supari*.

V. SALT.

Cir. 5764-80,
d. 29th Feb.
1872.

- 12. Salt-pans.

B. Land Revenue Miscellaneous.

- 13. Contract of *Amarayi* produce
- 14. Contract on Kuranga stones.
- 15. Fishery contract.

C. Abkari.

- 16. *Bail Jajjari*.
- 17. Jaggory oven contract.

MISCELLANEOUS ITEMS.

- 18. Toll contract.
- 19. Sale of produce of Amrut Mahal Kavals.

NOTE 1.—Local cess is leviable on the sale proceeds of occupancies and building sites also.

NOTE 2.—A licensee of toddy shops is not required to make any additional payment on account of local cess on rents of toddy shops.

NOTE 3.—When an item of revenue on which the cess is leviable is sold in public auction or given out on contract, as is done in the case of *Amara Batayi* produce, Minor Forest produce and the like, the sale notification or the notification calling for tenders should clearly specify that the purchaser or the contractor concerned must pay to Government a local cess of one anna per rupee, in addition to the purchase money or the contract amount involved in each case.

NOTE 4.—The amount realised from the sale of manure or the right to collect bones from Government waste lands is exempt from the payment of local cess.

C. 598-608,
R. F. 66-96
d. 29th July
1902.

R. 4598-614,
R. F. 66-94,
d. 16th June
1903.

499 Ex. F.
6-02, d. 18th
March 1903.

R. 598-608,
R. F. 66-96
d. 29th July
1902;
Fl. 9248-54,
S. R. 145-06-1,
d. 15th June
1907.

R. 4802-11,
L. R. 257-03-6,
d. 2nd Dec.
1904.

SECTION II—IRRIGATION CESS.

Rate of the cess.

321. An additional anna in the rupee is payable from all irrigated land, and the amount thus realised devoted solely to the repairs of tanks.

[*Vide* also clauses XIII to XVII of the Survey Guarantee (paragraph 186 of this manual.)]

Utilisation of the cess.

322. The realisation from the irrigation cess on the wet lands under the tanks and channels should be *primarily* available for the repair or improvement of the individual tank or channel irrigating the lands upon which it is levied, and *secondarily* for the general repair or improvement of the tank series or works to which a tank or channel may belong. In malnad taluks, where few irrigation works exist requiring such repair or improvement but where roads are urgently needed and are very costly in their construction, the proceeds of the cess, after the requirements of the irrigation works have been duly provided for, may be applied in constructing the roads decided upon. In such cases, allotment from the irrigation cess should take the form of grants-in-aid to the local fund and should be applied, as far as possible, to special roads likely to benefit fairly the contributors to the cess. An application for the transfer, with the grounds therefor, should be submitted to Government for sanction.

No. 472-R. 11
d. 20th April
1874 from the
Secy. to Govt.
to the Comr.,
Nagar Dn.;
R. 474-85,
d. 11th Aug.
1908;
R. S. 2517-29
L. L. 78-06-4,
d. 11th Oct.
1937.

Irrigation cess to be a separate levy during re-settlement.

323. On re-settlement of a taluk, the irrigation cess will be collected as a separate levy, even if it had been previously merged in the wet assessment.

Levy of cess on lands under Chowdary tanks.

324. The local and irrigation cesses should be levied on the full assessment of lands below private enterprise tanks.

N.B.—As regards Kodagi inams, the levy of the cesses is regulated by the general rule applicable to other inams.

4010-19—R. F.
96-96, d. 5th
Dec. 1898;
852-60—P. F.
70-02, d. 14th
Nov. 1902.

Irrigation cess on Patel and Shanbhog Service Inam wet lands.

325. The jodi or the quit-rent levied on such service inam lands is generally equal to the full survey assessment imposed on them. The cases in which it is less than the survey assessment are very few and the benefit accruing therefrom to the holder is negligibly insignificant.

1408-13—L. B.
540-14-2,
d. 20th July
1916.

In taluks where the irrigation cess leviable on the wet and garden lands is merged in the wet assessment, it is inequitable to recover it as a *separate levy* on the lands included in Service Inams. The cess should not be levied on the wet and garden lands, included in Patel and Shanbhog Service Inams, as in the case of other inams.

Items constituting the Irrigation Cess Fund.

1747-57—R.
212, d. 90th
July 1894.

326. (1) The irrigation cess as a separate levy on Government wet lands was abolished by the Chief Commissioner's Notification, dated 11th February 1875. The irrigation cess on Government wet lands in every taluk settled after the issue of this notification, is the lump-sum assigned at the settlement, out of the annual revenue of the taluk, to form the District Irrigation Fund. The sum thus assigned for any taluk must be regarded as the fixed contribution from that taluk towards the District Irrigation Fund during the currency of the settlement.

(2) In the case of inam wet lands (whether in Government or inam villages) the survey valuation of which is fixed after the said notification, the irrigation cess is a separate levy equivalent to $\frac{1}{17}$ of the survey valuation.

(3) In the case of inam wet lands for which a survey valuation has *not* been fixed or for which a survey valuation was fixed before the above notification, the irrigation cess is also a separate levy of one anna per rupee of wet assessment.

(4) In the case of Government wet lands in villages settled *before* the notification, the irrigation cess is a separate levy of one anna in every rupee of wet assessment.

(5) On wet lands under Ashtagram River Channels eight annas per Khandi of Bijavari was settled.

(6) The credits to the Irrigation Fund consist of—

(i) Lump sums assigned on account of Government wet lands in taluks settled after the notification of 11th February 1875; and

(ii) Separate levy—

(a) at one anna in every rupee of wet assessment on Government wet lands in taluks settled before the said notification;

(b) at one anna in every rupee of wet assessment on inam lands, of which the survey valuation was fixed before the notification

of February 1875 or has not yet been fixed;

- (c) at $\frac{1}{4}$ of the survey valuation (made after the notification) of inam wet lands; and
 (d) eight annas per Khandi of Bijavari of wet lands under Ashtagram River Channels in taluks not yet settled.

(7) All realizations of the cess separately levied should continue to be credited to the Irrigation Fund.

As regards Government wet lands in taluks, settled after the notification of February 1875, the entire wet assessment collected (in which is merged the irrigation cess) should be credited to Land Revenue, both in the demand, collection and balance accounts and in the Comptroller's accounts, the lump-sums assigned at the settlement as "Contributions to the Irrigation Fund" being shown in the annual Provincial accounts of the Comptroller's Office, as separate disbursements on this account, corresponding credits being entered in the Irrigation Fund account.

Column 168 of the *Raiyatwari* account providing for the deduction of one-seventeenth of wet and garden assessment from the net demand, should be omitted, the Jamabandi account also showing under irrigation cess only the cess levied separately.

Rules for the Administration of the Irrigation Fund.

327. I. The District Irrigation Fund forms a distinct branch of Local Funds and it should be administered by the Public Works Department and expended *exclusively on purposes of irrigation in each taluk.*

II. The fund consists of the lump-sum which will be set apart by the Settlement Officer for each taluk as prescribed in para XIV of the Survey Guarantee. The sum so set apart shall be a fixed allotment during the currency of the settlement, and the same amount will be annually available for the purposes set forth *infra*, subject to periodical revision when necessary.

III. The Irrigation Fund is ordinarily available for:—

- (i) the maintenance of a suitable establishment for the inspection of the tanks in each taluk;
 (ii) the repair of the masonry works of such tanks, as have been brought up to standard and made over to the raiyats for upkeep;

63, d. 7th May
 1875; 392-
 406—P. F. 42,
 d. 3rd May
 1879;
 8786-95 101, d.
 1st Sept.
 1887;
 R. 2086-96—
 L. R. 585-07-11,
 d. 24th Sept.
 1908.

(iii) the provision of grants in special and exceptional cases, in aid of such other indispensable repairs which tanks thus brought up to standard may need in excess of raiyats' liability to execute the repairs; and

(iv) the provisions of grant-in-aid towards the repair of channels the maintenance of which rests with the Irrigation Department.

IV. For securing a greater degree of co-operation between the District and the Public Works Department Officers in the task of administering the funds to the greatest advantage, the following rules are prescribed:—

(i) The Taluk Boards should draw up in the form of a budget, an annual programme of the local works to be undertaken during a year and submit the same to the District Boards.

(ii) The District Boards should scrutinise these programmes and prepare and submit an annual District Budget to the Revenue Commissioner.

(iii) The Revenue Commissioner should examine and modify them, if necessary, with due regard to the funds available, and in consultation with the Chief Engineer, submit to Government in the Revenue Department, a consolidated budget for the whole State for sanction.

NOTE.—This system tends to a more satisfactory administration of the Irrigation Cess Fund and a more judicious application of it to Local irrigational purposes, as, under it, the Taluk and District Boards will have an opportunity of representing their needs and getting them adequately provided for. The final apportionment of funds for each district will be made by Government on the information supplied by these Boards and the Revenue Commissioner. The actual execution of the works should be carried on by the Public Works Department; and when completed, they must be handed over to the Revenue Department for proper maintenance by the raiyats, according to the rules on the subject.

V. Holders of Inam and *Kayamgutta* villages being relieved of the obligation to pay irrigation cess in respect of wet lands, irrigated exclusively from *their* village tanks, their responsibility for the execution of timely repairs to such tanks and for maintaining them always in a proper condition should be strictly enforced. If they fail to maintain their tanks in a proper condition or to execute the needful repairs in due time, or with reasonable despatch and efficiency, Government will take the work on hand and carry it out, the outlay being recovered from them as a revenue demand.

Objects for which the cess should not be used.

327A. The Irrigation Cess Fund should not be appropriated towards the repair of tanks which have not already been brought up to standard; and the charges involved in the repair or restoration of tanks serially should not be imposed on it.

5337-170, d.
28th Aug.
1876.

The irrigation Cess Fund must be generally available for such repairs as are required for the maintenance of tanks, of a particular taluk. Any portion of the sum set apart (from the Irrigation Fund) for expenditure in one taluk may, however, be applied to other tanks of the same series in neighbouring taluks, and to any general purpose connected with the irrigation works of the district to which, the District Fund Committee may be of opinion, the fund of each taluk should be required to contribute.

Other Rules regulating expenditure of the Fund.

328. (1) The district will be the unit for the administration of the Irrigation Cess Fund.

2157-68-57-L.
R. 633-13-4, d.
12th Sep.
1914.

(2) Seventy-five per cent of the total amount collected each year in a district will be set apart exclusively for expenditure in that district, the balance of the realizations amounting to twenty-five per cent being formed into a general fund, to allow of supplementary grants being made, when necessary, in exceptional cases, in addition to the ordinary allotment by districts.

(3) The District Board should appropriate the district allotment, as far as possible, in proportion to the receipts under this head for each taluk, so that works in the taluk may receive their due share of funds and attention.

(4) A triennial programme of urgent and important works in the taluk should be made by the Amildar, in consultation with the Taluk Board, and submitted to the Deputy Commissioner who will approve of it, in consultation with the Executive Engineer and the District Board.

(5) The seventy-five per cent quota of the realizations in each district will be devoted to:—

- (i) the ordinary repairs of masonry and stone work to restored major and minor tanks; and
- (ii) the expenditure, in whole or in part, on account of the maintenance charges of river irrigation channels.

(6) The amount of 18 per cent now charged to the irrigation cess for establishment, tools and plant will be waived.

(7) There will be two sets of accounts in the Comptroller's books,—one on account of Irrigation Cess Fund of each district and one for Irrigation Cess Fund General. The appropriation within the district according to the receipts in each taluk will, however, be an administrative arrangement, not liable to audit, check or control.

(8) Extraordinary repairs due to breaches and heavy damages to tanks, channels, anikats, *etc.*, may, with the special sanction of Government in each case, be debited to State Funds. The Cess Fund should be used only for ordinary repairs and maintenance.

N.B.—The cost of maintenance of the river channels in Mysore and Hassan Districts will be debited to the Irrigation Cess Fund only to the extent decided by Government in each case. A certain percentage in the case of these channels may be met from State Funds.

(i) *Levy of acreage cess in commutation of maintenance work.*—

329. The acreage cess, which was first levied in 1896 in the case of Rekalgere Channel in the Chitaldrug District, and subsequently extended to some 20 other irrigation works, rests on a *contractual* and not *statutory* basis. It can only be imposed where the raiyats have voluntarily agreed, by executing *mutchalikas*, to pay the cess instead of contributing labour, and cannot, at present, be compulsorily levied. The system did not prove successful in the few cases tried. There were disputes as to liability with regard to work done, and, in some instances, the cess accumulated without any regular maintenance work being carried out. The accounts, too, of demand, collection and balance of this levy are in confusion. A list of tanks in respect of which acreage cess is levied is given in Appendix XXVIII with the necessary particulars. In cases in which the system has not worked, the cess should be abolished and special estimates prepared and worked out by the Public Works Department, for all necessary works, meeting the cost from the accumulated balance of the cess. The system cannot be indefinitely extended, since no Government establishment, however large, can attend to the petty annual repairs and maintenance of all the tanks in the State, which exceed 26,000 in number.

(ii) The best practicable means of maintaining tanks in good order is to entrust their management to the raiyats of the village, who are the natural guardians and immediate beneficiaries of the works. Government cannot relieve the cultivating raiyats of their responsibility in this respect and introduce, as a general rule, the system of acreage under all irrigation works. The levy of the cess must remain, as at present, an exceptional measure, intended to meet cases where, owing to (a) the large number of absentee land lords, (b) difficulty of executing repairs, (c) scarcity of population, or (d) other similar causes, communal labour cannot be readily obtained; and even in these cases, the cess should cover special establishment charges, for supervision and prompt execution of works.

(iii) An acreage cess of annas eight was ordered to be levied from the holders of lands under the tanks* noted below in the Shimsa basin and the work of maintenance of the said tanks was transferred to the Public Works Department.

The acreage cess recovered from raiyats in lieu of their liability to maintain the tanks should be credited to the Irrigation Cess Fund and the outlay on the maintenance debited thereto.

The Chief Engineer should issue suitable instructions for maintaining a register in all Divisional Offices, showing (a) the demands made; (b) recoveries effected; and (c) the balances due every year in respect of the acreage cess. The register should be kept as a permanent record.

SECTION III—OTHER CESSES.

Supari cess.

330. (1) This cess is levied in order to provide a fund for the scientific investigation of supari garden problems, such as those connected with supari cultivation, diseases to which supari is liable, and the like. The cess is fixed at one anna on every rupee of assessment on all supari garden lands in the State, with effect from 1st July 1907. The proceeds are set apart for the special purpose as well as the following other purposes:—

* Guttalu Doddakere, Holalu Doddakere, Doddarasina Sulekere, Malvalli Doddakere, Marahalli Doddakere.

R. 5533-5—R.
233-04-13, d.
22nd Dec.
1914;
R. 8902-5—L.
R. 232-13-5,
d. 6th Feb.
1920.

Ft. 6873-93, d.
14th March
1907;
R. 7330-93—L.
R. 895-09-1, d.
26th April
1910;
R. 2509-93—
Agri. 131-13-3,
d. 5th Sep.
1917.

(i) Investigation of supari diseases other than "*Koleroga*."

(ii) Experiments on the general cultivation and treatment of supari.

(iii) Establishment of an experimental farm for the cultivation of supari.

(iv) Supply of labour in the Malnad for supari.

(v) Finding suitable market for supari.

(2) The following rules are laid down for the levy of the cess:—

(a) Gardens, in which supari is the chief crop shall, for the purpose of this levy, be treated as entire supari gardens, and the cess calculated on the whole area and assessment thereof. In the case of other gardens having supari intermingled with other produce, the area under supari will be reckoned on the basis of one acre for every 4000 areca trees of not less than twelve feet in height. The assessment on such partial areas shall be calculated at the same acreage rate which the survey number bears, and the cess shall be calculated in multiples of two annas, smaller sums being left out, in order to exempt from the cess small patches of supari gardens assessable below Rs. 2.

(b) The counting of the trees and the settlement of the cess shall be made once in ten years. The Deputy Commissioner's decision regarding the levy of the cess shall be final, subject to alteration or addition, once in ten years, according to altered circumstances. Special cases in which the supari gardens deteriorate, necessitating a remission of the cess under these rules, before the time for the next settlement of the cess arrives, should be investigated personally by responsible officers and the necessary relief granted.

(c) Lands, originally classed as garden, but which do not contain supari trees, are exempted from the cess.

(d) Wet and dry lands converted into supari gardens since the Survey Settlement are also liable to the cess.

(e) In the case of the Malnad gardens, where supari is the chief crop, the cess should be calculated upon the amount actually collected as land revenue, exclusive of remissions, until the Revision Settlement is introduced, when the cess will be levied upon the revised assessment imposed.

3. Deputy Commissioners should enter the amount of this cess under a distinct head "Areca cess" in the place of "Sayer" in the statement of demand, collection and balance under "Local Cess" submitted to Government.

R. 1684-88 L.
R. 495-06-8, d.
2nd Sept.
1907.

(3) *Inamdars not entitled to a share in the cess levied in their villages.*—The benefit accruing to the holders of supari gardens by the abolition of the *halat* on supari is intended to reach the holders of inam gardens as well; and the object of levying the special cess is to provide a fund for the scientific investigation of questions concerning supari cultivation, etc., in which they are also interested. Garden owners in inam villages cannot be exempted from payment of this cess.

R. 8924-88—L.
R. 295-07-8, d.
18th June
1908.

In inam villages into which survey and settlement has been introduced, such cess will be calculated as on Government lands on the rates fixed for gardens in which supari is cultivated. In unsettled villages, the average supari garden assessment prevailing in the nearest *sirkar* or settled inam village should be adopted as the basis of the levy.

The cess should be collected from the inamdars along with the jodi. They are entitled to recover the same from the raiyats concerned, under Sec. 86 (b), L. R. C.

Railway Cess.

331. (i) The levy in the Tumkur District of railway cess at 3 pies in the rupee on all items of revenue on which local cess is levied was authorised by the first of the orders noted in the margin.

(ii) In the second G. O., the levy of a similar cess at 6 pies in the rupee was authorised for the Chitaldrug District.

NOTE.—When railway cess is ordered to be levied in any district, it should be collected as a *distinct and an additional impost* at the rates prescribed for the particular district on the following items of Excise revenue:—

Kind.	Items.
Toddy	... { Tree tax. Tree-rent, and Shop Rental.
Arrack, Ganja, Majum Duty and Beer.	

8896-9—L. B.
209-14-8, d.
13th May
1915; 10498-
508—L. B.
236-14-2, d.
22nd June
1915; Fl. 881-
95—S. R. 159-
14-2, d. 22nd
July 1915; Fl.
994-1001—S.
R. 159-14-6, d
26th Aug.
1915.

SECTION IV—MOHATARFA TAX.

Principles of Mohatarfa taxation.

24044-51—P.
F. 99-94, d.
18th June
1895.

332. The system is intended to reach those classes who do not contribute to the Land Revenue. Prior to 1860, the system was vexatious, and taxes were being levied on castes, professions, etc., under the general denomination of "*Chillar Bob.*" These were abolished from 1st October 1860.

NOTE.—Landholders and purely agricultural raiyats are exempted from the levy of mohatarfa taxes. This exemption extends to agriculturists who, for the disposal of their agricultural produce, follow any other profession to the extent of such disposal. If, for instance, the grower follows another profession, such as, rearing silk worms, etc., and uses up the produce of his own fields, exemption may be granted. But, when this subsidiary occupation of rearing silk worms is expanded, so as to necessitate the buying of mulberry leaves, grown by others, it no longer retains that secondary and subordinate position, but becomes the principal occupation of the raiyat, who loses also the character of being primarily an agriculturist. In such cases, the mohatarfa tax is either fully or partially imposed, in proportion to the ratio, which agriculture bears to the other profession. As a weaver buys cotton and weaves it into cloth, so a rearer of silk worms makes cocoons and sells them; and both are equally liable to the mohatarfa tax.

(For other examples, vide paragraph 27 of Chapter II—page 15 of the *Village Manual, Part I.*)

Items of Mohatarfa Taxation.

333. The items on which Mohatarfa taxes are *now* levied are the following:—

(i) Houses, (ii) Shops, (iii) Carts, (iv) Lime-Kilns, and (v) Vacant sites and back yards attached to houses.

The rates of Mohatarfa tax leviable on Houses and Shops as in force now are given in Appendix XXIX.

NOTE.—The questions raised by the late Superintendents of Divisions in Commission days on the working of the Mohatarfa Rules and the answers of the Chief Commissioner thereto are re-published as Appendix XXX to this Manual.

Other instructions regarding Mohatarfa taxes.

334. (1) The rates of mohatarfa taxes are higher in Municipal towns than in *Kasabas* (that is Taluk Head-quarter Stations) and villages; and for purposes of different rates thus leviable, only Mysore and Bangalore are treated as Towns.

(2) When several members of the same family occupy a house, only one house tax is levied irrespective of their occupations. But, if the members live separately and have separate means of access to their respective portions, separate tax must be levied, according to the nature and extent of the portions of the house in their respective possession.

208—P. F.
65-94, d. 25th
Nov. 1894.

(3) Mohatarfa is also leviable from raiyats holding lands in Government villages, but residing in Inam villages and *vice versa*.

572-98, d. 23rd
April 1894.

NOTE.—*Exemptions from payment of house tax.*

(a) The following classes of buildings are exempted:—

(i) All Government buildings, (ii) State Railway and Palace buildings, (iii) Religious and Charitable Institutions, (iv) Cooly huts in Coffee estates.

NOTE 1.—The Manager of the Institution or inferior servants or travellers, residing therein are exempted from House tax. But, if a part of the premises is regularly leased out for a rent, a tax may be levied according to the value of the part occupied.

NOTE 2.—Cooly huts in coffee estates are also exempted; but no exemption is allowable in respect of huts situated *outside* coffee estates, except those of coolies who live temporarily for less than a year in *Jhopadies* and who are *bona fide* labourers employed in Coffee estates.

Camp 1818-85,
d. 10th March
1887; 5681-88
—R. F. 89-94,
d. 19th Dec.
1895.

(b) The *Mamul* exemption of registered *barabaluti hakdars* may be continued to the chief member of the family doing the service and not to subordinate members thereof.

9218—P. F.
65-94, d. 25th
Nov. 1894.

(c) The house of a *khatedar* situated in the village in which he owns lands and in which he resides is exempted. Similarly, a raiyat residing in a village where he holds no lands, but owns lands in a village, distant not more than 5 miles from his residence is also entitled to exemption.

9180-87—R.
4004, d. 15th
June 1899.

(4) *Mohatarfa in Inam villages.*—(i) The raiyats and other tenants in inam villages are, as a rule, on the same footing with regard to Mohatarfa as those of Government villages. In cases in which Mohatarfa or sundry taxes for which mohatarfa has been substituted in Government villages are by custom leviable by the Inamdars from their tenants, rates similar to the mohatarfa levied in *sirkar* villages may be collected; and all disputes between the Inamdars and their tenants should be decided on the above principles.

Cir. 183, d.
23rd Jan.
1862.

(ii) Revenue Officers should not summarily collect the mohatarfa revenue for an Inamdar, when the raiyats in the Inam village refuse to pay the tax. The remedy is by a suit in a proper Court.

Camp 797, d.
15th Nov.
1888.

(5) The valuation of houses for purposes of Mohatarfa in disputed cases must be made by the Taluk or

10608-10—Cir.
154, d. 31st
Dec. 1891.

District officers, and *not* by the Village Shanhog. Village Account Form No. 12 (*Khaneshumari*) is intended only for statistical purposes and not to furnish information for the settlement of mohatarfa.

(6) No local cess is leviable on Mohatarfa taxes.

(7) Mohatarfa should be credited to District Funds.

IV. 1024-562—
L. R. 453-16-1,
d. 10, 19th
April 1917.
R. 6996-709—
Ml. 81-20-0, d.
3rd Aug. 1920.

(8) *Municipal taxes on Sandal Oil and other Government Factories, etc.*—Under proviso (a) to Sec. 59 of the Municipal Regulation, Government buildings used solely for public purposes, and not used or intended to be used for purposes of profit, are exempt from Municipal Taxation. As the Sandal Wood Oil and other Government Factories and the Electric Power and Transformer Houses are worked on a quasi-commercial basis and are consequently treated as sources of revenue, they are not exempted from liability to such taxation. The factories and power and transformer houses of the Electrical Department should pay taxes to the Municipalities concerned.

CART TAX.

Introductory
note.

A uniform system of levying tax on carts was introduced in 1870. The main principle of mohatarfa taxation is that all those classes who derive some benefit or other, but who do not contribute to the Land Revenue, must be made to pay this tax. It was accordingly ruled that a tax should be levied on carts in the possession of all persons *other than those whose primary occupation is agriculture.*

All carts drawn by pairs of bullocks and ordinarily used for carrying loads and *Wadder bandis* or others of a similar inferior description are chargeable with the cart tax.

9617—R. 3137,
d. 18th April
1898.

N.B.—The use of a cart and not its constructive arrangement (such as springs or no springs) is the criterion for imposing the cart tax.

Rates of cart tax.

86-88, d. 31st
March 1871;
9677—L. B.
3137, d. 1st
April 1898.

335. A uniform annual rate of rupees two per cart drawn by pairs of bullocks and rupee one per cart drawn by single bullocks is levied on carts in the possession of persons other than those whose primary occupation is agriculture.

Exemptions.

24641-50—R.
F. 246-92, d.
25th June
1895.

(i) In rural parts and non-municipal villages, carts drawn by pairs of bullocks and belonging to persons whose

primary and sole occupation is agriculture are exempted, even though they may occasionally hire out their carts during other than agricultural seasons, provided they are not stone waddars, merchants, traders, contractors, etc., who follow some other profession or occupation besides agriculture. The point who are agriculturists entitled to this exemption and who are not, should be determined from the circumstances of each case, after a proper enquiry. No inflexible rule for the guidance of the *Jama-bandi Officer* is feasible. He must exercise sound discretion in assessing and levying the tax.

(ii) Carts belonging to Mutts and exclusively and habitually used in connection with the farming of Mutt lands are also exempted.

(iii) Carts brought by stone waddars, especially from beyond the frontiers and employed exclusively on public works and not in the carriage of traffic are exempt from this tax.

5896—R. 55, d.
20th Oct. 1875.

4998-5006—
Cir. 62, d. 17th
June 1892.

Tax on lime kilns.

336. Where lime stones are burnt, a tax varying from rupees two to ten should be levied on each kiln, according to the locality and trade, in addition to the royalty for removal of lime-stones, recoverable under Rule 18, L. R. R.

2755-66—R.
487, d. 4th
Sep. 1879;
10502-9—R. F.
187-93, d. 20th
Dec. 1894;
1906-13—R. F.
187-08, d. 30th
Aug. 1900.

Shop-tax.

337. (i) *Liability of owners of houses to shop-tax.*—Tradesmen having their houses and shops *separate* shall pay for both, *when each has a separate front door*. The tax on shops should be separately and additionally levied, without distinction, at the existing rates. A modification of these rates will depend upon the general reclassification and with reference to the descriptions of trade carried on and the incidence of the tax on them; but the shop tax and house tax are distinct items, determined with reference to their respective circumstances.

1743-60—Pet.
140, d. 25th
July 1898.

The above rule does not authorise the levy of both a house and a shop tax on the same building at the same time. For Mohatarfa tax in Municipal Towns, a building should be classed either as a house or as a shop. Where a building is used partly as a shop and partly as a house or residence, only that part which is used as a house or residence should be rated for a house tax and the other part for a shop tax.

480-82, d. 19th
May 1888.

(ii) Arrack retail shops are not exempt from the mohatarfa tax.

6767—P. 1647,
d. 7th March
1896.

(iii) *Varam guttagedars exempt from taxation.*—Persons following the profession of agriculture primarily enjoy generally exemption from the liability to pay mohatarfa *kandayam*. In this class are included such of the *Varam Guttagedars* as undertake the cultivation of the gardens and take a share of produce for their profit. But distinguishable from these are the other kind of lessees who simply buy the produce on *Keni or Izara* and sell it in retail for profit. In the latter kind of occupation, the element of agricultural co-operation is markedly wanting and the profession thus followed partakes of the nature of trade and becomes liable to be assessed to mohatarfa tax.

(iv) *Itinerant traders liable to the taxation.*

R. 926-96, d.
27th Aug.
1902.

(a) Itinerant traders who are found trading in any place or places should be called upon to state the place of their residence or principal place of trade, and tax put on them in such places.

(b) A certificate should be granted, signed by the patel of the village or shekdar of the hobli, or a taluk officer, showing that the person has been taxed for itinerant trading; and this is a sufficient protection against further taxation under Mohatarfa Rules.

(c) Persons having their residence outside the State should be taxed in the place they are found trading in and similarly granted a certificate, which exempts them from further taxation during the year. In this case, the tax should be levied in advance.

(d) The rates shall be the same as for traders carrying on trade on the scale of the kind followed by the itinerant trader.

R. 6241-9—L.
R. 261-06-2, d.
21st Dec. 1906.

(e) *Agriculturists selling the produce of their lands not to be taxed.*—The tax on itinerant traders was advisedly introduced in 1902 at the rate of Rs. 2 per annum, on the ground that persons who traded all over the country without a fixed place of business should not escape taxation, while the resident traders were subject to it.

NOTE.—*Bona fide* agriculturists and others who sell the produce of their own lands or dairies or articles manufactured or produced by themselves and also petty itinerant sellers of vegetables, betel-leaves, nuts and other articles of small value are exempted.

R. 9973-91—
Mis. 695-04-2,
d. 11th April
1906.

(v) *Brokers also liable to the taxation.*—Brokers should be taxed in the same way as itinerant traders,

both in municipalities and elsewhere. In municipalities, they should be dealt with under the Municipal Regulation.

Tax on vacant sites in villages.

338. This tax is levied in respect of all sites in villages other than those occupied by houses or back yards attached to houses.

16918-27—R.
1699, d. 5th
April 1894.

Mode of calculating the tax.

339. The following rules are laid down regarding the mode and rate of fixing the assessment:—

(i) The assessment should be fixed by Deputy Commissioners.

(ii) Village site land occupied by houses and back yards attached thereto should not be assessed, if the house and attached back yard do not occupy more than ten guntas in the *maidan* parts, and twenty guntas in the *malnad*. Should the area thus occupied exceed ten guntas in the *maidan* and twenty guntas in the *malnad*, the excess will be assessed.

(iii) An acreage assessment should be imposed upon all other occupied land, left vacant within village sites, whether building site land or land ordinarily used for purposes of agriculture.

(iv) The rate of assessment to be fixed should not exceed the highest rate, in the village, of the class of land (dry, wet, garden or coffee) to which the land to be assessed belongs.

(v) The minimum assessment to be fixed on lands liable to be assessed as above is four annas. But as regards building sites under occupancy on which houses have not been built, the minimum rate of assessment is eight annas.

(vi) Vacant sites built upon become subject to the provisions of Rule (ii) above.

(vii) If a person owns two or more separate *hittal* sites in the same village, their aggregate extent should be taken into consideration in levying the assessment.

NOTE.—These rules do not apply to vacant sites in Municipal towns which come under the operation of G. O. No. 1513-30—L. F. 46-96, dated 29th July 1896.

The assessment levied in accordance with the rule laid down in (i) above, will be treated as supplementary

R. 724-34—R.
F. 82-96, d.
29th Aug.
1908; R. 4018-
22—L. B. 882-
06-4, d. 8rd
Jan. 1908.

to the mohatarfa house tax and credited to a subordinate head under that revenue.

(viii) Local cess is not levied on the tax on vacant sites.

8940-7—L. B.
227-10-2, d.
10th April
1911.

Trees standing on private sites.

1972-80—R. F.
161-96, d. 31st
July 1897.

340. Government have no claim to the products of *hippe* and other fruit trees standing on assessed vacant site belonging to private persons.

(*Vide* also paragraph 121 of this Manual.)

R. 5196-205—
R.M. 31-05-11,
d. 23rd March
1912.

Tax on Kanas.—Where raiyats prepare ground temporarily for stacking crops and for threshing them, prior to the removal of the corn and straw to their houses, no tax need be imposed. Where the *kana* is used for permanent storage of grain and straw or for keeping cattle or for other agricultural purposes, each case should be dealt with on its merits, with reference to the (i) description of the land; (ii) nature of the tenure; and (iii) rights, if any, to which the tenure is subject. Ordinarily, arable land should be assessed as for cultivation, and where the land is allowed to be occupied for *kanas* without its being assessed for cultivation, such tenure is liable to be determined, whenever the land is required for cultivation.

Manufacture and export of earth salt in Mysore.

113, d. 15th
July 1881.

341. (a) *Rules for the manufacture of earth salt.*—

I. The manufacture of earth salt within five miles of the British territories is prohibited.

II. The system of farming out the manufacture of earth salt is discontinued.

III. Licenses for the manufacture should be taken out from the Deputy Commissioners for each pan, such licenses being only for the existing pan or pans which may be opened in substitution of others already in existence and which may fall into disrepair.

IV. Duty shall be levied on each pan so licensed at rates which shall be fixed by Deputy Commissioners with reference to the productiveness of the locality, but it shall not be less than three rupees per pan per annum in any case. The land assessment on arable lands used for the manufacture of the salt should be paid, irrespective of the above duty.

V. The export of earth salt beyond the limit of the State is prohibited.

VI. Any person offending against the foregoing rules shall, on conviction before a Magistrate, be subject to the following punishments :—

Confiscation of the salt manufactured or exported in contravention of Rules I, III and V, with the implements, animals and vehicles, employed in the manufacture or conveyance of all the salt ; and

For the first offence, fine which may extend to Rs. 10 or in default of payment of fine, imprisonment (either simple or rigorous) which may extend to three days. For the second or any succeeding offence, fine which may extend to Rs. 50, or in default of payment of fine; imprisonment (either simple or rigorous) which may extend to fifteen days.

(b) *Earth-salt manufactured in houses not liable to the tax.*—Under the foregoing Rules duty is leviable upon salt-pans for the working of which licenses are granted. Earth salt obtained by dissolving saline earth in a pot, washing the solution into another pot below and drying the sediment therein, is not taxable in Mysore.

2098-100—Cir.
83, d. 21st
May 1891.

(c) *Salt-pans in Amrut Mahal Kavals.*—The salt-pans in the Amrut Mahal Kavals will be disposed of by the District Revenue authorities, and the proceeds credited under the minor head of Salt Revenue.

45-5, d. 1st
April 1896.

(d) *Disposal of applications for licenses.*—In cases in which there are more applications than one for a license for the same pan or set of pans, the discretion vested in Deputy Commissioners by Rule IV *supra* is best exercised, not by a resort to a sale by auction, but by adopting a system of tenders in which due notice is given to all concerned ; applications should be invited within a prescribed time and that tender which is most advantageous to Government should be accepted. Where there is no competition, but only a single application for a license or the renewal of a license, no call for tenders is necessary.

8276-88—Cir.
1, d. 17th
June 1891.

(e) *Importation of earth-salt not prohibited but exportation forbidden.*—The Mysore raiyats are forbidden to export earth salt into the Madras Districts, the article being there contraband ; the earth-salt is nowhere contraband in Mysore, and all that is required of the Mysore authorities in cases where there is any importation of earth-salt from a Madras District into Mysore is, that the Deputy Commissioner should intimate to the Collector concerned that earth-salt is imported into

2044—R. 61,
d. 19th June
1894.

- Mysore, leaving it to him to do what he thinks necessary to put a stop to it. The Mysore Government is in no way called on to enforce the Madras Revenue Laws within the limits of its territory beyond what is indicated above.

**Rules for the levy of tolls on public roads and bridges in Mysore.*

342. (1) The Government may, from time to time, declare the roads on which and the places where tolls shall be taken, and may abolish the collection of tolls on roads on which such tolls have been declared leviable; and may authorize the erection or removal of any toll-bar for the purpose of carrying out the provision of this section.

(2) They may also cause such rate of tolls not exceeding those mentioned in the schedule hereto annexed to be levied on any road or bridge in Mysore which has been, or will hereafter be, constructed at the expense of the Government.

(3) In case of non-payment of any such toll on demand, the officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll.

(4) If any toll remains undischarged for 24 hours after the property has been seized as stated in the preceding section, the said property shall, after twenty-four hours' notice, exclusive of Sunday or any close holiday, be sold by public auction for discharge of the toll, and all expenses occasioned by such non-payment, seizure and sale, by order of the officer authorized to superintend the collection of the toll, who shall cause any balance that may remain to be returned on demand to the owner of the property. Provided that if at any time before the sale has actually begun, tender is made of the amount of all expenses incurred and of double the toll payable, the said officer shall forthwith release the property seized.

(5) No toll shall be paid for the passage of troops, or military stores or equipages or of police officers on

* [Issued under the authority of the Government of India with the notification of the Chief Commissioner of Mysore, No. 274, dated the 4th November 1876.]

duty, or of any person or property in their custody or of any property *bona fide* belonging to Government as established by the production of a certificate from the Head of the Department to which it belongs. †And it is lawful for the Government to grant and define other exemptions from payment of the tolls levied under these rules.

(6) The collection of tolls may be placed under the management of private persons appointed by the Government or may be made by the officers of Government; and all persons employed for this purpose shall be liable to the same responsibilities as they would be if employed in the collection of the land revenue.

The Government may also, under such conditions as it considers advisable, authorize the sale by public auction of the right to collect tolls at all or any of the toll-bars.

(7) Any person who is not duly appointed as a toll collector who shall levy or demand any toll on any public road or bridge, or who, when duly appointed as such, shall demand more than the rates specified in the schedule, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 200 or to simple or rigorous imprisonment not exceeding six calendar months.

(8) A table of the tolls authorized to be taken at any toll-gate or station under these rules, with a statement of the penalties for refusing to pay the same, legibly written in English and the vernacular of the locality, shall be put up in a conspicuous place near such gate or station.

It shall be the duty of the person in charge of such gate or station to keep such table in a proper and legible condition.

(9) The net proceeds of the revenue from tolls should be applied wholly to the construction, repair and maintenance of roads and bridges within the State.

(10) Any person who fraudulently or forcibly passes any toll-bar without paying the proper toll, or who obstructs the toll-gatherer in the discharge of his duties, will be liable, on conviction before a Magistrate, to simple or rigorous imprisonment for any term not exceeding three months or to a fine not exceeding 50 rupees.

(11) The Government may issue such further orders, from time to time, as they may deem necessary, to

†Inserted by Govt. Notn. R. 9242—L. R. 579-3, dated 24th April 1915.

R. 9243-59—L.
R. 579-14-4, d.
24th April
1915.

regulate the levy of tolls in the State, provided that such orders are not repugnant to the provisions of these rules.

NOTE 1.—Under Rule 5 of the foregoing Rules the Hon'ble the British Resident in Mysore is exempted from the payment of the tolls, levied under these rules at all the Provincial and District Fund toll-gates and bridges.

R. 8-11—L. R.
612-12-3, d.
9th Oct. 1918.

NOTE 2.—To provide for composition of tolls payable in respect of provincial roads and bridges, the following rule is issued:—

Deputy Commissioners may compound with any person for a sum to be paid annually or half-yearly in lieu of all such tolls as may, from time to time, be prescribed, to be levied either generally in respect of all provincial roads and bridges or specially in respect of any particular road or bridge, and may issue licenses to any such person in respect of his carriages, carts, or animals, provided always that such composition includes all the carriages, carts and animals, possessed by the person compounding.

CHAPTER XVIII.

REVENUE ACCOUNTS AND JAMABANDI.

The accounts and registers which a Shanbhog (Village Accountant) has to keep are enumerated on page 2 of the Mysore Village Manual, Part II (1918 Edition). Instructions for maintaining them are also given in pages 3 to 7 and *et seq* of the same book.

Part II of the District Office Manual deals exhaustively with the accounts, registers and returns, which have to be maintained by the Revenue Branch (both Munshi and Accounts Sections) of a District Office; and Part II of the Taluk Manual, with those to be kept by the Taluk Establishment.

The more important Revenue Accounts which are either reviewed or recorded by the Revenue Commissioner, or by Government in the Revenue and Statistical Departments, are alone referred to in the ensuing paragraphs, with succinct notes or instructions.

SECTION I—CERTAIN REVENUE STATEMENTS AND REGISTERS.

Demand, Collection and Balance Statements.

343. (i) Monthly statements of D. C. B. have to be submitted to the Revenue Commissioner in the first instance by Deputy Commissioners. The Revenue Commissioner should submit them to Government with his review thereon, before the end of the month following that to which the review relates.

R. 5042-80 L.
R. 199-05-2, d.
15th Nov.
1905; R. 1632-
40 L. R. 10-12-
13, d. 29th
Sept. 1912.

(ii) Simultaneously with the submission of the D. C. B. statements to the Revenue Commissioner, an abstract statement in the form given in Appendix XXXII, giving the totals of demand, collection and balance under certain main heads of revenue should be submitted direct to Government for each of the months January to July every year. The figures to be given in this abstract need only be extracts from the main returns.

NOTE.—Deputy Commissioners should give their personal attention to the punctual submission of these returns, so as to reach the Revenue Secretariat on or before the 20th of the month following that for which they are due.

R. 4021-9 L.
R. 216-16-4, d.
2nd Nov. 1916;
R. 16770-8—,
L. R. 345-18-3
d. 27th June
1912.

For the form of Register of D.C.B. of Land Revenue, Land Revenue Miscellaneous, etc., *vide* Appendix 63, District Office Manual, Part II and Appendices 64 and 65, Taluk Manual, Part II.

R. 11455-505—
L. R. 345-18-1
d. 8th March
1919.

(iii) As the Monthly Demand, Collection and Balance Statement of each taluk is received in the District Office it should be scrutinised and the totals for each main head of revenue, such as, Land Revenue, Miscellaneous, etc., posted in the D. C. B. Register. This course facilitates the preparation and submission of D. C. B. returns due to the Revenue Commissioner, on the day the return from the last taluk is received.

The Taluk Monthly and Annual D. C. B. Returns should also be regularly filed in the District Office, as they furnish figures under detailed heads.

N. B.—D. C. B. Statements of Mohatarafa Revenue (Appendix 64, District Office Manual, Part II) and of Cesses (Appendix 65, *ibid*) are also reviewed by Government.

Besides the assessment of Government occupied lands in a village, the following items of revenue also go to make up the land revenue:—

- (i) Jodi to be recovered from Inamdars;
- (ii) Hulbanni;
- (iii) Amrai;
- (iv) Sale of trees;
- (v) Fines for unauthorized cultivation;
- (vi) Sale of Crops;
- (vii) Notice fees; and
- (viii) Interest.

R. 10476-523—
L. R. 188-15-2
d. 15th May
1918.

Village Form No. 9 (General Abstract of Lands and Revenue or, "Jamabandi Kammi Jasti Goshwar") exhibits the amount of land revenue to be levied during the year. (*Vide* page 58, Mysore Village Manual, Part II.)

Land Revenue of Lands brought under the Block system of Irrigation under the Vani Vilas Sagara.

R. 10498-41—
L. R. 184-14-11
d. 22nd May
1918.

344. To facilitate the separation of land and irrigation revenue and the maintenance of proper accounts in respect of all lands included in the blocks, the following procedure should be adopted:—

(i) All lands comprised in the blocks should be entered in the accounts as dry lands.

(ii) Every year, *Kulwar* statement of water-rate should be prepared in the Public Works Department and furnished to the Deputy Commissioner for its being brought on the demand during the Jamabandi settlement.

(iii) The water-rate should be entered separately in the additional columns opened for the purpose in the *Khate*, the *Saguvali Patrik*, the *Khirdi*, the *Goshwar* and the raiyats' *patta*, besides being credited to a distinct head in the Treasury.

(iv) A quarterly demand, collection and balance statement of water-rate should be furnished by the Deputy Commissioner to the Chief Engineer, and an annual return submitted to Government through the Revenue Commissioner.

Refund Bills.

(Appendix 67, District Office Manual, Part II.)

345. (i) Deputy Commissioners are empowered to sanction refund of all sums (including departmental fines), collected by any department under their control, in cases where it is clear that Government were not, in the first instance, or have since ceased to be, entitled to such amounts, as for instance, when a original assessment, fine, etc., has been cancelled or reduced in appeal.

R. 6185-288 L.
R. 641-18-14,
d. 16th Dec.
1916.

(ii) All cases in which there is any doubt should be referred to the Revenue Commissioner for sanction, subject to a period of three years' limitation, and provided the amount does not exceed Rs. 500.

(iii) Full details of collection of revenue should invariably be furnished in the refund bills. Every refund should be noted against the original credit in the departmental accounts, where all sums are entered in detail.

For further details regarding the account procedure in respect of refund bills, vide Articles 169 to 172, Mysore Account Code, Vol. I.

NOTE.—Deputy Commissioner's power to sanction refunds referred to above does not extend to the forest revenue collected by Forest Officers; such cases are governed by Section 119 of the Forest Code. Deputy Commissioners are, however, competent to sanction refunds in the case of realisations from *District Forests, etc., collected by the Revenue agency and credited to the Treasury under "Forest Remittances."* Vide also the tabular statement under the heading "Revenue Accounts"—paragraph 20.

R. 12680-30 L.
R. 395-9, d.
22nd June
1917.

REMISSIONS.

(Forms of Registers of "Irrecoverable arrears of Revenue" are given in Appendices 68 and 69, District Office Manual, Part II, and Appendix 30, Taluk Manual, Part II.)

R. 3510-9 L. R.
75-16-5 d.
11th Oct. 1917;
R. 11440-500
L. R. 243-19-4
d. 1st April
1920.

346. (i) Powers of Deputy Commissioners to sanction the remission of irrecoverable arrears of revenue are described in sub-para (ix) of paragraph 235 of this Manual and the particulars which should be clearly specified in the Remission Statements are indicated in sub-para 3 of paragraph 59, Chapter V, District Office Manual, Part I.

(ii) Rules for granting remissions in other cases are stated in the remaining sub-paras of the same paragraph.

(iii) Half-yearly statements of amounts ordered to be remitted or written off the accounts as irrecoverable by the Revenue Commissioner in all cases where the amount involved is more than Rs. 50 should be submitted by him to Government for information, before the 15th of the month, following the half year to which the statement relates.

Quarterly statements of similar cases should be submitted to the Revenue Commissioner on or before the 15th of the month following the quarter to which the statement relates.

R. 8105-44 L.
R. 212-06-1,
d. 11th Sept.
1906.

Vide also paragraphs 60, 61 and 62 of Chapter V. District Office Manual, Part I.

Atchkat Register.

347. (i) This is a very important Register. The several forms pertaining thereto are given in Appendix XXXIII to this Manual. (*Vide* also Village Form No. 3B, Part II of the Village Manual.)

(ii) The object of this account is to exhibit :—

(a) all the lands commanded by a Government or private irrigational work (tank, river, channel or well) in each village ;

(b) lands under the said work actually cultivated.

(iii) Information should be furnished as to the area actually irrigated under each source of irrigation, as compared with the total irrigable area, not only for statistical purposes but also for ascertaining the causes which prevent full use being made of the irrigational capacity of the work, and for directing efforts towards this purpose. Requisite information will be easily available, where the lands, commanded by a source of irrigation, are all situated in the same village. But, where they are spread over more than one village, each shanbhog concerned should maintain the prescribed register, in so far as they comprise the lands situated in his village.

R. 747-57—
L. R. 44-98-4,
d. 18th July
1906.

NOTE.—The term "irrigable area" includes the extent of all lands, directly irrigated by the tank water. The assessment on all lands shown as the *Atchkat* of the tanks should be taken into account in selecting tanks for restoration, whether the said lands are wet or garden lands, the survey records being taken as the basis for determining the *atthkat* of any particular tank.

R. 127278-7—
L. R. 15-19-19,
d. 6th May
1920.

(iv) The task and responsibility of preparing the *Atchkat Register* should not altogether devolve on the Shanbhogs, as they may not be in a position to get the necessary information, on account of the inaccessibility to the original records.

(v) The statements prepared by Shanbhogs, in the first instance, must be checked by the Taluk officials. They should then be sent for further scrutiny to the Survey and Public Works Departments. After they are finally revised, they should be deposited in the Taluk Cutcherry, the Shanbhog being allowed to take a duplicate thereof, as in the case of the *Khetwar Patriks*. Where lands under any tank, well or channel are situated in more than one village, only one register compiled from the statements received from the several Shanbhogs need be maintained in the Taluk Office.

Alienation Statements.

(For Revenue Commissioner's powers to sanction alienations, vide sub-para 5 and the note thereunder of paragraph 12).

348. (i) Annual statements of alienations, sanctioned by that Officer should be submitted to Government, as an Appendix to the Revenue Administration Report, giving only totals and not each individual item.

R. 14950-9—
L. R. 86-18-6,
d. 21st May
1919.

(ii) Deputy Commissioners are competent to sanction the writing off of the assessment on lands, acquired under the orders of Government and on assessed waste lands, appropriated under the orders of the Revenue Commissioner for the extension of village sites. (Rule 11, L. R. R.)

R. 6185-283—
L. R. 641-13-
14, d. 16th
Dec. 1916.

(iii) They are also empowered generally to write off assessment on all assessed unoccupied lands, whether whole or part of survey numbers, situated within the prescribed margin of the State Forests.

R. 10853-63—
L. R. 490-16-2,
d. 16th May
1917;—R.
14950-9 L. R.
86-18-6, d. 21st
May 1919.

(iv) The form showing particulars of the alienation of State lands, sanctioned by Deputy Commissioners, is given in Appendix 102, District Office Manual, Part II; half-yearly statements thereof should be submitted to the Revenue Commissioner by Deputy Commissioners, on or

before the 15th of the month, following the half-year to which the return relates.

In respect of cases of alienations to be submitted to Government *for sanction*, *vide* paragraph 101 of this Manual.

*Register of boundary marks charges recoverable
from raiyats.*

5444-53—Cir.
85, d. 24th
June 1892.

349. (i) Every land-holder is responsible for the maintenance and good repair of the boundary marks of his holding, and also for reasonable charges, incurred by Revenue Officers, in cases of alteration, removal, or disrepair. (Sec. 131, L. R. C.)

(ii) The form of this Register is given in Appendix 32. Taluk Manual, Part II. Instructions for maintaining the same are given in the foot-note on page 53 of the same book.

Register of Arrear Potgi Bills.

[*App. 66, District Office Manual Part II.*]

350. (i) The potgi is reckoned from the 1st July of one year to the 30th June of the following year and paid annually, in cash, soon after the close of the financial year for which the potgi is due, by the Amildar himself. (Art. 182, Mysore Account Code. Vol. I.)

(ii) The potgi allowance due for one year may be paid by the Amildars within 12 months after it becomes due, without the sanction of the Deputy Commissioner, and within 24 months, with the sanction of the Deputy Commissioner. Claims older than two years require sanction of Government. (*Vide Rule 76 of the Rules under the V. O. Regulation.*)

Lands acquired for a Department of Government.

B. 12187-97—
L. R. 292-19-2,
d. 17th April
1920.

351. (i) In respect of lands acquired on behalf of any department of Government for public Works, the Department concerned have also to compensate for loss of revenue.

(ii) Capitalised value equal to 25 years' assessment of the occupied land acquired, or of the unoccupied land appropriated for the purpose of public works should be added to the cost of the works, so that the return to Government from such works may be correctly calculated. In all other cases, it is sufficient, if mere *abatement* of land revenue is allowed.

SECTION II—JAMABANDI.

Object of Jamabandi.

352. "The Jamabandi or annual settlement comprises a detailed scrutiny of the village and taluk registers and accounts, with the object of ascertaining whether all items of land revenue, including the demand for settled villages have been properly determined and brought to account, and whether the statistics prescribed for economic and administrative purposes have been correctly compiled. The opportunity should be taken to see that all the taluk authorities from the Amildar downwards have, during the revenue year (same as the official year), been doing all that is expected of them by Government, particularly in respect of the following subjects:—

- (i) Careful inspection of cultivation and *perambuk* (uncultivated waste).
- (ii) Prompt and proper disposal of:—
 - (a) Encroachments.
 - (b) Darkhasts for relinquishments and transfers of land.
- (iii) Examination of *Khirdies* (Cash accounts).
- (iv) Claims to remission.
- (v) Collection of *Khists* as they fall due.
- (vi) Refund of over-payments by raiyats, etc.

(Adopted from Madras Government S. O. No. 12).

Return of Raiyats' Receipt Books.

353. Raiyats' Receipt Books (Survey Form No. 4) called for at the time of Jamabandi should not be retained by Shanbhogs. As these books have to be produced by the raiyat, when he tenders payment of his *kandayam*, they should be returned to him immediately after examination.

5568-60—Cir.
107, d. 6th
Aug. 1898.

Nature of Jamabandi work.

354. The work to be done by Jamabandi Officers cannot be too minutely defined; the salient points have, however, been indicated above as well as in the ensuing tabular statement. The inspection of field boundary marks, avenue trees, and tanks and other irrigation works forms one of their principal duties. The examination of village accounts, the disposal of *takrar tahktas* and darkhasts of a special nature, the settlement of disputes regarding the transfer of *pattas* and a thorough examination of demand, collection and balance of every item of Government revenue, must engage their special attention. During Jamabandi, Government waste lands bordering on cultivation, as also the dry lands possessing irrigational facilities should be methodically inspected, so that

2594-601-954,
d. 5th Sept.
1898.

unauthorized encroachments and surreptitious use of Government water may be detected. A few of the lands resigned during the year, may also be inspected, with advantage to see whether they have been cultivated after relinquishment.

Commencement and completion of Jamabandi work.

16445-52--R.F.
2-92, d. 5th
April 1898.

355. (i) The extension of the *Khistbandi* is not intended to delay the holding of the Jamabandi, which is best held in the cold season, when travelling is very convenient. The Jamabandi should begin immediately after the Dasara holidays and completed with the expedition consistent with efficiency.

R. 8883-922--
L.R. 1020-2,
d. 11th Feb.
1921.

(ii) Timely and well ordered conduct of the Jamabandi is of supreme importance.

(iii) A statement of the Jamabandi work done by Assistant Commissioners in the form prescribed in Appendix XXXIV should be submitted by Deputy Commissioners through the Revenue Commissioner, along with their Jamabandi Reports.

(iv) Progress in the Jamabandi work from time to time during the Jamabandi season should also be submitted to the Revenue Commissioner in the form given in Appendix 94, District Office Manual, Part II.

Examination of Village Accounts.

1682-9--R.
249-92, d. 28th
July 1892;
2594-601--
954, d. 5th
Sept. 1896.

356. (i) Village accounts kept by shanbhogs should be properly examined by the Taluk and District officials. Most of the difficulties, which are felt in clearing up the district balances and settling disputes, connected with the transfers of holdings, arise from the confusion in the Village Accounts. The particular duty of a Jamabandi Officer is to examine as many village accounts as possible, say, at least 20 per cent of the villages of the Taluk taken up by him for the Jamabandi. If he finds any errors of a general character, the same should be brought to the notice of the Deputy Commissioner, in view to general instructions being issued.

(ii) Amildars should also examine, during their tours as many village accounts as possible each year and report the result to their immediate superiors. They should examine at least ten per cent of villages in their charge.

(iii) In the Annual Revenue Administration Reports, the number of villages the accounts of which have been

examined in each taluk by the Amildars and Jamabandi Officers respectively, should be stated, together with the results of their examinations.

(iv) When Shanbhogs attend the Taluk Cutcherry on business, the Taluk Sheristedars and Head Gumastas also should examine as many accounts as possible. Shekdars are responsible for the accuracy of the accounts of all the villages in their charge.

(v) Jamabandi Officers should satisfy themselves that *khetwar*, *khate* and other Village Registers correspond with the entries in the Inam Registers, consistently with the available facts.

3273-80—P.
445, d. 22nd
Aug. 1895.

Other duties of Jamabandi Officers.

357. Every Jamabandi Officer, should, before he leaves the taluk or the tract settled by him, submit to the Deputy Commissioner of his district a full report of the work done by him. Within a fortnight of the receipt of such reports from the several officers concerned the Deputy Commissioners should submit them to the Revenue Commissioner, with a consolidated review for the whole of the district, including the taluks or parts of the taluks of which the Jamabandi was conducted by themselves. The dates of the commencement and close of the jamabandi must invariably be shown, and no item of work specified in the following memo should escape the notice of the Jamabandi Officer:—

3231-8—R.
1053, d. 17th
Oct. 1900;
20—L. R. 258-
06-8, d. 4th
Sept. 1907.

No.	Item	Remarks
1	Examination of Government Village Accounts.	The Jamabandi Officer should test the accounts of not less than 20 per cent of the total number of villages in each taluk, a suitable selection of villages being made. The omissions or errors, if any, discovered, should then and there be caused to be rectified. (Vide para 6 of Government Proceedings No. 7650-57—R. F. 21 of 98-99, dated 24th April 1899.)
2	Accounts of Inam Villages...	Whether or not Accounts Nos. 14 and 15 have been furnished to the Amildar by the Inamdars concerned as per Rule 6 of the Land Revenue Rules should be ascertained; and if there should be any remissness on the part of inamdar, the Amildars should be properly instructed in the matter and the omission caused to be supplied. (Vide para 7 of Government Proceedings No. 7650-57—R. F. 21 of 98-99, dated 24th April 1899.)
3	Pahani work	This important work should be carefully done by Jamabandi Officers. They should, by enquiries, satisfy themselves that the Pahani account is properly and correctly prepared by the shanbhogs in time and note in the Village Pahani Book with their initials, the number of fields and

No.	Item	Remarks
		<p>the percentage thereof to the total number in the village, which they may have themselves inspected and also see that the Amildar has similarly inspected the lands and has made a note in the book and that inspection was also made twice in the year. The Amildars should strictly observe the percentage in regard to the inspection of fields, as laid down in the rules. Any failure or deficiency in this respect on their part should be severely dealt with. (<i>Vide</i> Government Proceedings No. 6150-57—R. 2096, dated 9th January 1897.)</p>
4	Inspection of boundary marks	<p>The various duties devolving upon village officials, shekdars, taluk officials, Amildars and Jamabandi Officers, in respect of the inspection of boundary marks are clearly defined in the L. R. Rules to which the Jamabandi Officers should pay particular attention. <i>Bandhs</i>, particularly between occupied and unoccupied fields, and also those between irrigated and unirrigated fields should be inspected.</p>
5	Inspection of boundary marks between the Mysore and British Frontiers.	<p>The Jamabandi Officer should satisfy himself that the demarcation settled by the Survey Department has not been interfered with and note the result of his inspection in the Village Accounts. Should there be any dispute, he should investigate the matter, with a view to the case being reported to Government. (<i>Vide</i> Government Proceedings No. 9564-71—R. 3113, dated 1st April 1898.)</p>
6	Disposal of Takrar Takhtas and other pending revenue records.	<p>These matters should be disposed of on their merits.</p>
7	Settlement of disputes regarding transfers of Pattas.	<p>Such disputes should be decided in an equitable manner.</p>
8	Examination of Demand Collection and Balance of every item of Government revenue.	<p>The Jamabandi Officer, after scrutinizing these accounts, should furnish in his report the details of Jamabandi for the year under important heads, as compared with the figures for the previous year, giving reasons for increase or decrease, as the case may be.</p>
9	Inspection of waste lands...	<p>The Jamabandi Officer in the course of his work should inspect waste lands bordering on cultivation, in order to find out encroachments; dry lands possessing irrigational facilities, should also be inspected. Should any surreptitious use of Government water be suspected, it must be detected and due notice thereof taken. (<i>Vide</i> para 4 of Government Proceedings No. 2594-601—R. 964, dated 5th September 1898.)</p>
10	Examination of raiyats' pattas.	<p>He should also avail himself of every opportunity of having <i>pattas</i> produced before him, and satisfy himself that they have been correctly written up to date, omission and defects, if any, being supplied and rectified then and there. Such <i>pattas</i> should then be returned to the parties concerned under the Jamabandi Officer's initials.</p>
11	Examination of Darakhast Registers.	<p>He should carefully examine the Register of <i>Darakhasts</i> maintained in every Taluk Office and satisfy himself that there has been no avoidable delay in the disposal of <i>Darakhasts</i>. The number of <i>Darakhasts</i> and <i>Bainamas</i> pending disposal at the end of the year should be noted with details of the number received and disposed of.</p>
12	Inspection of tanks and tank bunds.	<p>He should also inspect as far possible the tanks and see whether they are properly maintained, or whether any steps for the enforcement of the rules regarding their up-keep are called for.</p>

No.	Item	Remarks
18	Inspection of Avenue trees...	In the course of his tours, he should inspect the state of trees and give orders for the replacement of such of them as may be decayed or dead.
14	Sanitation and Water-supply	He should visit as many villages as he can and see whether the water-supply is adequate and attention has been paid to sanitation. He should also arrange for effecting such improvements as may be necessary.
15	Municipal and Local Fund works.	These should also be inspected and anything worthy of note should be reported.
16	Estimate of crops ...	The proportion of crops entered in the Pabani Account must be scrutinized; and for groups of villages, the probable yield must be ascertained and the abstract given at the end must be compared and collated.
17	Vaccination ...	Whether or not this work is being satisfactorily carried out should be enquired into and noted.
18	Inspection of Dispensaries, Schools, Rain-gauges, Trigonometrical Survey Stations, etc.	All these should be inspected as far as possible.
19	Other matters ...	In addition to the foregoing subjects, the following matters of general interest should also receive attention of Jamabandi Officers:— (a) Village Improvements. (Chapter XXIII of this Manual, and Chapter VIII, Mysore Village Manual Part I.) (b) Tank Panchayats (Section IV of the ensuing Chapter XIX.) (c) Village Forests (Chapter XXIII.) (d) Minor Tanks Restoration (Section IV of Chapter XIX.) (e) Musrai Institutions. (f) Economic Developments.

NOTE 1.—Of the above subjects, 4, 5, 12–15, 16–18 need not be dwelt upon in the *Jamabandi Report*; the notes taken by Jamabandi Officers on the several subjects may, however, be utilised while drawing up their annual *Revenue Administration Reports*. (Vide Chapter XXVI for a fuller information on the scope of these reports).

NOTE 2.—A Deputy Commissioner should himself conduct the Jamabandi of at least one or two taluks in his district.

Every Deputy Commissioner should draw up, during the Dasara Holidays, a programme showing the proposed distribution of the forthcoming Jamabandi work between himself and his Assistants.

NOTE.—He should also submit monthly progress reports in the form prescribed in Appendix 94, District Office Manual, Part II.

N.B.—Police Officers who have no *locus standi* in revenue matters should not be deputed for Jamabandi work.

During Jamabandi and other occasions, local officers should enquire whether village services for which inams are granted are being regularly performed or have become unnecessary, and whether the inam lands have been alienated.

Unauthorized enjoyment of inams by persons unconnected with religious institutions which have ceased to

926-53—R.
2441, d. 8th
March 1901.
16445-52—R.
F. 2-92, d. 5th
April 1898.

9452-60—R.
2645, d. 15th
April 1896.
R. 1041-2—L.
R. 54-07-2, d.
7th August
1907;
5968-76—L. R.
258-11-1, d.
26th April
1912.

exist should be put a stop to. To secure detection of such cases, a note should be made annually in the remarks column of the Village Account Form No. 8 (Register of alienated lands), as to the condition of the inam, and whether the service for which it was granted continues to be performed. Amildars and Jamabandi Officers should check a fair percentage of these entries during their Jamabandi and other tours.

Establishment accompanying the Jamabandi Officer.

1206-13—P. F.
87, d. 21st
July 1892

358. Establishments should not be sent to a taluk, long before the Jamabandi Officer goes there himself. He should take his Accountants with him.

Miscellaneous Instructions.

6962-73—L. R.
250-12-3, d.
22nd May
1918.

359. (i) *Jamabandi work*, if it is rushed through in haste, will only be perfunctory and mechanical. The Revenue Commissioner should, by getting regular progress reports and other methods, see that the Jamabandi is made to fulfil its proper object, namely, a *thorough examination of the revenue management of each taluk once a year*. The Revenue Officers are primarily responsible for the prosperity and development of the tracts within their charge; and a high order of efficiency in the Revenue Department should be maintained. Tendency on the part of Amildars to rely mainly on Shekdars' reports and to avoid all reasonable action should be checked and officers of all grades encouraged to show initiative and resourcefulness.

R. 6910-9—L.
R. 140-08-4,
d. 4th March
1909.

(ii) Sub-Divisional Officers should so arrange their programme that any special work which they may have to do in connection with Military manoeuvres or other similar contingencies, may not be put forward as an excuse for delay in conducting the Jamabandi.

R. 5962-73—L.
R. 55-09-5, d.
1st March
1910.

(iii) The excellent opportunities which Revenue officers have, during the Jamabandi, of ascertaining (a) the needs of the people; (b) the manner in which the administration of the Taluk may be improved; and (c) other useful matters should be fully availed of. The Revenue Commissioner should insist upon the Jamabandi Officers complying with the directions detailed above.

(iv) The skeleton form of the Jamabandi report is given in Appendix XXXIV.

CHAPTER XIX.

IRRIGATION.

Clause (2) of Sec. 111, L. R. C., authorises the levy of assessment, whether directly on the land, or in the form of rates or cess upon the means of irrigation. Statutory provisions.

The terms "Tanks," "Major Tanks," "Minor Tanks," "Construction," "Restoration," and "Maintenance," etc., are defined in Sec. 2, Tank Panchayet Regulation, which and the rules thereunder are re-published in Volume III of this Manual (pages 253 to 267).

INTRODUCTORY NOTE.

In olden days, tanks had been constructed in almost all the available sites. When the administration of the State was assumed by the British Commission in 1831, the majority of them were found to be in a deplorable condition, owing to the neglect of the raiyats holding lands under them to discharge their customary obligation to execute necessary annual repairs and to maintain the works in an efficient condition. The attention of the Government of the day was therefore drawn to the necessity of laying down some definite policy, with regard to the restoration and maintenance of existing revenue-yielding tanks. For purposes of restoration, the tanks were classified into major and minor. In the case of minor tanks, that is, tanks yielding a revenue of less than Rs. 300, it was laid down that the raiyats should do earth work and the Government stone and masonry work. The scheme for the restoration of minor tanks was revised in 1916, so that the raiyats' share of work was commuted into a money contribution, equal to one-third of the cost of restoration, the remaining two-thirds being borne by Government. Policy of Govt. with regard to the restoration and maintenance of tanks.

Detailed rules in this behalf are given in paragraph 368 *infra*.

The restoration of major tanks was undertaken by Government, the raiyats being required to pay a proportionate contribution in money. Special concessions, such as, remission of a definite portion of the revenue, etc., are also granted to persons coming forward to undertake the restoration of dilapidated tanks.

With regard to the maintenance of restored tanks (major and minor), Government, with a view to revive and enforce the customary obligation of the raiyats, issued a set of rules in 1873 with the approval of Government of India, which have the force of law. The rules were slightly modified in 1904. According to these rules, *Pattadars*, *Skikwadars*, *Inamdars* and others holding lands under the tanks concerned and all others deriving any benefit either directly or indirectly, are responsible for the annual maintenance, and in case of default, the Patel has to carry out by paid labour the portion of work allotted to the defaulter, the cost thereof being recovered from him as a revenue demand.

Panchayets under the Tank Panchayet Regulation, 1911 have also been formed for several tanks, for their maintenance and for the regulation of irrigation under them.

SECTION I.—MAINTENANCE OF TANKS IN GOVERNMENT VILLAGES.

Maintenance of restored tanks.

360. The revised rules are as follows:—

(1) The enforcement of the rules for tank maintenance is entrusted to the Patel of the village to which the tank or tanks are attached.

(2) The individuals held responsible for the maintenance and up-keep of the tanks are the *Pattadars*, *Shikmidars*, Inamdars and others holding lands attached to the village, either dry or wet, the inhabitants of the village, and all others deriving any benefit whatever from the tank, either directly or indirectly.

NOTE.—The liability to maintain branch river channels and distributory channels from tanks which are solely intended for purposes of irrigation will be enforced only in the case of raiyats holding wet and garden lands thereunder.

(3) The proportion of work to be done by each of the above individuals should be decided by the Patel and Shekdar, according to the amount paid by each to the Government for lands, houses, or other property, etc., attached to the village. Dissentients have the right of appeal to higher authorities. The proportion of work to be done by Inamdars should be fixed in the same manner, their lands, etc., being valued at the same rates as those paid for similar property belonging to *Sirkar* raiyats.

NOTE.—For the purposes of this rule, one rupee of the dry or mohatarfa assessment is regarded as one-third of a rupee of wet and garden assessment.

(4) The works falling under the head of tank maintenance are detailed below.* They are ordinarily

* Nature of work to be done by raiyats :

(i) To maintain the bund to the standard level and with the slopes specified.

NOTE.—The specification of the level and slope must be approved both by the Executive Engineer and the Deputy Commissioner of the district

(ii) To fill up gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

earth and turf work, repairs of every description connected with the tanks and their subsidiary works, excepting such as may be specially exempted and noted in the tank book as repairs to be effected by Government.

(5) The above repairs should be carried out simultaneously, at periods to be fixed by the Patel; but when necessary (as in cases of damages done by rain, floods, etc.,) the requisition of the Patel for immediate repairs must be at once attended to.

(6) In case of default by any individual in the execution of his obligations, the Patel is empowered and required to carry out the portion of the work that ought to have been done by the defaulter, by paid labour, the cost being recovered from the defaulter as a revenue demand.

(7) The village Patel is primarily responsible that the tanks are maintained up to the standard laid down for each in the tank book, and it is the duty of the Shekdar to satisfy himself by personal inspection that this has been done.

(8) The Amildar should regularly inspect each tank in his taluk annually between the months of October and January, or depute a responsible officer to do it and enter the results of his inspection in a register. (*Appendix 172, District Office Manual, Part II.*)

(9) Whenever a tank, on such inspection, is found not kept up to the standard, a second inspection should be made prior to the end of April, by which time the repairs must be completed, failing which, the unexecuted repairs should be carried out by the Amildar and the cost recovered from the defaulters as a revenue demand.

(10) A duplicate copy of the register should be forwarded by the Amildar to his Divisional Officer, prior to

(iii) To check the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

(iv) To clear any underwood from the bunds of tanks wherever it may be injurious.

(v) To clear and repair the earth-work of petty and branch channels, and clear away the accumulations, in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

(vi) To keep in order the supply channels of tanks.

(vii) To watch the bunds of all tanks during rainy weather, to turf the parts acted on by the waves, to help in opening and closing the sluice, and generally to perform minor duties of this nature, in order to prevent breaches and other accidents.

the 1st of June, by which date all tank works should be completed.

(11) Sub-Divisional Officers should, during the period of Jamabandi, and on other convenient occasions, personally inspect as many tanks as possible, and test the accuracy of the taluk returns entering the date of inspection and their remarks in the form attached to the tank book. The result of their inspection should be immediately communicated to the Deputy Commissioner.

(12) Similar duties should also be performed by Deputy Commissioners. They should see that the rules are strictly carried out.

(13) Works required to be carried out to any tank by an Officer of the Public Works Department of the Engineer grade should forthwith be done on that Officer's responsibility. Should any portion of such work form no part of the duty of the raiyat the usual application for sanction should be submitted by the Amildar through the proper channel. Work considered necessary, after inspection by an officer of the Public Works Department of a subordinate grade, should be reported by him without delay to his departmental superior, and in cases of urgency direct to the Amildar also.

(The form of periodical inspection report is given in Appendix 172, District Office Manual, Part II.)

Raiyats' liability for cumulative neglect.

R. 2483-91—
L. R. 21-09-2,
d. 21st Sep.
1909.

361. Where tanks have deteriorated owing to neglect of maintenance, the maximum amount that should be levied from the raiyats for their cumulative neglect is one year's assessment of land in the *atchkat* of the tank. This rule applies, when Government repair a tank which has been once brought up to standard and the maintenance of it has been neglected for a number of years. It applies also to all restored tanks, both major and minor.

Levy of cess in lieu of labour maintenance work.

(Vide under "Cesses and Taxes".)

Oiling and cleaning sluice gears.

Fl. 1253-62, d.
12th Feb.
1908; R.
4776-65—L.
R. 210-09-2,
d. 11th Jan.
1911.

362. The work of oiling and cleaning the sluice gears of restored tanks and channels should be done by the Revenue Department, the necessary provision for such charges being made under "2B, Land Revenue (2) Charges of District Administration, (iii) Supplies and service."

*Maintenance of channels under the Vani Vilasa
Sagara.*

363. Forty per cent of the cost of maintenance of these channels is debited to the State Funds. The amount so debitable should be shown both under "Receipts" and "Expenditure", as in the case of the cost of maintenance of the river channels in the Mysore and Hassan-Districts.

B. 3599-409
L. R. 638-15-4,
d. 26th Aug.
1916; B. 6311-
14 L. R. 380-
16-4, d. 19th
Dec. 1916.

**SECTION II.—PRECAUTIONS IN EMERGENT CASES OF
DANGER TO TANKS.**

*Precautions to be adopted against breach of tanks
and channels.*

364. I. It is an important duty of the Patel to watch the bunds of tanks and channels during the rainy season and more especially when the tanks and channels are full and the rainfall is continuous. When he apprehends any danger, he should forthwith make a report to the Taluk Office and to the nearest Officer of the Public Works Department, and also adopt, with the help of the villagers, necessary precautions to protect the bund. If a breach is imminent, the Patel, may, as a last resort, remove the top of the *kodi* or waste weir to the extent absolutely necessary to diminish the pressure of water on the bund.

The Patel and the villagers are bound to render every help to the public officers engaged in protecting the bund of a tank in their village against a breach as also to fill up the breach, if one has occurred.

**II. Closing of leaks in the bunds of tanks and
channels.**

When a leak occurs in the bund of a tank or river channel, the Patel should immediately submit a report to the Taluk Office and to the nearest Officer of the Public Works Department. He should also take prompt steps to block the hole with the aid of the Nirganti and villagers. He should take care that any earth, hay bundles, sandbags or other materials used for the purpose of stopping the leak, are put on the sides of the front slope in the shape of a *ring bund*.* No attempt should

* "Ring Bund" is a temporary semi-circular bund put up in front of the breached portion of a tank bund to prevent water rushing into it and causing further damage.

be made to excavate or bund up on the rear slope where the leak may be visible.

III. *Tanks danger to which is likely to affect life and property in British territory.*

(i) Officers in the Revenue and Public Works Departments should send timely warnings to the District Officers of the Madras Government concerned, in cases of apprehended danger to the tanks, likely to affect life and property in British Territory.

(ii) In very emergent cases of serious danger to the tanks in the Palar Basin, telegraphic messages regarding the state of such tanks should be transmitted to the under mentioned District Officers of Madras Government.

- (a) The Collector of North Arcot, Vellore.
- (b) The Tahsildar of Vaniambadi, Vaniambadi.
- (c) The Chairman of the Municipal Council—Do.—
- (d) The Deputy Tahsildar of Kuppam.
- (e) Sub-Magistrate, Ambur.
- (f) Deputy Collector, Ranipet.
- (g) Tahsildars of Wallajah, Gudiyatham, Vellore, Arkonam, Ambur.

(iii) The Amildar or Deputy Amildar concerned should send at the same time copies of these telegraphic messages to the Executive Engineer and the Deputy Commissioner of the District in which he is employed, and take necessary precautions to prevent the breaching of the tank in danger.

(iv) A list of tanks in the State, the apprehended danger to which has to be intimated to the British Authorities to ensure the safety of life and property in British Territory, is given in appendix XXXV. The patels of the villages in which these tanks are situated should be strictly vigilant and prompt in submitting their reports to the Amildar and to the nearest Officer of the Public Works Department.

NOTE.—Instruction (ii) *supra* does not affect the responsibility of the higher officers of the Revenue and the Public Works Department in the matter of making needful references to the responsible British officers.

SECTION III.—IRRIGATION—CHANNELS.

Silt and weed clearing in irrigation channels.

365. Periodical removal of weeds from the channel beds is a duty binding on the raiyats. Amildars and

R. 9208-212,
d. 26th April
1904; R. 3990
9, d. 17th
June 1904;
R. 6497-8 L.R.
460-12-2, d.
6th May 1913;
R. 9487-9 L.
R. 351-15-4,
d. 5th April
1916.

R. 4978-79,
L.R. 265-16-
2, d. 23rd Nov.
1916.

C. 117—R. 27,
d. 6th April
1885; C. 471,
d. 7th Sept.
1886.

Deputy Amildars should see that the duty is not evaded. In case of default, the Amildar should get the weeds removed by paid labour and collect the cost from the defaulting raiyats, as a revenue demand.

The raiyats holding lands under channels, drawn off from the Hemavati and Cauvery rivers are exempt from the duty of clearing silt from these irrigation channels. In all other cases, the raiyats are liable for their *mamul* duty of silt-clearing and maintaining the channels, such as, those under the Sulekere and other tanks in the State.

7-28 P. W.
27-48, d. 7th
Jan. 1896.

Channel Offences.

366. The following acts constitute channel offences and are punishable by officers, not below the grade of Amildar with fine, not exceeding Rs. 10, after a regular enquiry as under the Land Revenue Code. In extreme cases, falling under Sections 425, 426, 427, 430, 431 or 432 of the Penal Code, the case should be placed before a competent Magistrate.

Notn. No.
826, dated 18th
March 1874.

(i) Obstructing the flow of water in the main or supply channels.

(ii) Injuring the main channels by opening escapes for the water or otherwise.

(iii) Injuring the channel banks by digging up grass or otherwise.

(iv) Wilfully allowing cattle to stray on the banks of the channels.

(v) Cultivating land within such space as may be prescribed from time to time by Government from the channel banks after being prohibited by proper authority from doing so.

(vi) Interfering with any sluice or other work in the main channels.

(vii) Widening, deeping or otherwise altering the supply channel to the detriment of land further from the sluice.

(viii) Wilfully allowing wastage of water flowing from the main channel.

IX. After notice, neglecting to maintain the earth work over mudways to the same height and section as the contiguous portions of the embankments.

10079 — G.
102, dated 10th
Feb. 1879.
11671—78—R.
8868, dated
10th June
1897.

Note 1.—The channels referred to above include all channels whether connected with river or tank irrigation.

Note 2.—Fines levied under the above rule should be recovered under the Rules in force for the recovery of arrears of revenue.

Hot weather supply of water in river channels for sugar-cane cultivation.

367. (i) All the river channels should be opened for the irrigation season, as soon as floods come down the river in sufficient quantity to discharge over the crests of the anikats, (Alalkatte fixed as the standard for the river Cauvery) and closed on the 10th January following. But in no case should the opening be delayed after the 10th June. It is at the discretion of the Chief Engineer in the case of the Hemavati channel, to defer the closing till the 15th January.

(ii) After the closure, the several channels will be opened in succession for a period of ten days in every thirty for watering sugar-cane, or for such shorter period, at the discretion of the Executive Engineer consistently with the extent of sugarcane, under cultivation. This should be done according to a programme to be drawn up annually by the Executive Engineers in consultation with the respective Deputy Commissioners.

The programme should be completed by the first December and copies thereof sent immediately to the Deputy Commissioners for publication in the villages concerned, for the information of the raiyats desirous of growing sugar-cane.

(iii) The different channel remain open for ten days in the month of April. Water will be supplied for manurial crops, if available, as well as for sugar-cane. For the irrigation of manurial crops, water will be allowed to flow either to the tail end of the channels or to distances which water might reach (to be determined by the Executive Engineer after calculation) when all the sluices are opened simultaneously.

(iv) Applications from raiyats for the supply of water for manurial crops should reach the Executive Engineer on or before the 15th March. The decision of the Executive Engineer, either to give water or not, should be communicated to the applicants before the 31st March.

SECTION IV—RESTORATION OF MINOR TANKS.

Where the holders of not less than two-thirds of the area of irrigable lands under a minor tank agree, in writing, before a Revenue Officer not lower in rank than a Deputy Amildar, to pay a share of the cost of restoration or

improvement, such agreement is binding on the occupants of all irrigable lands. (Sec. 3, Minor Tank Restoration Regulation, 1916).

Provision is made in Sec. 4, ibid for appeal to the Deputy Commissioner by persons objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it.

MINOR TANK RESTORATION RULES.

Preparation of Programme, etc.

368. (1) Deputy Commissioners should prepare a list in the form prescribed by the Revenue Commissioner, of all unrestored minor tanks and get the same printed. Copies of the printed list should be supplied to the Revenue Commissioner and the Government.

R. 2440-87—L.
R. 408-14-40,
dated 29th
Aug. 1916.
R. 9425-86—L.
R. 86-16-17,
dated 10th
March 1917.

(2) From the list so prepared, the tanks intended for restoration in the ensuing year should be selected before the end of March. Tanks which urgently require repairs and which would also be remunerative should be selected first. As a general rule, tanks the cost of restoration of which does not exceed ten times the assessment from the irrigable area under them should be given preference. Exceptions may, at the discretion of the Deputy Commissioner, be allowed in special cases.

(3) In exceptional cases, the entire cost of the restoration of a tank may be met by Government; but such cases should be very few, and sanction of Government will be given, only when strong grounds exist.

Preparation of Plans and Estimates.

(4) When the required number of tanks are selected, immediate steps should be taken to have correct plans and estimates prepared by the agency furnished by Government. The people should eventually be able to get these done themselves, the function of the Government Officers being limited to the checking of the estimates and the measurement of work done.

(5) Plans and estimates are ordinarily prepared by the Maramat agency or by other establishment sanctioned for the purpose by Government from time to time.

(6) Whenever a project for the restoration of a minor tank involves the improvement of its capacity,

the plans and estimates should be scrutinised and countersigned by a responsible Public Works Officer. (Executive Engineer in the case of projects estimated to cost Rs. 1,000 or less; Superintending Engineer in the case of those estimated between Rs. 1,000 and 2,500; the Chief Engineer in all other cases). If the project does not contemplate an increase of storage capacity, such scrutiny and countersignature is not required. But the Deputy Commissioner may refer any estimates about which he may entertain doubts, to the Executive Engineer for check and approval.

(7) The power of sanctioning estimates (professionally approved) rests with the Deputy Commissioner up to Rs. 1,000 and with the Revenue Commissioner up to Rs. 2,500. All estimates excluding the latter amount should be submitted to Government. After the estimates are sanctioned by the proper authority, the Deputy Commissioner may authorise the payment of Government contribution in each case.

R. 10171-80—
L. R. 42-15-27,
dated 3rd May
1916.

Note :—(i) All estimates requiring sanction of Government under this rule should be submitted to Government in the Revenue Department through the Chief Engineer, so that they may be subjected to professional scrutiny. After such scrutiny, the Chief Engineer will forward the estimates to Government.

R. 2507-16—L.
R. 42-15-6,
dated 1st
Sept. 1915; R.
10289-98—L.
R. 42-15-29,
dated 8th May
1916.

(ii) The Revenue Commissioner is the controlling authority in matters connected with the Minor Tank Restoration Scheme; the responsibility for working the scheme rests on him. He should therefore take notice of all instances of slack execution and report them to the Government, when necessary.

(8) When, owing to the necessity of providing for unforeseen items in the course of execution of a work, an increase of expenditure over the sanctioned amount becomes inevitable, proper revised estimates should be prepared and submitted for sanction. The revised estimates will be sanctioned by the same authorities and in the same manner as laid down in Rule (7) above.

Method of Financing Works.

R. 598-604—
L. R. 15-19-26,
dated 15th
July 1920.

(9) Of the total cost of restoration of minor tank, the raiyats holding irrigable lands below the tanks should bear one-third, in proportion to the extent of their holdings, and the balance of two-thirds will be contributed by Government. When the contribution of raiyats has been deposited in the treasury, the Government share of the cost should be made available at once, out of the sanctioned

budget grant, for the year, placed at the disposal of the Deputy Commissioner.

NOTE.—The old rule was that the raiyats should do the earth-work or bear the entire cost thereof. If the new rule *supra* causes hardship specific cases should be reported to the Government for orders.

(10) If the raiyats are unable to pay their contribution immediately, the Deputy Commissioner may, in every exceptional case, treat the amount due from them as a loan on the security of their lands subject to recovery within a period not exceeding five years, with interest at the rate sanctioned for Takavi loans.

NOTE.—To avoid possible hardship and inconvenience in individual cases, owing to the absence of a clear provision in the rules as to (a) the mode of recovery of the contribution due from the raiyats; and (b) the number of instalments allowable in each case, it is directed that such contributions *be recovered in five equal annual instalments, along with the assessment of the lands in their holding.* This direction will be in force tentatively for three years, from 1st July 1920.

(11) The additional cost, if any, due to the revision of the original estimates will be borne by the Government and the raiyats in the same proportion as that fixed in Rule. 9. If any additional cost is incurred by the raiyats during the execution of a work without previous sanction to revised estimates, Government will not be liable to pay any portion of such additional cost. Savings, if any, will ordinarily be credited to the estimates under which there may be excess under certain heads. When savings in working the estimates accrue to any considerable extent justifying a refund, the Deputy Commissioners may recommend refunds in special cases.

(12) If in addition to the raiyats' share, the whole or any part of the Government share of a work is borne by one or more holders of lands under the tank, a reasonable concession in the shape of remission of assessment for a term not exceeding ten years will be granted by Government, in lieu of money contributions the nature of the concession being determined with special reference to the merits of each case.

Agency.

(13) The work of restoring the village tanks, are entrusted for execution to the Village Panchayet, if any, contributed under the Tank Panchayet Regulation, or to one or more of the leading raiyats, not exceeding three

holding a large extent of land under the tank, under definite *mutchalikas* and securities. The Panchayet or the persons responsible should get the work done themselves by employing the necessary labour and arranging for the necessary supervision; or they may execute the work by petty contract or on piece-work system.

NOTE.—Where villagers do not come forward to take up the contracts for the restoration of their tank, professional contractors may be employed, subject to the condition laid down above. In any case, the contract should not be given to any one from outside the taluk.

Contracts for works below Rs. 500 may be disposed of by the Amildar himself but he should as far as possible entrust them to the villagers who would be benefited thereby. Contracts for works for Rs. 500 and above but below Rs. 1,000 may be disposed of by the Amildars with the approval of the Assistant Commissioner. Contracts for works costing Rs. 1,000 and above but below Rs. 2,000 should, wherever possible, be disposed of by calling tenders the acceptance of which will rest with the Deputy Commissioner. Tenders should invariably be invited for the execution of all works costing more than Rs. 2,000. The disposal of contracts for such works shall rest with the Deputy Commissioner.

Workmen's rates are enhanced by 12½ per cent in all the districts provisionally, pending the issue of a revised schedule of rates by the Public Works Department.

Actual execution of work and payments.

(14) Works should not be started before the raiyats' contribution is recovered or the necessary agreements are taken to have it treated as a loan under Rule 10, and also before the estimates are sanctioned and the necessary reappropriations made. If it is found absolutely necessary, a sum of money sufficient to give the work a good start may be advanced to the Tank Panchayet or the raiyats entrusted with the work. This amount should be adjusted in subsequent bills.

NOTE.—1. Works may be started in special cases, in anticipation of contribution, if the raiyats concerned execute a *mutchalika* agreeing to pay the contribution within a specified time, not exceeding five years from the date of the starting of the work. Deputy Commissioners may also accept in special cases contribution in the shape of labour or partly labour or partly cash, if difficulty is experienced in recovering it wholly in cash.

NOTE.—2. Special cases of hardship in the enforcement of the rule, regarding the inclusion of the cost of the weir in calculating the

raiyats' contribution may be reported to Government for the sanction of such concession as may be found necessary.

(15) All measurements should be taken and bills prepared at reasonable intervals by the Government agency. Bills for Rs. 500 and below will be passed by Assistant Commissioners, and for sums above that amount, by the Deputy Commissioner and made over to the Amildar for payment. As many works as possible should be personally inspected by the Amildar and the Sub-Division Officer.

The Amildars are drawing officers up to a limit of Rs. 100 ; Assistant Commissioners up to Rs. 500 ; and Deputy Commissioners up to Rs. 2,000.

NOTE.—Work Registers in the form prescribed in the Rules under Tank Panchayet Regulation (*vide* page 265 of Volume III) should be maintained in the Sub-Division Office, as well as the Taluk Office, in regard to works pertaining to the Sub-Division and the Taluk respectively. All correspondence in regard to Marahamat works between the Deputy Commissioner and the Amildar should pass through the Sub-Division Officer.

The Tank Inspector is primarily responsible for the preparation of original measurement lists in regard to the tank restoration works and the Sub-Overseer for all other marahamat works in the Revenue Sub-Division under his charge. The Amildar will be the Check-measuring Officer in respect of all works costing Rs. 100 and less and the Engineer Officer attached to the District Office in respect of works costing above Rs. 100 and below 500. Until other agency is created, all works costing above Rs. 500 and below Rs. 1,000 will be checked by the Public Works Department Assistant Engineer of the Sub-Division, and works above Rs. 1,000 and below Rs. 2,500 by the Public Works Department Executive Engineer. All works costing over Rs. 2,500 are to be executed by the Public Works Department in accordance with their Codal Rules.

(16) Every work should be completed within two seasons after its commencement. When a work is not so completed, it should be treated as an item under objection. A list of such items showing briefly the cause of delay in completion should be submitted to Government through the Revenue Commissioner along with the annual report.

If a work once commenced is stopped for six months continuously, a fresh sanction will be necessary before it is resumed.

NOTE.—The Revenue Commissioner is empowered to renew sanction in the case of tank works commenced, but stopped for six months,

provided the amount of the estimate is not above Rs 2,500, whether the original estimates therefor have been sanctioned by the Chief Engineer or the Government. Renewal of sanction to estimates above Rs. 2,500 should be submitted for the orders of Government in the Public Works Department, through the Chief Engineer.

General.

(17) Where the holders of at least two-thirds of the area of irrigable land under a tank agree to the restoration of the tank and to contribute their share, such consent shall be binding also on the holders of the remaining irrigable area below the tank, who will then become liable to pay their share of the contribution. In default of such payment, the contribution due will be recovered from them as a revenue demand.

(18) Where the holders of at least two-thirds of the irrigable area below a tank have agreed to the restoration of the tank under these rules, any one or more of them may pay the full amount of contribution due from all, and shall thereupon become entitled to a reimbursement of the proportionate contributions from the others, with interest at the rate sanctioned for agricultural loans. The Amildar may recover the proportionate amounts due from the other holders with interest as aforesaid, as an arrear of land revenue, and make the collections over from time to time to the holder or holders who have advanced the entire amount, in the proportion of the amounts so advanced.

(19) These rules also apply *mutatis mutandis* to the construction of new minor tanks and also to other works now executed by the District Marahmat agency, such as, petty construction and repair of the buildings of revenue and other departments and also works relating to the maintenance and repairs of minor tanks, which under existing orders are under the control of the Public Works Department.

NOTE.—The reports and returns connected with Minor Tanks are given in Chapter XXVI of this Manual.

TANK PANCHAYETS.

[NOTE.—The Tank Panchayet Regulation of 1911 is re-published in Volume III (pages 254 to 259.)]

The scheme of Tank Panchayets has been applied-up to now to about 80 Irrigation works.

Where a Village Improvement Committee is already in existence, it may be entrusted with the duty of looking

after the village tank, provided that the majority of the occupants of the lands under the tank agree to have such Village Committee, invested with the powers of a Tank Panchayet; in other cases, either a separate Panchayet may be constituted under the tank Panchayet Regulation for looking after the work, or the Patel allowed to continue to do so, as before. As an incentive to attend to its duties assiduously, one-half of the irrigation cess raised under a tank will, for a period of three years, be made over to the Panchayet every year as a grant, if the Deputy Commissioner or the Assistant Commissioner is satisfied, after inspection, that the tank has been maintained in a satisfactory condition.

The Local Revenue Officers should watch the working of these Panchayets with sympathetic interest and encourage the establishment of such Panchayets in as many places as possible.

Funds of the Tank Panchayets.

369. The Tank Panchayet has control over the tank fund, formed under clause (b) of Sec. 10, Tank Panchayet Regulation. It should maintain correct accounts in respect of the fund. Any objectionable expenditure may be pointed out at the time of auditing the accounts. Except to this extent, it is undesirable to interfere with the Panchayet in the administration of its funds.

R. 10629-38—
L.R. 26-16-32,
d. 17th May
1916.

Constitution of Panchayets.

370. The notification constituting the Tank Panchayets will be published by Government in the Official Gazette, under Sections 3 and 7 of the Tank Panchayet Regulation, the names of the nominated and elected members of the Panchayets being notified by the Deputy Commissioner concerned.

R. 12180-9—L.
R. 14-20-20,
d. 2nd May
1921.

SECTION V—PRIVATE ENTERPRISE TANKS.

NOTE.—Rules relating to the repairs, by private individuals, of dilapidated Government tanks and wells are given in Appendix F to the Land Revenue Rules of 1890.*

* Re-published with the current Revenue Rules.

22524-81—Pet.
2056, d. 19th
Jan. 1894;
2148—R. 67,
d. 7th June
1876.

371. All applications for permission to repair tanks or ponds should be fully investigated and reported for orders, whether there is any *atchkat* under them or not.

Assessment on additional lands brought under wet cultivation during the currency of the grant.

372. When tanks are restored or re-constructed at the entire expense of private individuals they may, without any limitation, bring additional lands not already occupied, under wet cultivation, with the use of the water of the tank. The assessment on such lands should be fixed at the same reduced rate as on other lands, already granted to them under that tank, during the currency of the settlement in force, at the time the new lands are brought under cultivation.

Owner not liable to assessment on all the lands included in the atchkat.

R. 6484-73—L.
R. 468-10-2, d.
8th May 1912.

373. Neither in the rules contained in Appendix F to the Land Revenue Rules of 1890, nor in the Rules previously in force under which the repair of dilapidated Government tanks was being permitted, has any condition been introduced by which, the person to whom permission is given to restore a tank can be compelled to take up all the lands that can be irrigated from the tank or pay the assessment on all the lands comprised in its *atchkat*. The only advantages that he is able to derive from the restoration of the tank are—(i) he is entitled to hold the lands that are already in his occupation or which he may have taken up, with a view to convert them into wet after restoring the tank at the concession rates; and (ii) he has the right to receive the rent which has been remitted by Government in his favour in the case of lands in the holding of others but which have been benefited by the restoration of the tank. He is also bound to maintain the tank at the proper standard, and if he fails to do so, the grant is liable to be cancelled, the tank being resumed and dealt with as an ordinary Government irrigation work. He is not liable to pay assessment on all the lands under the tank, nor can he stand in his way of any other persons taking up lands which are not in his holding; all the lands dependent on the tank should be equally supplied with water.

SECTION VI.—RESTORATION OF MAJOR TANKS AND THE LEVY OF CONTRIBUTIONS.

374. The following rules must be observed in the selection of major tanks for restoration :—

(1) A list of major tanks in each district should be maintained in the form prescribed in Appendix XXXVI.

(2) Usually major tanks in each district should be taken up for restoration in the order of the revenue under them, when the ordinary rules of repairs and maintenance do not apply to them.

(3) Tanks, the cost of restoration of which does not exceed twenty years' revenue must firstly be restored, in preference to those requiring a larger outlay.

NOTE.—Sanction of Government will be necessary only, if this limit of twenty years' assessment is exceeded.

(4) Restoration of tanks involving extension of irrigation under them and consequently a large capital outlay likely to prove remunerative, should be carefully investigated in the order of their importance and urgency and taken up as funds become available.

(5) Tanks for which raiyats come forward with liberal contributions should be given preference.

NOTE 1.—In cases of tanks whose condition is such as to cause damage to those lower down the series or a railway line, their restoration should be undertaken without reference to the considerations set forth in Rules 2 to 5 *supra*.

NOTE 2.—The Chief Engineer should get the lists under Rule (1) prepared and submit a programme of restoration for three years from the date of this order.

NOTE 3.—In selecting tanks for restoration, assessment on all lands forming the *Atchkat* of the tanks should be taken into account, whether the lands are wet or garden lands, the Survey records being taken as the basis for determining *Atchkat* of a particular tank.

Maintenance of tanks not brought up to standard.

375. In respect of all tanks other than those brought up to standard and handed over to raiyats for their up-keep, the Revenue authorities should endeavour to have the annual maintenance work done by raiyats by using their influence and persuading them to do their share of the work in their own interest.

As regards the remission of assessment of lands under private enterprise tanks, *vide* paragraph 236 of this Manual.

*Construction of Saguvalli Kattes.**

G. No. D. 67,
d. 1st Jan.
1892.

376. (1) The right of landholders to construct "*Saguvalli Kattes*" * on their own lands is not affected by:—

(a) Section XX, Para 13 of the Rules of 1890 under the L. R. C., which relates to the construction of private tanks on Government *unoccupied* land.

or (b) Appendix F to the said Rules, which relates to the restoration by private individuals of Government tanks and wells long in desuetude.

(2) Private individuals have the natural right to construct tanks on their own lands (*Kandayam or Inam*), so long as they do not thereby materially diminish the water flowing in *defined channels* through their lands for the benefit of Government works and private proprietors lower down such channels.

(3) When a person wishes to construct a tank which will admittedly cause a material diminution of the flow of water in *defined channels* to the prejudice of Government tanks, the previous consent of Government has to be taken. But such consent is not necessary in the case of ordinary *Saguvalli Kattes* properly so called. These *Kattes* are intended to intercept the natural drainage of the fields and thus to allow the soil to retain some moisture, which in many parts of the Maidan Districts is essential to bring dry crops to maturity. They are most useful in the Chitaldrug District, where the rainfall is scanty and precarious, and where the scope for Government irrigation works is very limited.

(4) The instructions contained in letter No. 244—1676, dated 10th July 1873, from the Public Works Secretary, Irrigation Branch, to the Commissioner of Nagar, placing certain restrictions on the construction of new *Saguvalli Kattes* are withdrawn.

(5) Numerous *Saguvalli Kattes* scattered over the dry Taluks are very useful in seasons of drought. Dry crops can thrive only with their help. Deputy Commissioners

* *Saguvalli Kattes* are "Vaddus" or dams put up for arresting surface water, in order to increase the moisture in the beds of such *Kattes* to allow of their being cultivated and sown with javari, wheat, Bengal gram, cotton, etc., such *Saguvalli Kattes* fall under the category of improvements within the meaning of the Land Improvement Loans Regulation.

and Amildars should regard it as an important part of their duty to encourage by all means in their power the construction of as many new *Saguvali Kattes* as possible.

(6) The Deputy Commissioner of Chitaldrug should make it widely known that the raiyats are at liberty to construct or repair *Saguvali Kattes* on their lands for intercepting and retaining the surface drainage, that the bunding up (without previous consent of Government) of defined water courses, for the purpose of direct irrigation from them is alone prohibited, and that such prohibition does not apply to *Saguvali Kattes*.

(7) A record should be kept of the number of new or restored *Saguvali Kattes* constructed or maintained under the foregoing orders.

NOTE.—Rules for the grant of loans for the construction of these *Kattes* are given in the ensuing chapter.

Construction of Anes.

377. (i) Deputy Commissioners should keep lists of all earth *anes* in each taluk of their districts, and in consultation with the Executive Engineer, decide which of them may be allowed to stand without danger or injury to the tanks below them.

R. 1527-8—
R. M. 531-05-
4, d. 31st
July 1906.

(ii) In cases in which the person who constructed the *ane* has been long in the enjoyment of the advantages derived from its use and it is deemed necessary to remove it in the interests of Government tanks below, a detailed report should be submitted for orders of Government, stating—(a) the circumstances under which the *ane* came into existence, (b) the period during which it has been under operation, and (c) whether it is necessary to pay any compensation, and if so, how much, for its removal.

(iii) *Anes* may ordinarily be allowed to be constructed with the use of trees and timbers also.

Restoration of tanks above Railway lines.

378. (i) Where the annual maintenance work done to a tank is regarded as insufficient for the safety of tanks below, of a railway line, the Deputy Commissioner should bring the matter to the notice of the Executive Engineer, forwarding at the same time, a copy of his opinion, to the Secretary to the Government, Public Works Department. That Department should thereupon make careful enquiry, and decide if further repair should be at once

R. 22573-81—
R. F. 226-92,
d. 22nd June
1894.

taken in hand, as an exception to the ordinary rule, for the safety of other Government tanks or a Railway line, and take needful action in accordance with the decision.

8035-48—Pet.
452, d. 11th
Oct. 1900.

(ii) Tanks in a series or near a Railway line, etc., should be brought up to a standard of safety independently of the raiyats' obligations to do the earthwork of such tanks.

Stop Tanks.

R. 8939-42—
L.R. 899-12-
16, d. 28th
Sep. 1917.

(iii) "Stop Tanks" are tanks, conveniently situated in a series, whose bunds are so raised and strengthened that they will be able to impound and discharge gradually a sudden inflow of water brought on heavy rains and likely to breach the bund, and wash away the tanks in the series. These tanks require special attention.

RULES REGARDING THE LEVY OF ACREAGE CONTRIBUTION.

Levy of contributions from raiyats for irrigation works.

1882-90, d. 1st
Oct. 1888; R.
2017-27—L. R.
507-09-1, d.
80th Sept. 1910
R. 8910-20—L.
R. 15-18-24, d.
6th Feb. 1920.

379. (1) Before taking up the preparation of a project for which raiyats have to pay contribution, the consent of the raiyats interested in the restoration of the tank should be taken. The estimate should then be prepared and a proper *mutchalika* in the form prescribed in the Revenue Commissioner's Circular No. C. 444, dated 24th September 1918, obtained from the raiyats, showing the exact amount payable by each of them holding lands under the tank and specifying whether the amount will be paid before the work is started or in instalments according to Rules.

(2) The estimate should be sent up for sanction with the *mutchalika*. It is only after the estimate is sanctioned and not till then that the amount of contribution agreed upon should be actually recovered from the raiyats and credited to Government. It is, however, open to the raiyats to collect the amount beforehand from among themselves, if they choose and deposit it in a Co-operative Bank, Government Savings Bank, or other safe place of custody in the name of the Patel or Chairman of the Village Committee, or some important person in the village, until they are called upon to produce it.

(3) When the project for an irrigation is under investigation or consideration, no *darkhast* should be

accepted for any Government unoccupied dry land, likely to be converted into wet by the work. All such unoccupied dry and wet lands, converted by the work should be reserved for sale by public auction. Where long delay occurs in the execution of a project, or there is uncertainty as to its chances of sanction, lands so withheld may be disposed of, with the sanction of Government, if a *bona fide* demand for an extension of cultivation exists. No sale of such land should be confirmed until the applicant or the purchaser agrees in writing to pay the acreage contribution fixed by Government.

(4) No contribution in a lumpsum is levied in respect of such work from the holders of Inam or Government occupied lands likely to be benefited by the same; but they should be called upon to execute *mutchalikas* binding themselves to pay to Government, on the completion of the work, a specified contribution per acre of occupied dry land which may be converted into wet, without in any way affecting the liability of the land (if Government), or to pay a wet rate of assessment (if inam).

(5) The contribution per acre should be fixed by the Deputy Commissioner provisionally and will vary from a third to a fifth of the difference between the local market value of an acre of dry land and of an acre of wet land. The character and permanence of the irrigation supplied, the quality of soil, the agricultural labor available, should all be taken into account in fixing the market value.

(6) A certificate that *mutchalikas* under these rules have been taken should invariably accompany the estimate for the work submitted for the sanction of Government.

(7) If the Deputy Commissioner is of opinion that the above rules should not be applied, or that the prescribed rate should be reduced or increased, or that no contribution whatever, or only a contribution in a lump sum from the entire body of landholders, should be levied, he should submit the estimate with his opinion and full reasons therefor for sanction of Government.

(8) Where holders of not less than $\frac{5}{6}$ of the occupied area execute *mutchalikas*, and the holders of the remaining area refuse to do so, the fact should be mentioned in the statement accompanying the estimate, submitted for orders of Government; and they will decide whether the work should be abandoned by reason of such refusal, or whether the unwilling landholders should be compelled to pay their share of contribution either in one lump or by

means of a temporary addition to the wet assessment for a specified number of years.*

Works costing less than Rs. 25,000.

D. P. W. 1769-89—320-40, d. 1st April 1892; 8642-52—L. R. 194-15-2, d. 18th Oct. 1916.

380. (i) Contributions are not demanded for irrigation works costing less than Rs. 25,000 and sanction to such projects will be conferred solely with reference to the enhanced revenue likely to accrue therefrom and to the local prosperity of the villages affected; or, in times of scarcity, to the extent of relief the works are likely to afford in the neighbourhood.

(ii) The amount of voluntary contributions received from the raiyats in respect of this class of works will, other things being equal, determine the priority to be given to particular works over others.

(iii) Such voluntary contributions should be paid up before the commencement of work. This rule applies to holders of minor inams also.

D. P. W. Cir. 47, d. 15th June 1894.

NOTE 1.—The above rules apply to cases in which lumpsum contributions are voluntarily promised. But acreage contribution voluntarily promised towards such works may also be recovered in the same way as acreage contributions levied on works above the limit of Rs. 25,000, *viz.*, after the completion of the work. A formal *mutchalika* from the raiyats agreeing to this arrangement should accompany estimates submitted to Government.

2158-66—L. R. 149-96, d. 25th Aug. 1897.

NOTE 2.—Executive Engineers should give timely intimation to Deputy Commissioners of the sanction of revised projects to enable them to recover contributions in respect of the excess.

R. 13567-78-L. R. 15-16-7, d. 24th April 1919.

NOTE 3.—The rules should be strictly enforced in the recovery of contributions. Cases requiring special treatment should be reported to Government for orders.

Recovery of acreage contributions and water rates in inam villages.

R. 7671-2—R. M. 66-08, d. 5th March 1916.

381. (i) An inam village into which survey settlement is introduced and which is brought under irrigation by the extension of a channel is liable to Government for (a) acreage contribution, (b) water rate on the irrigated area, and (c) the cost of erection of boundary marks.

8355-8—R. F. 84-96, d. 23th Sep. 1897.

* If n be the number of years which must elapse, before the expiry of the current survey settlement, $1/n$ th of the total amount of the acreage contribution should be fixed as the rate per annum per acre to be levied, in addition to the ordinary assessment during the n years and the contribution thus distributed recovered under Section 53, L. R. C.

(ii) Contribution, water rate, and cost of erecting boundary marks are items of Government demand in regard to which no question of limitation can arise.

(Vide *Sub-paras (v) and (vi) of paragraph 204, Chapter X, re cost of boundary marks.*)

(iii) The inamdar is primarily liable for contribution, but as soon as he pays it, he becomes entitled to recoup himself from his tenant under Section 86 (c), Land Revenue Code. When the village concerned is under Government management, the Deputy Commissioner can charge the inamdar with contribution in the accounts and proceed to recover the amount from the tenants under Section 166, L. R. C.

(iv) In regard to water rate, steps for recovery can under Section 142, L. R. C., be taken either against the inamdar or against the inferior holders. If the village is under Government management, the holdings of the defaulting raiyats may be proceeded against for the arrears of water rate due to Government, credit being given them for the amounts paid to the inamdar. The unrecovered balance, if any, should be charged against the inamdar in the management accounts.

SECTION VII—CONSERVANCY OF TANK BUNDS AND TANK BEDS.

Margin of land to be left uncultivated below the bunds of tanks.

382. I. Below the bottom of rear slope of bunds of all *maidan* tanks, irrigating more than 20 acres of wet land, a margin, 10 feet wide, should be left uncultivated. The boundary line should be demarcated by the Revenue Survey Department. Where the line has been wrongly laid down, *i.e.*, without affording the prescribed, full 10 feet margin a new alignment should be laid down by the same agency.

If a distribution channel from a sluice runs along the toe of bund within the said margin cultivation may be allowed up to the bund of the channel, irrespective of the specified margin.

II. Below small *maidan* tanks, irrigating 20 acres and less, the margin to be left is reduced to 5 feet, unless

21429—R. F.
168-92, d. 16th
June 1908.

where a marginal demarcation of greater width has already been laid down and no cultivation exists within it. As under Rule I, a distribution channel running along the foot of bund will mark the marginal limit, irrespective of its distance from the bund.

III. In all cases where within the limits above described, whether demarcated already or hereafter, garden or fruit-bearing trees exist, the removal of the same will not be insisted on until the trees have ceased to yield. When the trees have ceased bearing, they should be cut down by the owners and no fresh planting will be allowed. The assessment on such *intra* marginal lands will be gradually extinguished, and the measured areas excluded from the several *pattas*.

IV. The margin provided for tank bunds in Rule II, is also applicable to all river irrigation channels and to any feeder channels which may be specially notified by the Public Works Department as coming under this rule. The rule providing for the gradual extinction of the rights to garden and fruit-bearing trees also applies to the margin prescribed below channels.

V. In the case of all *malnad* tanks irrigating less than 100 acres, the restrictions regarding limit of cultivation may be entirely withdrawn, subject to the restriction that no cultivation will be allowed on the rear slopes and that any one cutting in slopes to level the ground for purposes of watering will be prosecuted for mischief. In the case of *malnad* tanks irrigating 100 acres and upwards, Rule I shall apply in full.

VI. For the purpose of these Rules the following taluks will be treated as *malnad*:—

Shimoga District.—The taluks of Tirthahalli, Sagar and Nagar and the Maganis of Sorab, Kasnur, Chandragutti, Chittur, Shigga and Heche in the Sorab Taluk and the Maganis of Belandur and Barur and the Danandur village of the Danandur Magani in the Shikarpur Taluk.

Hassan District.—Byagadahalli, Maranahalli and Hanabal Hoblis of the Manjarabad Taluk.

Kadur District.—The Taluks of Koppa and Mudgere and the Maganis of Lingadahalli and Lakvalli in the Tarikere Taluk and of Vastara, Anur, Kadagalnad, Taladarnad, Aldur, Jagar, Siravasi and Lingenahalli in the Chikmagalur Taluk.

NOTE.—The reserve prescribed in the rules *supra* is necessary, as in the event of a leak in the bund, the fall of a tree, slip of the

revetment, etc., there should be turf and earth at hand to repair the damage at once, before it has got past control. The encroachment of the cultivation on the bund by scraping away the toe is also prevented by the reserve strip.

VII. When lands of an inam village are taken up for reservation of the prescribed margin below tank bunds, the jodidar, if he is himself the occupant, or the occupant, if he be other than the jodidar, is entitled to money compensation. The jodidar is in addition entitled to a proportionate reduction of the jodi amount.

8024-42—R. F.
183-92, d. 10th
April 1901;
R. 277-85—R.
F. 183-92, d.
28rd July
1901.

NOTE.—This principle applies also to the minor *Nadiq Umbli Inams*.

Bunding up of weirs of tanks.

383. Dams for the increased storage of water in tanks may be erected over the waste weirs of tanks other than those under the immediate control of the officers of the Department of Public Works, or which have not been already raised to standard by the Irrigation Department, under the express orders of the Deputy Commissioner to be issued in each case, subject to the following conditions:—

(1) The materials used in constructing temporary dams must be such as may be readily removable.

(2) The temporary dams should be wholly or partially removed as circumstances require, when the water raises to such a level as to indicate danger to the tank.

(3) The temporary dams should be broken up once a year to prevent consolidation rendering them difficult to remove.

(4) In the case of serial tanks, adjoining public roads and lines of Railway, the waste on weirs of which temporary dams have been constructed, must be cleared at least a fortnight before the usual date of the setting of the periodical rains.

(5) It is the duty of the village officers to have their tanks watched day and night during rainy weather, and they are responsible to see that all precautions are taken to clear the waste weirs whenever danger may be apprehended.

(6) In the event of the bursting of a tank or any injury occurring to works, owing to the neglect of such precautions, the damages will have to be made good by the raiyats holding lands under it. No claims to remission of assessment will be allowed.

(7) Deputy Commissioners should decide in what cases temporary dams may be used. In respect of important tanks they should obtain the concurrence of the District Engineer thereto. The height to which temporary dams may be erected in each case should be specified in the order issued by the Deputy Commissioner.

Prevention of silting in tank-beds.

2615-22-F.262,
d. 2nd Aug.
1880.

384. (i) Protection is more required where there is dry cultivation round the beds of tanks, as wet fields with their embankments arrest to some extent the flow of the silt. To prevent the silting up of the beds of tanks, the Patel should encourage the villagers to plant *honge*, *babul* and other trees or reeds and grass, according to the circumstances of each tank, on the land around the bed of the tank, reserved for the purpose and along the edges of the main feeders. The enjoyment of the produce of these trees will be allowed to the village community.

(ii) The removal of silt by villagers for purposes of manure, *free of cost* may also be encouraged, subject to the condition that no damage is done to the bund or the approaches to the tank.

(iii) Silt dams may be constructed in special cases—the best form being a small tank which will retain silt and let the water discharge at the *Kodi*.

Clearing Silt from malnad tanks.

R. 2150-59—L.
R. 4933-1-3 d.
31st Oct. 1911.

385. The gathering ground of these malnad *Kattes* consists of steep hilly slopes covered with jungle. The vegetable mould formed by the falling leaves mixes with sand and silt brought in during the monsoons and chokes the springs. The obstruction thus caused may be removed in most cases by a central cut, till the springs are tapped and then leading water to the sluice, as is done on the maidan tanks which have **talapariges*.

SECTION VIII—REGULATION OF WATER-SUPPLY FOR IRRIGATION.

P.W.D. 8923-
27-760-64, d.
24th Nov.
1890; 5641—P.
F. 46-95, 18th
Sep. 1895.

386. (1) The duty of regulating the water-supply from a Government source to wet lands (*Sircar* or *Inam*) rests exclusively in the Executive Officers of the Revenue and Public Works Departments.

* This word means "channels conducted from springs."

(2) *Hot weather supply from the river channels.*

Hot weather supply wherever it exists should be continued. This rule applies not only to sugar-cane cultivation generally, but also to garden cultivation. Government will give hot weather supply, as far as possible, for new sugar-cane and garden cultivation, but not to the *established* sugar-cane and garden tracts.

118-R. 127, d.
9th April 1888.

Irrigation by lift along river channels.

387. The following rules are issued for regulating irrigation by lift along the lands on the upper side of the channels noted below* :—

D.P.W. 6142-7
892-7, d. 16th
Dec. 1898.

(a) As the lands below the channels have the prior claim to the supply, the cultivation on the upper side must not be extended, so as to affect materially the irrigation and the tail of the channel. The area to be so cultivated should at the outset be restricted to 300 acres above each of the first five miles.

(b) The lift, which is limited to 6 feet above H. W. M. of channel shall not be placed within 30 feet of the channel edge.

NOTE.—Applications for “Nirsardi” or water rate from garden-owners, who were not using tank water before, may be granted, *only when the supply to wet fields already included in the atchkat is not affected thereby.*

8356-64—Petn.
1183, d. 19th
March 1898.

Irrigation disputes.

388. (i) The fact that Revenue officers exercise jurisdiction in irrigational matters does not authorise them to exercise that jurisdiction in a penal way, except under Legislative sanction.

9815-92—P.
584, d. 9th
Oct. 1896.

(ii) In the disposal of cases involving rights to irrigation, local usage should be the guide.

8856-64—Petn.
1183, d. 19th
March 1898.

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|-------------------------|-----|-------------------------------|
| *1. Kattepur | ... | } Ashtagram Channel Division. |
| 2. Ramanathpur | ... | |
| 3. Ramasamudram | ... | |
| 4. Tippur | ... | |
| 5. Devaraya | ... | } Mysore Division. |
| 6. Rampur | ... | |
| 7. Mandigere | ... | |
| 8. Chikdevarayasagar | ... | } Hassan Division. |
| 9. Mahadevamuntry | ... | |
| 10. Sriramadevar, South | ... | |
| 11. Do North | ... | |

SECTION IX—TANKS IN ALIENATED VILLAGES.

7028 Cir.
1176, d. 17th
Oct. 1876.

389. *Maintenance of tanks in Inam and Kayamgutta villages.*—(i) In Chief Commissioner's Proceedings No. 4327—128, dated 16th September 1874, it was ruled that no interference should be exercised as regards the maintenance of tanks in inam and *kayamgutta* villages except in the following cases, *viz.*—

(a) When the tank is a common source of irrigation to lands in Government and inam or *kayamgutta* villages.

(b) When the tank is one of a series, on the proper upkeep of which depends the safety of tanks below it.

(ii) The upkeep of tanks of the former class devolves on Government, the inamdars, other than holders of service lands, paying their quota of the cost in the proportion of their holdings to the whole area under irrigation.

(iii) In regard to the tanks of the latter class, there are two classes of works, *viz.*, (1) works which provide for the mere safety of the tank, and (2) those which involve the enlargement of its storage capacity.

(iv) When the object of the work is merely to put a tank in a condition to ensure its security against floods, the obligation imposed upon inamdars must be rigidly insisted upon, with the proviso that when the work involves heavy outlay on weirs and sluices, the whole or any portion of the cost of the latter will be borne by Government, the quota being determined by the Local Revenue Officers, subject to the approval of Government. They may be allowed the option of carrying out the work themselves within a specified period, failing which, due notice will be issued to them by the Deputy Commissioner, who will have the necessary work executed according to the sanctioned estimate by the officers of Government, recovering the cost from the inamdars as a revenue arrear.

(v) The final action of taking the work into their own hands should not however be adopted by the P. W. Department, without the concurrence of the Deputy Commissioner, who should, before according it, satisfy himself that the holder of the inam or *kayamgutta* village has wilfully neglected to carry out the work. No pretexts for delay arising from want of co-operation between the share-holders should be admitted.

(vi) In cases, however, where the proposed work involves an enlargement of the capacity of a tank, it should not be undertaken, without the consent of the

owner. If he assents, the work may be carried out either by him or Government, due security being obtained for payment by the inamdar of the quota of the cost assigned to him. If he does not assent, measures may be taken to provide merely for the security of the tank, and the instructions contained in paras (i) and (v) above followed.

(vii) In cases where an inamdar assents to the project for the improvement of his tank but has no means of providing the cost, Government will advance the amount or any portion of it, as a loan to be secured by the assignment of the revenue of the village which the inamdar holds, or in some other satisfactory manner.

R. 8088-42—L.
R. 480-07-2, d.
11th June
1906.

Obligation of Inamdars to maintain the tanks.

390. The obligation of inamdars to maintain the tanks in their inam villages and the right of Government to enforce this duty, are recognised from a long time. The responsibility for the timely execution of the repairs to the tanks continues unimpaired. The Government may, when necessary, execute repairs and recover the cost from the inamdar as a revenue demand.

R. 8088-42—L.
R. 400-07-2, d.
11th June
1906.

SECTION X.—MISCELLANEOUS.

Co-operation between Revenue and Public Works Officers.

391. The following instructions are issued in the matter :—

(i) The District Public Works Budget prepared according to the Public Works needs of the District should be forwarded to Government through the Deputy Commissioner concerned.

(ii) Deputy Commissioners being the responsible heads of their districts, the assistance and professional advice of the Public Works Department should be at their disposal when required. Information called for by them should be promptly supplied. A Deputy Commissioner may, for special reasons, make a definite request to the Executive Engineer. If this officer considers that compliance with such request is not in public interest, and if time allows, he may ask the Deputy Commissioner to refer the matter to Government through the Superintending Engineer, when the Deputy Commissioner should at once do so. Otherwise, the Deputy Commissioner's request should be complied with.

R. 18101-10—
L.R. 213-16-2,
d. 29th June
1917.

(iii) Works not provided for in the Budget should not, except in emergent cases, be commenced without the Deputy Commissioner's previous approval, and when so commenced, intimation should be given to him forthwith.

(iv) Deputy Commissioners have the right to propose the construction of new works and the repairs of the existing ones, and their proposal can be disregarded *only for reasons to be recorded and communicated to him by the Superintending Engineer*. Deputy Commissioners may also make recommendations *in regard to other Public Works matters* which concern their district. The same should be duly considered and promptly replied to.

(v) Superintending and Executive Engineers should, as far as possible, consult Deputy Commissioners and Revenue Sub-Divisional Officers personally *in regard to the Public Works interests and needs of the district*, and all Officers concerned should co-operate cordially and readily with one another. All proposals for important changes in the distribution of water or in any other branch of the Public Works Administration should be forwarded to the Deputy Commissioner concerned for remarks, before submission for sanction to the Superintending Engineer or to Government. The Deputy Commissioner should also be informed of the changes decided upon before they are carried out.

(vi) Public Works Officers should follow strictly, the rule enjoining that no lands should be entered upon, until formally transferred by the Revenue Department, save in exceptional circumstances which should be promptly reported to the Chief Engineer.

(vii) References from the Revenue Department to the Public Works Department should be promptly replied to. The Chief Engineer should instruct Executive Engineers to forward to the Deputy Commissioners concerned a list of unanswered references pending with them at the end of every quarter.

Inspection of Tanks.

392. To ensure that the maintenance work is carried out under the supervision of the Patel under the Maintenance Rules, or by a Panchayet under the Tank Panchayet Regulation, the higher Revenue Officers should exercise strict vigilance and the system of inspection prescribed in the rules should be rigorously carried out. These rules provide that:—

(1) The Amildar or a responsible officer deputed by him should inspect each tank between the months of October and January and note the results of his inspection in the Tank Register.

(2) A second inspection should be held before the end of April to see that all repairs are completed.

(3) Assistant Commissioners and Deputy Commissioners should frequently inspect the tanks in their respective jurisdictions, according to a definite programme previously drawn up for the purpose.

(4) All the major tanks should be inspected periodically by Executive Engineers and a report submitted in the prescribed form.

(5) Annual record should be kept—(a) of the tanks inspected, (b) defects noticed, and (c) the action taken to rectify the defects. To ensure this, necessary registers will be prescribed by the Revenue Commissioner.

(6) The systematic inspection of tanks by Revenue Officers should be followed by some practical action. In the administration reports, information should be furnished, as to—(i) the total number of tanks brought to standard in each district; (ii) which of them have to be inspected every year; and (iii) those actually inspected. Inspection should not be confined to a few easily accessible tanks only.

(7) The tank books should be maintained regularly and correctly.

R. 996-1006—
L. R. 613-05-6,
d. 21st July
1906.

R. 4497-506—
L. R. 167-15-9,
d. 13th Nov.
1916.

Inspection of restored tanks.

393. There is no uniformity of practice in the several districts in the inspection of these tanks. In some districts, major tanks are inspected by Tank Inspectors and not so in the other districts. Since the Marahmat establishments under Deputy Commissioners have been strengthened and made more efficient, the Chief Engineer thinks that it may with advantage be employed on the inspection of the major tanks as well. The responsibility for the due maintenance of restored tanks after it has been handed over to the Revenue Department for up-keep rests with that department. The enforcement of the rules regarding the maintenance of restored tanks (both major and minor) requires no technical knowledge; periodical inspections of these should therefore be continued to be made by Revenue Officers. The Marahmat establishment may be employed on this work, only when it can be

R. 10843-53—
L. R. 477-11-3,
d. 26th May
1915.

done without prejudice to the duties assigned to it under the Minor Tanks Restoration Scheme.

Inspection by the Officers of the Public Works Department should be confined merely to professional details. They should arrange to get the defects observed by them rectified through the Revenue Officers and bring to the notice of the Chief Engineer cases of serious neglect.

Central Irrigation Board.

R. 7462-514—
L.R. 249-18-1,
d. 10th Dec.
1918.

394. (i) A suitable agency for dealing satisfactorily with irrigation matters which often involve consultation with, and concerted action on the part of, more than one department was a desideratum. A Central Irrigation Board, consisting of:—

The Chief Engineer as President.	} as ordinary Members.
The Revenue Commissioner in Mysore	
The Revenue Secretary to Government	
and the Executive Engineer as Secretary.	

has therefore been constituted.

Occasional Members.

(ii) The Board shall have power to co-opt the Superintendent, Revenue Survey and Settlement, the Director of Agriculture and any Deputy Commissioner, whenever necessary, and also non-official gentlemen, as occasional members for particular irrigation areas.

(iii) The principal duties of the Board will be:—

- (a) To meet periodically to discuss questions relating to the construction, maintenance and development of irrigation works in general.
- (b) To suggest modifications in the existing rules or procedure with a view to secure satisfactory progress; and
- (c) Generally to advice Government in regard to measures necessary for increasing and developing irrigation works, improving irrigation methods and practices and training cultivators in improved methods and practices throughout the State.

(iv) The Board should meet once in two months, or oftener, if necessary. The proceedings of the meeting should be reported to Government in the Public Works Department, within a fortnight of the date of the meeting, a copy being also forwarded to the Revenue Secretary.

(v) Heads of Departments, Deputy Commissioners and other Officers concerned should co-operate with the Central Irrigation Board to make its work productive of best results.

Imprests to Amildars for tank maintenance work.

395. (a) Amildars and Deputy Amildars are allowed an imprest of Rs. 50 to enable them to enforce the liability of the raiyats to maintain the tank and the channels and to take prompt steps to repair them, if the work is neglected by the raiyats. These imprests are provided out of the Letters of Credit issued to Deputy Commissioners as Public Works Disbursers (Civil Officers). Amildars and Deputy Amildars should account for these amounts to Deputy Commissioners by the submission of Cash Imprest sheets periodically in the same way as Sub-Division Officers of the Public Works Department do to Executive Engineers. On the receipt of these accounts, the Marahmat Department of the Deputy Commissioner's Office should take measures to recoup the imprests without loss of time. The amount allowed for meeting these charges should on no account be kept in deposit.

(b) If the annual maintenance work is properly enforced, there will be no occasion for executing repairs which cost more than the one year's assessment and recoverable from the raiyats.

If, through want of prompt action on the part of the Revenue Officers in enforcing the liability of the raiyats to carry out the year's maintenance, the cost of repairs exceeds one year's assessment, the excess should be recovered from the Revenue Officers responsible, *viz.*, the Amildar, the Shekdar, and the Patel of the village.

The imprest is intended only to enable Revenue Officers to carry out the maintenance work for the year, when the raiyats fail to do it. Repairs rendered necessary by previous neglect should be undertaken only on proper estimates and sanctions, and should not be carried out of the imprest. The cost of such repairs must be met in the first instance from the Public Works Letters of Credit placed at the disposal of Deputy Commissioners and afterwards recovered to the extent of one year's assessment.

R. 9110-20—
R.M. 214-06-2,
d. 8th April
1907; R. 3819-
21—R.M. 74-
07-20, d. 18th
Dec. 1907.

Opening of Hikkals under the Krishnarajasagara.*

B. 4562-6—
L.R. 25-17-14,
d. 17th Nov.
1917.

396. *Hikkals* may be opened by the raiyats themselves on the line along which they should run from field to field for all the survey numbers comprised in a block, commanded by a fixed sluice. The Public Works Department should mark out the lines on which *hikkals* run, with reference to the prevailing levels of the lands.

Utilization of the Irrigation Cess Fund.

The Irrigation Cess Fund may be utilised for:—

(a) the maintenance of a suitable establishment for the inspection of the tanks in each taluk;

(b) the repair of the masonry works of such tanks as have been brought up to standard and made over to the raiyats for up-keep;

(c) the provision of grants in special and exceptional cases, in aid of such other indispensable repairs which tanks thus brought up to standard may need in excess of raiyats' ability to execute:

(d) the provision of grant-in-aid towards the repair of channels, the maintenance of which rests with the Irrigation Department.

The right of fishery and grass of Government tanks.

B. 6087-95—
L.R. 493-09-4,
d. 29th April
1912.

397. The raiyats have no unconditional right to the fishery in the tanks and to the grass growing on the bunds; they are allowed to enjoy their rights under Rules 17 and 23, L. R. R., *only when they carry out the annual repairs to the tanks regularly*. When they neglect this work, the rights will be withdrawn from them. The tendency of raiyats to shirk their responsibility should not be countenanced. If the raiyats persist in their negligence, the tanks may be brought under the operation of the Tank Panchayet Rules.

NOTE.—Amounts realised by the sale of the fishery and the grass should not be utilised towards the execution of the repairs to the tank.

* Minor distributary channels for irrigating lands are called "*Hikkals*."

CHAPTER XX.

LOANS.

Loans for purposes of improving agricultural land are granted in pursuance of Land Improvement Loans Regulation, 1890 and the Rules thereunder. Advances of a miscellaneous nature for (a) relief of distress among holders of agricultural lands, (b) purchase of seed or cattle, or (c) any other purpose not specified in the said Regulation, but connected with agricultural objects, are made in accordance with rules issued under Sec. 194, L. R. C. Every such advance, with interest, if any, is recoverable as a revenue demand.*

Statutory
Provisions.

SECTION I.—LAND IMPROVEMENT AND TAKAVI.

[Takavi advances are advances, by Government, of money at a low rate of interest, to raiyats to enable them to carry on agricultural operations.

The account procedure in respect of this class of loans is described in Articles 227 to 234 of the Mysore Account Code, Volume I.]

398. Raiyats should be encouraged to freely avail themselves of these loans for improving the productivity of their lands.

6799-809—L.
R. 226-07-5, d.
23rd April
1908.

Borrower's interest in the lands offered as security for the loan.

399. (i) Mortgages and other charges on the interest of the borrower are not protected by the proviso to Sec. 7 (1), Land Improvement Loans Regulation of 1890. They are liable to be extinguished, if the land is sold with reference to Secs. 143 and 159, L. R. C. Consistently

* This Regulation (as amended by subsequent Regulations) and the Rules thereunder are re-printed in pages 171 to 176 of Volume III.

For account procedure in respect of the various classes of loans, vide Articles 215, 217 and 227 to 230 of the Mysore Account Code, Volume I.

with the rights of Government, such encumbrances should be respected and the amount thereof deducted from the borrower's interest in the land in estimating the value of the security given. No elaborate enquiry need be held for ascertaining such encumbrances.

(ii) Special precautions should be taken to safeguard the interests of Government, when other interests exist, as indicated in the sub-joined memo:—

Nature of interest.

(1) The interests of reversioners in the estate of a Hindu female.

(2) The interest of the junior members of a joint Hindu family.

(3) The interest of co-owners when application is made by one of several joint holders of land.

(4) The interest of a minor, when the application purports to be by his guardian.

Precautions to be observed.

(1) When the applicant is a Hindu female, the consent of her reversionary heirs should be obtained.

(2) An application by the manager of an undivided Hindu family must be supported by evidence that the money is required for the improvement of lands, and farming the family property. In this case the loan should be paid in as many instalments as possible and care should be taken to see that the previous payments have all been properly applied, before paying any subsequent instalment.

(3) In such cases, no loan should be granted except on the following conditions:—

(a) Where the right of each *pattadar* is only to a share in the produce, the application for loan should be made by all the joint *pattadars*.

(b) Where the right of each *pattadar* is to a definable portion of the joint holding, the applicant should be required to have his portion sub-divided and separately registered, provided the Survey Rules permit of such sub-division and separate registration.

(c) Where the conditions specified in (a) and (b) are not fulfilled the applicant should be required to furnish collateral security which is itself sufficient for the loan applied for.

(4) Loan may be granted for the improvement of the land, belonging to a minor provided that the applicant is the legally constituted guardian of the minor, and that the loan is asked for *bona fide* in the minor's interest. In this case also the precaution of paying the loan in as many instalments as possible and watching its application should be observed as in case (2).

(iii) No reference need be made to the Registration Department for encumbrance certificates, in the case of loans under the Land Improvement Loans Regulation, where the land to be improved is itself accepted as sufficient security, the interests of Government being safeguarded by Sec. 7 of the Regulation. Encumbrance certificates, may, as a general rule, be also dispensed with, when land or other immovable property is offered as collateral security under the Regulation, or as security for loans under Sec. 194, L. R. C., inasmuch as the applicant for the loan or his surety is required under Rule XIV to make in his application a declaration that the statements contained therein as to the nature and extent of the encumbrances on the property offered as security are true to the best of his information and belief and that he believes that there are no other encumbrances on the property. The Deputy Commissioner or other officer empowered to grant the loan should call for encumbrance certificates from the Sub-Registrar concerned, only in *special cases* in which he deems it necessary to do so, and he should record his reasons for so doing. The search fees payable to Government in all cases where the amount of loan does not exceed Rs. 750 are borne by Government.

Recovery of interest when the loan is paid in one lumpsum.

400. Interest on the principal amount of the loan from the date of disbursement to the date of repayment should be recovered, in cases the loan is advanced fully at the very outset. The debtor should be let off, if he pays the present value of the annuities, due at the rate of interest charged on the loan.

R. 3580-36—
Agri. 31-10-9,
d. 25th Nov.
1910.

Registration of loan orders.

401. Under Section 89 of the Registration Act copies of orders granting loans should be sent to the Registering officers to be filled in their Book No. 1, and Deputy Commissioners should satisfy themselves that this is done.

D. 402, d. 26th
April 1892.

Under clause (1), Section 17 of the Registration Act as modified by Section 12 of the Land Improvement Loans Regulation, orders granting loans under the Regulation are exempt from compulsory registration.

Under Section 4 of the rules appended to the table of fees under the Registration Act, no searching or copying fees will be charged when a Government officer searches a register or takes a copy for *bona fide* public purposes.

Applicability of the loan rules to inam lands.

D. 292, d. 31st
March 1892 ;
840-B—R. 838,
d. 23rd July
1896.

402. The Rules framed under the Land Improvement Loans Regulation of 1890 do not prevent the grant of loans for the improvement of enfranchised inam lands and service inams.

D. 401, d. 26th
April 1892.

Loans may also be granted for the improvement of temple lands. But, the temple servant *Pujari* is the trustee of the said property, and he is at liberty to do all acts necessary for improving the value of the trust property. Where there is every prospect of the well proving a success and a permanent improvement, a loan can be given to a *Pujari* on the security of the temple lands, care being invariably taken to ensure the actual expenditure of the money lent on the proposed well. The land benefited by means of a work is the security for a loan granted for the execution of such work. (*Vide* Cl. (c) Para 1, Sec. 7, L. I. L. R).

The arrears, if any, should be recovered from the produce in a few years. The real security is, however, the well ; and the authorities should satisfy themselves that the loan is actually spent on the well.

Repayment of loans.

R. 5962-72—L.
R. 55-09-5, d.
1st March
1910.

403. Punctual repayments of instalments is an essential condition of the successful working of the system. Laxity in this respect weakens the sense of obligation possessed by the raiyats and lessen their forethought and prudence. Steps should be taken to prevent deterioration of the lands liable as security and to enforce repayments in case of default, unless owing to seasonal conditions or other exceptional causes it is considered necessary to show some concession in individual cases.

Chellan forms for noting repayments.

R. 1245-55—
Agri. 2-10-2,
d. 26th Aug.
1910.

404. Special *chellan* forms (*Vide* Appendix XXXVII) should be used for noting repayments of loans, so that, delay and difficulties in checking the repayments in the

District Office may be avoided and the preparation of the periodical loan accounts facilitated.

Note.—Registers and Accounts to be maintained in connection with the Takavi loans.

For the Register of Loans and Repayments *vide* SL 77, Part II of the Taluk Manual. The Register of Demand, Collection and Balance Statement of loans is given in SL 78 thereof and the Personal Ledger of the several Loan holders in Part II of the District Office Manual.

Loans for cocoanut cultivation.

405. The limit of the grant of loan of Rs. 200 fixed under the Takavi Loan Rules for the purchase of cocoanut seedlings and other purposes connected with cocoanut cultivation is raised to Rs. 500 and is made payable in three years commencing from the eighth year of payment.

2161-94—A. &
I. 200-15-4, d.
29th August
1917.

When special concessions are deemed necessary the cases should be submitted to Government for orders.

Loans for reclamation of lands.

406. Loans are permissible for reclaiming and clearing lands and rendering them culturable.

6127-34—P. F.
196-92, d. 27th
September
1893.

General.

407. Adequacy of the security offered is not a sufficient consideration to induce Government to grant loans without reference to the nature of the purpose and the cost of the proposed improvements. The Deputy Commissioner should satisfy himself that the whole of the loan applied for is actually required for the improvement of the land.

Loans should not be granted in a lump sum, and the disbursing officer should satisfy himself that the money advanced is applied to the purpose required.

Loans for Irrigation Wells.

408. Local officers entrusted with the important duty of making advances for land improvements and the construction of irrigation wells should, in administering the rules, avoid undue hardships to the borrowers. They should get as much reliable data as possible, to form correct opinion of the probable expenditure, and co-operate

C. 672-85, d.
23th Nov.
1891;
C. D. 65, d.
19th Jan.
1892.

earnestly with the borrower, till the whole advance is worked out. Several instalments of loans should be arranged to be paid to the borrower on the due dates. After advances are made the responsible officer concerned should inspect the works periodically, watch their progress and render necessary help to bring the works started by poor and innocent raiyats to successful completion.

Responsibility of loan sanctioning officers.

R. 4978-86—
Agri. 30-07-8,
d. 11th Feb.
1908.

409. In granting loans, the higher Revenue Officers should satisfy themselves, in consultation with the Public Works Department, that there is a reasonable prospect of the well being successfully sunk and its construction and revetment properly executed.

Loans for Saguvali Kattes.

410. The following special rules extend to all those parts of the State where black cotton soil or other lands suitable for the construction of *Saguvali Kattes* exist and apply to the construction of new *Saguvali Kattes* as well as for the improvement of existing ones, and the restoration of breached ones :—

(a) The expression "*Saguvali Kattes*" is explained in the foot-note on page.....of this volume. These *Kattes* fall under the category of land improvements, within the meaning of the Land Improvement Loans Regulation.

(b) No single loan under these rules for a new *Katte* should ordinarily exceed the sum of Rs. 300 ; but Deputy Commissioners may sanction a loan up to Rs. 500 in exceptional cases. The loan for the improvement or restoration of an existing *Katte* should not ordinarily exceed Rs. 50, but may, in special cases, amount to Rs. 100.

(c) The construction, restoration or repair, as the case may be, of the *Katte* in respect of which a loan is obtained must be commenced within 15 days, and completed within six months, after the loan is received. Deputy Commissioners may, on good grounds, extend the time to a period not exceeding one year.

(d) The rate of interest chargeable on such loans is 4 per cent per annum.

(e) In all matters not specially provided for by the above rules, the instructions given in the General Loans Rules should be followed.

Special Loans to Coffee Planters.

For encouraging coffee industry, a system of loan on the analogy of the Takavi system was adopted, and the loans were advanced during the year 1918-19 only. Fl. 6456-68, d. 2nd May 1918.

Advances to encumbered Inamdars.

411. Advances were sanctioned by Government on the following conditions:— 817-21, d. 6th June 1893.

(1) The properties should be mortgaged to Government and the Deputy Commissioner should assume their management, the minor inams being left in the possession of the Inamdars themselves as lessees of Government through the Deputy Commissioner.

(2) The amount advanced is repayable to Government with interest at 5 per cent per annum.

(3) The receipts of each year should be appropriated towards the interest due on the outstanding portion of the loan and the remainder towards the repayment of the outstanding portion of the loan.

(4) The Deputy Commissioners should take necessary agreements in due and effective form from the principal Inamdar and the other members of the family concerned.

Loans for fruit cultivation.

412. The following rules are issued for the grant of loans for fruit cultivation:— 4800-14—A. & E. 117-17-9, d. 22nd November 1918.

(1) Loans not exceeding Rs. 3,000 in any single case may be granted for the purpose of organising nurseries of fruit trees for planting or improving fruit gardens of more than an acre in extent in the State.

(2) The following officers are competent to sanction loans not exceeding the sums specified against them on each individual application:—

	Rs.
Amildars	100
Sub-Division Assistant Commissioners	250
Deputy Commissioners	500

Applications for larger amounts should be submitted by Deputy Commissioners to Government for sanction through the Agricultural Board.

Copies of orders sanctioning the loans should be forwarded to the Superintendent, Government Gardens, and the Secretaries of the Boards for record in their offices.

(3) The application should be in the form given in Appendix XXXVIII and (in the first instance) presented to the officer authorized to sanction the loan. The application should after necessary local enquiry be disposed of by that officer if it is within his powers of sanction, otherwise it should be submitted without unnecessary delay with his recommendation and the record of enquiry to the officer competent to dispose of it.

Officers sanctioning or recommending loans should satisfy themselves that the project has a reasonable chance of success after consulting, if necessary, the Superintendent, Government Gardens or the District Horticultural Inspector.

(4) The amount of the loan sanctioned must not exceed two-thirds of the current market value of security and the loan should be advanced in such instalments as may be fixed by the authority sanctioning it.

In every case in which a loan is granted under these rules, the borrower should execute a mortgage deed in respect of the garden or estate to be planted or improved and should also, if required, offer additional security in the shape of other immovable property. Government bonds and Railway debentures may in the discretion of the Deputy Commissioner, be accepted as additional security. He should also agree to abide by the conditions set forth in these rules.

5. The sufficiency of security should be investigated by an officer not lower in rank than the Amildar of the Taluk in which the site of the garden to be planted or improved, is situated, in cases in which the amount of the loan applied for is below Rs. 500 and by the Assistant Commissioner in revenue charge of the taluk in cases involving higher amounts. No loan should be granted without a satisfactory report of such enquiry.

6. Loans are granted subject to the following conditions:—

(i) The loan shall bear interest at the rate of 6½ per cent per annum and shall be discharged (both principal and interest) in seven equal instalments, to be paid before the end of May, the first instalment falling due on the 1st May of the 3rd year, after the loan is sanctioned.

(ii) In all matters relating to payment, etc., of the loan not specially provided for in these rules, the provisions of the General Loans rules shall apply as far as possible.

(iii) The borrower must undertake to commence work within six months after the loan or the first instalment thereof is disbursed and to utilize it strictly for the purpose set forth in his application; but if through unforeseen circumstances, any deviation becomes necessary, he may apply for the written permission of the officer who sanctioned the loan who, if he grants it, shall endorse it on the record of the order sanctioning the loan.

(iv) The borrower should maintain proper accounts of the appropriation of the loan and have both his accounts and his garden in respect of which the loan is obtained, open to the inspection of the Deputy Commissioner and other Revenue Officers not lower in rank than an Amildar or a Deputy Amildar and of the officers of the State Gardens Department and the Economic Conference.

(v) If the loan is not being properly utilised, or if the gardens for which it was obtained is being neglected, or if the instalments are not regularly paid, the borrower will be required to return the full amount of the loan at once and steps taken for its recovery as an arrear of land revenue.

(vi) The borrower should execute an agreement undertaking to abide by the conditions above set forth.

LOANS FOR SERICULTURAL IMPROVEMENT.

413. The following revised rules are issued for the grant of loans for sericultural improvement in Mysore :—

5065-64—A. &
I. 147-14-2, d.
26th May
1915;
4538, d. 27th
Nov. 1918.

(1) The Government may grant loans for sericultural improvement in Mysore, by setting up a rearing house and raising a mulberry plantation, on proper security up to a limit of Rs. 5,000 in each case.

(2) The rate of interest charged on loans granted under these rules shall be 5 per cent per annum.

(3) The loan is repayable in fixed annual payments; both principal and interest should be paid up. The period allowed for the repayment of the entire loan does not exceed ten years.

(4) In every case in which a loan is granted under these rules, the borrower must execute an agreement mortgaging the farm with all the lands and buildings appertaining thereto, as security for the loan. No loan should be granted, unless additional security charged on immovable property is also offered, the value of which

together with that of the Farm is at least equivalent to one and a half times the amount of the loan applied for.

(5) The applicant must furnish a plan of the lands and structures which he means to devote to the furtherance of his object and give a brief outline with estimates of cost of the operations intended to be undertaken with the help of the loan applied for. The Deputy Commissioner should refer the papers to the Superintendent of Sericulture for investigation and report as to the prospects of the enterprise. On reference by the Deputy Commissioner, the Superintendent should himself investigate applications for loans in excess of Rs. 1,000, but those for smaller sums may be passed on to his subordinate officers, provided that the responsibility for the final recommendation rests with him.

On receipt of a report from the Sericultural Department, the Deputy Commissioner should, after full enquiry as to the value of the security offered, and other necessary particulars, forward the papers with his opinion to the Secretary, Economic Conference, for obtaining the orders of Government.

(6) Every person to whom a loan is granted under these rules should agree to utilize the entire loan for the purpose for which it is granted, and also to follow improved methods of rearing worms according to such advice and be amenable to such instruction as is given by the Deputy Commissioner of the District, or other officers authorised by Government to tender advice.

(7) In all matters relating to the disbursement, repayment, and recovery of the loan, not expressly provided for in these rules, the provisions of the takavi loan apply.

(8) Every person assisted by Government under these rules should keep regular accounts which together with the Farm and its appliances shall be open to inspection from time to time by officers appointed by Government for the purpose.

(9) Loans may be granted for the following purposes also:—

(a) Mulberry cultivation including preparation of land, provision of irrigation facilities, purchase of cuttings, manure, etc.

(b) Purchase of silkworms, seed and rearing appliances.

(c) Construction or repair of rearing houses.

(d) Repairs and purchase of reeling machines.

(10) The following officers are competent to sanction loans not exceeding the sums specified against them on each individual application :—

	Rs.
Amildars	100
Sub-Division Assistant Commissioners and Superintendents of Sericulture	250
Deputy Commissioners	500

(11) Applications should in the first instance, be made to the Amildar of the Taluk or the Shekdar of hobli, or the Sericultural Inspector or other official of the Sericultural Department stationed in the taluk or district. Applications made to the Amildar or Shekdar should after local enquiry be disposed of by the Amildar, if it is within his powers of sanction ; otherwise they should be submitted without unnecessary delay with his recommendation and the record of enquiry to the Revenue Officer competent to dispose of them. Applications presented to the Sericultural Inspector or other official of the Sericultural Department should after full enquiry, be forwarded to the Superintendent of Sericulture who may either dispose of them, if within his powers of sanction, or forward them with his recommendation and the records of enquiry to the Deputy Commissioner for disposal. He may also send the record to the Amildar for further enquiry when necessary. When the Superintendent of Sericulture sanctions a loan he shall pass the order on to the Amildar of the Taluk for the due execution of necessary documents, the disbursal of the loan and subsequent recovery of the instalments, as they fall due. The Superintendent of Sericulture should forward to the Deputy Commissioner of the District, a duplicate of the order sanctioning the loan for record in his office. He shall also submit to Government a quarterly statement of the loans sanctioned by him.

(12) In regard to the security offered, the bonds to be executed, the rate of interest, the period of repayment of the loan and other details, rules 2 and 3 *supra* apply. But in special cases the Deputy Commissioner may relax the rules in regard to security and grant a loan not exceeding Rs. 100 on the personal security of the grantee.

Loans for raising small fruit and flower gardens.

414. Loans may be granted for construction of wells in small fruit, vegetable and flower gardens provided that the security of the land and well according to the market value is sufficient under the rules.

D. 400, d. 26th
April 1892.

*Rules for the sale of agricultural Implements
on the hire purchase system.*

3918-62-A. & I.
78-14-2, d. 12th
April 1915;
7795-7-A. &
E. 87-19-16, d.
23rd Feb.
1920.

415. 1. Improved agricultural implements will be sold to raiyats on credit from the Implement Depot and their value recovered in easy instalments as hereinafter prescribed.

2. The value of implements sold to any one raiyat or landholder under these rules and outstanding against him at any one time shall not exceed Rs. 2,000.

3. The Director of Agriculture shall be competent to sanction the sale of implements, when the total cost of the implements sold to any one person does not exceed Rs. 1,000. In other cases, the previous sanction of Government should be applied for and obtained, before the implement or implements are issued.

4. The rate of interest charged shall be 5 per cent per annum.

5. Applications for the supply of agricultural implements should be made in writing to the Director of Agriculture in Form 1 of App. XXXIX.

6. No application for the supply of implements shall be granted until after the applicant has executed an agreement in Form 2 of the said Appendix.

7. No application shall be considered unless it is accompanied by a deposit of one-fourth of the value of the implements.

8. The period of payment of hire instalments will be three years in the case of implements costing Rs. 100 and less and five years in all other cases.

9. If from causes beyond the control of the hirer the payment of any instalment become unduly burdensome to him, the payment of this and all subsequent instalments may, notwithstanding anything contained in these rules, be suspended by the Director for a period of one instalment. Simple interest at 5 per cent per annum shall be charged on all suspended instalments for the period of such suspension.

10. All sums falling due under these rules are recoverable as arrears of land revenue, and a stipulation to this effect must be inserted in every agreement executed by a hirer.

11. All implements supplied under these rules shall remain the property of the Mysore Government, till the hirer pays up all the instalments due under the agreement

entered into by him. They should further be maintained in good working order to the satisfaction of the Director of Agriculture during such period.

12. If, at any time, the Director is satisfied that all or any of the conditions of the agreement have been violated by the hirer or that he is not maintaining the implements in good working order, he may, after recording the grounds of his decision, pass an order directing the recovery forthwith of all future instalments with costs, as an arrear of land revenue. On receipt of a certified copy of such an order, the Deputy Commissioner to whom it is communicated shall forthwith proceed to recover from such person or persons any sum that may remain due together with any interest payable thereon and costs, as an arrear of land revenue, provided that with the concurrence of the Director, he may, at his discretion, recover any sum less than the whole amount of the balance due, without prejudice to his right to recover the remainder of such balance at any subsequent time.

13. The Director should keep a register of implements supplied under these rules in a form which he will settle in consultation with the Comptroller. This register should clearly show the stage in which each case (of the supply of implements) stands at any particular time.

14. Every case of supply of implements should be reported to the Comptroller with full particulars. A statement showing the supply of implements sanctioned by him should be submitted once a quarter for the information of Government.

15. In all matters not specially provided for by these rules, Rules under Sec. 194, L. R. C. already issued shall, *mutatis mutandis*, apply.

SECTION II.—OTHER LOANS.

I. Loans for Agricultural and Industrial Operations and Purchase of Machinery.

416. The following rules are issued for encouraging agricultural and industrial operations:—

(1) Loans may be issued for (a) the purchase and erection of machinery for agricultural or industrial undertakings; (b) the construction of wells or tanks, of mills, warehouses and other structures necessary for agricultural

2097-45—G. M.
55-19-289, d.
2nd Sep. 1913;
G. 6385-434 G.
M. 67-12-267,
d. 19th April
1914.

and industrial operations; and (e) the provision of raw material, working capital or appliances other than those specified above required for carrying on industrial operations.

(2) The Director of Industries and Commerce is competent to sanction loans not exceeding Rs. 2,500, under Rules 11 and 12 *infra*, this limit including, in the case of hire-purchase transactions, the amount deposited by the applicant. The Chairman of the Industries and Commerce Committee* may sanction loans under Rules 11 and 12 for larger sums but not exceeding Rs. 5,000; loans for sums exceeding Rs. 5,000 require the sanction of Government.

(3) The rate of interest charged shall be $6\frac{1}{2}$ per cent per annum.

(4) Interest shall accrue from the date of the disbursement of the loan; or, if it is expended by the Department of Industries and Commerce, from the date on which the machinery is put in working order by that department and the borrower put in possession of the same.

(5) *Period allowed for repayment and mode of recovery of loans.*—Loans shall be repayable by fixed annual payments, discharging both principal and interest.

Simple interest shall be charged on the loan, or, if it is disbursed in instalments, on these instalments, up to a date one year previous to the date fixed for the commencement of repayment; and the total amount comprising the loan and such interest shall be recovered by annuities.

†The time allowed for repayment of the loans and the amount of instalments shall be fixed by the authority sanctioning the loan, with due regard to the nature and magnitude of the agricultural or industrial operations proposed to be undertaken, but such time shall not exceed seven years, in the case of loans for industrial purposes and ten years in the case of loans for agricultural purposes; provided, however, that where a loan is granted for the provision of working capital the time allowed for repayment shall in no case exceed five years.

The time for repayment specified above shall count from the date on which interest becomes chargeable under

* Now the Board of Industries and Commerce.

† As amended by G. O. No. 3702-4—I. & C. 18-19-26, dated 9th October 1920.

Rule 4 above, provided that nothing in this rule shall be taken to preclude a borrower from discharging the loan at an earlier period or from paying a large amount than the annual instalment. The excess so paid shall be credited in reduction of principal and the number of future payments shall, if necessary, be decreased, but no reduction in the amount of the instalments fixed under para 2 of this rule shall on this account be allowed.

(6) The date for repayment of each instalment shall be decided by the Director with reference to the nature of the object for which the loan is granted. But the date of the repayment of the first instalment shall not be put off for more than fifteen months from the date on which interest becomes chargeable on the loan under Rule 4 above.

(7) *Postponement of repayment and remission.*—If from causes beyond the control of the borrower the payment of any instalment becomes unduly burdensome to him, the repayment of this and all the subsequent instalments may, notwithstanding anything contained in Rules 5 and 6, be suspended by the Director for a period of one instalment. Simple interest at 6½ per cent shall be charged on all suspended instalments for the period of such suspension.

(8) When the work for the carrying out of which the loan is contracted fails from causes beyond the borrower's control, and when the recovery of the loan in full would occasion serious hardship to the borrower, the circumstances of the case be reported to Government, whose orders shall be binding on the borrower.

(9) On every instalment which is not paid before the close of the revenue year in which payment falls due, interest at 6½ per cent will be charged from the date on which payment ought to have been made. In calculating interest under this rule, a broken period of a month shall count as half a month or one month according as it is less or not less than 15 days, and a fraction of a rupee as half rupee or one rupee according as it is less or not less than 8 annas.

(10) Repayment should ordinarily be made at the treasury of the taluk in which the work has been carried out, but with the special permission of the Director repayment may be made at any District or Taluk Treasury in the State.

(11) *Security.*—(a) No loan shall be granted unless the value of the security is at least equal to the amount of the loan applied for. The nature of the security to be required of the applicant or his surety shall be the saleable interest in lands or other immovable property held by the borrower or his surety, as the case may be, provided the value of the same is at least equal to the amount of the loan applied for; in addition to which, the object upon which the loan is expended shall be mortgaged to Government as additional security.

(b) When a loan is applied for by a group of persons on their joint personal security, an amount not exceeding 10 times the annual assessment of the lands held by the applicants may be sanctioned at the discretion of the sanctioning authority, provided that in addition to their personal security, the applicants mortgage to Government the whole plant, machinery and buildings on the purchase and erection of which the loan is expended.

(12) *Hire purchase.*—If an applicant so desires, he may, instead of offering security of immovable property for a loan to purchase machinery for agricultural or industrial purposes, obtain the requisite machinery from the Director on the hire-purchase system on the terms specified in the form of agreement appended hereto, provided the applicant deposits with his application one-fourth of the value of the machinery he requires.

(13) *Recovery of loans.*—All loans granted under these rules and all other sums falling due to Government in connection therewith, or under a contract for hire-purchase, recoverable as arrears of land revenue, and a stipulation to this effect should be inserted in every agreement executed by a borrower.

(14) If, at any time, the Director is satisfied that any persons or persons who have received a loan, have failed to perform any of the conditions on which it was made, he may, after recording in writing the grounds of his decision, pass an order directing the recovery forthwith of the loan, with any interest payable thereon and costs, as an arrear of land revenue. On receipt of a certified copy of such an order, the Deputy Commissioner to whom it is communicated should forthwith proceed to recover from such person or persons any sums which may remain due, together with any interest payable thereon and costs, as an arrear of land revenue: provided that, with the sanction of the Director, such officer may at his discretion,

so recover any sum less than the whole balance of the loan, without prejudice to his right to recover the remainder of such balance at any subsequent time.

(15) *Mode of application.*—An application for a loan must be made in writing to the Director in Form No. 1 of Appendix XLI, printed copies of which will be available free of cost at all Taluk Offices. Every application for a loan must contain a declaration signed by the applicant or his surety, as the case may be, that the statements made therein regarding the nature and extent of the encumbrances on the property offered as security are true and that there are no other encumbrances on the property to the best of his information and belief. The applicant shall also show in the column of remarks in Form 1:—

- (i) Whether the applicant proposes to supplement the loan by any private capital and if so, to what extent ;
- (ii) The estimated total cost of the proposed work and the probable period that will be occupied in its construction.

(16) An application for machinery on the hire-purchase system shall be in Form 2 of the said Appendix, printed copies of which will be available free of cost at all Taluk Offices.

(17) *Grant of Loans.*—*No loan exceeding Rs. 2,500 shall be granted without a local enquiry. In cases of loans for less than Rs. 5,000, such enquiry will be referred to the Deputy Commissioners who will cause the necessary enquiries and investigations to be made by the District Economic Superintendents or other officers of not lower rank than an Assistant Commissioner and forward the report received to the Director with their own opinion.

In the case of loans exceeding Rs. 5,000 but not exceeding Rs. 10,000, the enquiry shall be held by the Assistant Secretary to the Economic Conference, as a Special Officer deputed for the purpose. Applications for loans exceeding Rs. 10,000 will be enquired into by the Director himself. In dealing with applications for loans for Agricultural purposes, the Director should obtain and place on record the opinion of the Deputy Commissioner of the District where the loan is to be utilised.

*As modified by G. O. No. 4540-51—I. & C. 21-17-18, dated 17th November 1917.

(18) Loans will ordinarily be granted for the purchase of machinery approved by the Director or other competent professional adviser as suitable for the purpose to which it is to be applied. Intending applicants for loans may address the Director to obtain advice, previous to submitting their applications. For the present, no fees will be charged by the department for advice and assistance.

(19) All loans will be disbursed by the Director, and it will be the duty of the borrower to put the work in hand immediately after the receipt of the loan.

The Department of Industries and Commerce will, if requested to do so, undertake the erection and starting of machinery for private individuals or firms, and will hand over the same in good working order.

(20) Machinery purchased with loans obtained under these rules must be maintained in good working order to the satisfaction of the Director, who may order repairs or renewals to be made at the cost of the owner. Failure to comply with such orders will involve proceedings for the recovery of the loan under Rule 14 of these rules.

(21) *Registers and Accounts.*—The Director shall keep a register of loans and repayments under these rules, including cases of hire-purchase, in a form which he will settle in consultation with the Comptroller. This register should clearly show the stage in which each transaction stands at any particular time.

(22) Every loan sanctioned under these rules should be reported by the sanctioning authority to the Comptroller with full particulars. The Comptroller should see that the loan is covered by the rules and sanction of competent authority and watch the repayment of the instalments. A special section in the Comptroller's annual report on loan transactions should be devoted to loans under these rules.

G. 8886-494—
G. M. 87-18-
247, d. 18th
April 1914.

NOTE.—A statement of all loans sanctioned by the Director and by the Chairman, Industries and Commerce Board, should be submitted once a quarter to Government; loans sanctioned by the Director being intimated to the Board for information.

Disbursement of sanctioned loans.

G. 8770-1—
G. M. 166-18-
14, d. 25th
Feb. 1914.

(23) The following procedure should be adopted in regard to the disbursement of money by the Comptroller for the grant of loans and the purchase of machinery under the above rules:—

(i) All amounts sanctioned as loans or hire

purchase advances will be paid to the parties in suitable instalments or to the Director in a lumpsum, if authorized by them to receive and expend such amounts on their behalf.

(ii) The Director will render detailed accounts to the parties concerned and furnish to Government a clear acquittance from each borrower.

(iii) All recoveries will be accounted for in the usual manner.

(iv) In cases, however, in which the party does not ultimately purchase the machinery ordered and the same has to be taken over to Government in adjustment of the advance, the Director will furnish the Comptroller with a complete account *with vouchers from the firms concerned* for audit.

N. B.—It should be clearly understood that while Government in their desire to improve the Economic and Industrial progress of the State, have created a Department of Industries and Commerce and places at its head an officer whose duty it is to give (or procure where necessary) expert advice or assistance to those who seek such help, Government give no guarantee and accept no financial or other liability for the soundness of such advice.

A condition to this effect should be inserted in every agreement for purchase of machinery through the Director.

Loans for Dairy Farms.

417. (1) Loans may be granted for starting or improving Dairy Farms in Mysore on proper security up to a limit of Rs. 5,000 in each case.

4328-28—Agri.
17-14-2, d.
26th April
1916.

(2) (i) Sufficient grounds for grazing purposes or for growing fodder may be leased out from assessed or unassessed waste lands and such portions of *shendi vanams* (date groves) and Amrut Mahal kavals as can be spared by the Departments concerned, to persons undertaking to start Dairy Farms.

(ii) Suitable sites up to 5 acres in each case may also be granted for the location of the buildings for the Dairy, a reasonable price being levied therefor.

NOTE.—The selection of the grazing grounds and the building sites required by each applicant should be made under the advice and directions of the Deputy Commissioner of the District or the President of the Municipality concerned, who will give the applicants all possible facilities.

(3) The rate of interest charged on loans granted under these rules shall be 5 per cent per annum.

The Government may, if they deem fit, reduce the rate in special cases.

(4) The loan shall be repayable in fixed annual payments, discharging both principal and interest. The period allowed for the repayment of the entire loan shall not exceed ten years.

(5) In every case in which a loan is granted under these rules, the borrowers must execute an agreement mortgaging as a first charge the Dairy Farms with all the lands and buildings appertaining thereto, and the cattle and livestock maintained therefor, for the amount due. And no loan shall be granted, unless additional security is offered in the shape of other immovable property the value of which is at least equal to the amount of the loan applied for.

(6) Applications for loans should be made to the Deputy Commissioner of the District wherein the farm is proposed to be established.

The Deputy Commissioner should make enquiries into the *bona fides* of the application and the value of the security offered and forward the papers together with his opinion to the Secretary to the Mysore Economic Conference. The latter officer refers the matter to the Board of Agriculture of the Economic Conference, who, shall, in consultation with the Dairy Farming Sub-Committee, record their opinion whether the industry can be successfully worked by the applicant taking into consideration the locality proposed and the personal qualifications of the applicant and other circumstances of the case. The entire case shall then be forwarded for the orders of Government by the Economic Conference Secretary.

(7) Every person to whom a loan is granted for starting a Dairy Farm should agree to start the concern within one year from the date of disbursement of the loan or the first instalment thereof and to bring it into full working order to the satisfaction of Government, within a period of three years from that date; failing which the lands leased out to him shall be liable to be immediately resumed, and the entire loan recovered *at once*.

(8) In all other matters relating to the disbursement, repayment and recovery of the loan, not expressly

provided for in these rules, the provisions of the general Loans Rules (pages 176 to 187 of Volume III) shall apply.

(9) Every Dairy Farm assisted by Government should keep regular *accounts which together with the farm and its appliances* shall be open to inspection from time to time by officers appointed by Government for the purpose.

(10) A special report on the general working of the dairies and the financial results should be annually submitted by the Proprietor of each such farm, to the Deputy Commissioner of the District concerned, before the 31st July succeeding, who should pass it on to the Secretary, Economic Conference, with his remarks.

Rules for the grant of loans for the encouragement of Rural and Cottage Industries in the State.

418. (1) *Object.*—In order to develop small industries, loans not exceeding Rs. 500 in each case may be granted under these rules for any or all of the purposes specified below:—

6604-58—I. &
C. 89-16-2, d.
16th Feb.
1917.
10924-96—I &
C. 24-17-96, d.
6th May 1918.

(i) The purchase of raw material.

(ii) The purchase of tools and machinery.

(iii) In special cases, for the payment of wages, erection of small buildings and other purposes legitimately connected with small industries.

(2) *Sanctioning Authority.*—The Amildar, as Chairman of the Taluk Progress Committee, is competent to sanction loans up to Rs. 50, loans exceeding Rs. 50 being sanctioned by the Deputy Commissioner, as President of the District Committee.

(3) *Interest.*—Simple interest at 6½ per cent per annum charged from the date of disbursement of the loan.

(4) *Mode of recovery of loans and time allowed for repayment.*—The time allowed for repayment of the loans and the amount of each instalment shall be fixed by the disbursing officer but such time shall not exceed three years from the date of disbursement of the loan. Nothing in this rule shall be taken to preclude a borrower from discharging the loan at an earlier period, or from paying a larger amount than the annual instalment.

(5) *Security.*—No loan shall be granted unless the value of the security offered, which would ordinarily be in the form of immovable property, exceeds the

amount of the loan by at least 25 per cent. Loans not exceeding Rs. 200 may however be granted for a period not exceeding a year, on approved personal security.

(6) *Recovery of loans.*—All loans granted under these rules shall be recoverable as arrears of land revenue and a stipulation to this effect shall be inserted in every agreement executed by a borrower.

(7) *Mode of application and enquiry.*—An application for a loan may be made in writing to the Amildar of the Taluk who should make needful local enquiries as regards the solvency of the party, soundness of the business and his ability to repay it as agreed.

(8) *Registers and Accounts.*—The Amildar, as Chairman, Taluk Progress Committee, shall keep a register of loans and repayments under these rules for all loans sanctioned by him. The register should clearly show the stage in which each transaction stands at any particular time.

A similar register should be maintained in the Deputy Commissioner's Office.

A monthly report should be furnished to the Taluk Progress Committee by the recipient of the loan as to the utilisation of the loan and the progress of the industry in respect of which it was advanced and it will be open to the Committee to depute any member therefrom to inspect the work at any time.

For all matters not referred to in the above, the provisions in *takkavi* rules of 1913, should be followed *mutatis mutandis*.

A statement of loans sanctioned under these rules in each district should be submitted to Government by the Deputy Commissioner and President of the District Committee at the end of each quarter.

8610-19—1. &
C. 47-18-54 (a),
d. 29th Oct.
1919.

NOTE 1.—The above rules were ordered to be in force for a further period of three years from the date of the marginal order.

NOTE 2.—The Registers and Accounts to be maintained in connection with these loans are given in Appendices.

*Rules for the Encouragement of Horse, Pony and
Cattle-breeding in Mysore.*

4760-75—A. &
E. 65-18-2, d.
2nd Dec. 1918.

419. (1) Land up to a maximum extent of 50 acres may be given free of upset price for the *bona fide* purpose of establishing a farm for breeding cattle or horses or ponies on the express condition that it shall not be

alienated in whole or in part or be subjected to any interest or encumbrance without the previous sanction of Government and that it shall not be used for any other purpose than that for which it was especially granted.

(2) Suitable sites up to a limit of 5 acres might also be granted at a reasonable upset price for the location of the necessary buildings.

(3) Land granted under Rule I shall be held revenue free for five years and shall thereafter be liable to payment of one-fourth of the revenue assessment in the 6th year, half the revenue assessment in the 7th year, three-fourths of the revenue assessment in the 8th year and the full assessment from the 9th year onwards. Where the grant consists originally, wholly or in part, of land classed as dry and such land is subsequently irrigated from a work constructed by Government the concession shall not extend to exemption from liability to pay any water rate or contribution which may be assessed by the Deputy Commissioner, or other constituted authority in the usual course.

(a) When, after a farm has been established, additional pasture is found to be necessary owing to an increase of stock, additional land, if available in the vicinity of the farm will be granted, subject to the following conditions.

(i) The additional land applied for should not be in excess of 5 acres for every brood mare added to the stock.

(ii) It will be subject to full assessment from the year of the grant, and

(iii) It will be liable to resumption at any time if not used for the purpose of the grant.

(4) Sufficient grounds for grazing purposes, or for growing fodder may also be leased out from assessed, or unassessed waste lands, or such portions of the date groves and Amrut Mahal kavals as can be spared by the departments concerned either in lieu of, or in addition to, the other concessions specified above.

(5) The lessee shall be bound to maintain stock not falling below the minimum prescribed hereunder.

One brood mare, or two cows, or two buffaloes, for every five acres or fraction thereof, of land granted under the above conditions.

One stallion for every 20 brood mares, or one breeding bull or buffalo for every 30 cows or buffaloes maintained on the farm.

He should maintain full records of breeding operations and accounts of receipts and expenditure and keep the stables, lines, stalls, and appurtenances in a sanitary condition. He is also bound to give access to all officers of the Revenue, Agriculture, Civil Veterinary, Military and Economic Conference Departments who may wish to inspect the farm premises.

Loans.

(6) Loans up to a limit of Rs. 5,000 may be granted for the encouragement of the breeding of horses, ponies and cattle for any, or all of the purposes mentioned below:—

Purchase of stock.

Construction of stables, lines, stalls and appurtenances.

Purchase of fodder and drugs.

Purchase of vehicles and implements.

Any other object immediately connected with the stud or breeding farm.

(7) The loans carry interest at the rate of 5 per cent per annum, and the authority to sanction them shall vest as below:—

Deputy Commissioners of Districts, up to	...	Rs. 2,000
Government	above	... „ 2,000

* (8) The loan shall be discharged in ten years from the date of disbursement. Only interest will be paid during the first three years and the principal shall be recovered in seven equal annual instalments commencing from the fourth year together with interest at 5 per cent on the balance of the principal outstanding. The borrower is at liberty to repay the loan earlier than the limit fixed above.

(9) In every case, the borrower under these rules must execute mortgage of the cattle or pony breeding farm with all lands and buildings, appurtenant thereto, and these loans shall, in regard to further security, repayment, and all other matters, be also governed by the conditions set forth in the general Loans rules. *

(10) A quarterly return of the loans applied for, granted and refused under these rules should be sent by Deputy Commissioners to the Board of Agriculture and all the recommendations to Government in regard to such loans shall pass through the Board.

*As modified by G. O. No. 6400-15—A. & E. 129-19-2, d. 17th
January 1920.

(11) If, within a year of the grant of the land or loan as above, the grantee is found not to have taken adequate steps in furtherance of the establishment of a farm, the Deputy Commissioner may, in his discretion, either grant a reasonable extension of the period, or resume the land, free from all claims to compensation from the grantee and order the immediate recovery of the loan so granted with any interest due as an arrear of land revenue.

(12) All applications under these rules for loans in excess of Rs. 2,000 should be sent up to the Board with the recommendation of the District Committee.

(13) The proprietor or if there be more than one proprietor the proprietors of cattle breeding or stud farms started under the above concessions, have the right to obtain free of charge the service of stallions or breeding bulls maintained by Government or any Local Board or body if the brood mares or cows are taken to the place where the stallions or bulls are kept. He (or they) are also entitled to free advice and treatment from the nearest Veterinary Hospital or Dispensary maintained by Government or Local Funds.

Miscellaneous.

(14) The Superintendent of the Civil Veterinary Department should inspect all stud or cattle-breeding farms started under the above concessions at least once a year, and submit a report to Government through the Board about their condition.

To enable him to do so Deputy Commissioners should furnish him at the beginning of each year with a list of stud and cattle-breeding farms which existed at the close of the previous year.

CHAPTER XXI.

LAND ACQUISITION.

[NOTE.—The Land Acquisition Regulation and the Rules thereunder are re-printed on pages 227 to 250 of Volume III. The further instructions given in, and the principles enunciated by, the Government Orders bearing on the subject of Land Acquisition are embodied in the ensuing paragraphs.]

Particulars to be furnished in Land Acquisition Cases.

12238—L. F.
87-96, d. 24th
Jan. 1902.

420. Information should invariably be furnished on the following points :—

(i) The necessity for undertaking the work involving acquisition of private lands.

(ii) The amount of compensation payable therefor.

(iii) The source from which the amount has to be paid.

Ft. 99-198—
805-48, d. 14th
Aug. 1902.

All acquisitions of lands required in public interests should invariably be made, only after a due resort to, and the strict observance of, the formalities, prescribed by the Land Acquisition Regulation.

Awards in Land Acquisition Cases.

J. 1731-90—
Regis. 41-14-2,
d. 10th Nov.
1915.

421. (i) A return in the form shown in Appendix XLI giving information, regarding lands taken possession of under the Land Acquisition Regulation should be invariably furnished by Deputy Commissioners to Registering Officers within the limits of whose jurisdiction the lands taken possession of are situate.

(ii) Every modification in a Deputy Commissioner's award made by a Court and every alteration in the form of compensation made by Deputy Commissioners, under clauses (3) and (4) of Section 31, of the Regulation should similarly be intimated.

(iii) These returns should be received and filed by Registering Officers in the same manner as documents under Section 89 of the Mysore Registration Regulation are dealt with.

Notifications for Acquisitions.

422. (1) The form of the notification to be issued under Section 6 of the Mysore Land Acquisition Regulation, 1894, should contain a reference to the place where the plan, if any, of the property to be acquired can be inspected by the public, as required by Section 6 of the Regulation.

J. 4787-97—
Legis. 46-15-8
d. 9th Jan.
1896.

(2) All Secretaries to Government should see that in all notifications issued under the aforesaid section, a paragraph to the following effect is added:—

“A plan of the property described below is kept in the office of.....
and may be inspected at any time during office hours.”

Taking possession of lands acquired.

422A. (i) Section 16 of the Regulation and Rule XVIII of the Rules thereunder allow possession to be taken, only after the award is passed. All departmental officers should take particular care that the compensation is settled, before possession is taken.

R. 9241-89—L
R. 408-16-1,
d. 6th March
1917.

(ii) Land Acquisition Officers should also see that payment of compensation is not delayed and possession is handed over in due course to the departments concerned in a formal manner.

(iii) In cases where in contravention of this direction possession is taken, and owing to any inordinate delay in the payment or tender of such compensation, it becomes necessary to pay interest under Section 34 of the Regulation, the officer or officers responsible will render themselves personally liable to make good such amount.

Compensation to be settled promptly.

423. Compensation for lands acquired for Government purposes should be settled by the Revenue Department and prompt payments made to the parties concerned, as soon as possible after their acquisition. Under no circumstances should the time for such settlement exceed one year, except in *very exceptional* cases, when the delay should be fully explained. This rule should be strictly adhered to.

R. 926-86, d.
16th Sept.
1908;
R. 14350-68—
L. R. 403-18-1,
d. 10th May
1919.

Assessment on lands acquired.

424. Under Rule XI of the Rules under the L.A.R., a Municipality or other local body or Company, on behalf

R. 12157-97—
L. R. 299-19-2,
d. 17th April
1920.

of which any land is applied is liable to pay the assessment of such land, or a lump sum in commutation of the liability to pay the assessment; and in the case of lands acquired on behalf of any Department of Government, the assessment thereof should be merely written off the accounts.

Modification of awards in connection with Krishnarajasagara Works.

R. 5926-28—
L. R. 25-17-24,
d. 7th Jan.
1918.

425. The several grounds on which supplemental awards are necessary may be classified as follows:—

(a) Clerical errors, such as, wrong survey numbers or wrong names of villages being inadvertently inserted in the original award.

(b) Extent presumed as available being found to have been exhausted.

(c) Lands awarded happening to reveal rocky beds just underneath the surface.

(d) Lands awarded being subsequently affected by the introduction of cart-tracks for public traffic, lead of manure carts, plough bulls, etc.

(e) Double awards, the same survey number being mistakenly awarded to two or more persons or the same person being awarded for one case in two places.

(f) Miscalculations in due extent, *e.g.*, an awardee from whom 25 years' difference of assessment between dry, garden and *pakka* garden rates has been recovered, so as to entitle him to a higher rate of exchange (3 to 2) being unwittingly granted the lower ratio (extent for extent).

(g) Land awarded being wanted for communal purposes, etc.

These cases should be disposed of as indicated below:—

(i) Clerical mistakes falling under clause (a) may be corrected by the Special Land Acquisition Officer, in accordance with the general law relating to review of orders.

(ii) All amendments of awards as may be ordered by the Special Land Acquisition Officer in cases falling under (b), (e) and (f) should be sent up to Government for formal approval (before they are given effect to).

(iii) In respect of cases falling under clause (c) the parties concerned may be asked to relinquish the lands awarded to them, and new lands may be given to them in

exchange by the Land Acquisition Officer in his capacity as Revenue Officer on *darkhast*. Such relief, should, however, be granted only in rare and exceptional cases and where the parties apply for it before they raise any crop on the land awarded to them.

A quarterly list of such cases should be sent up to Government for information.

(iv) Cases falling under clauses (d) and (g) should be disposed of as fresh cases of acquisition.

N.B.—Material errors should not be allowed to creep in. The Land Acquisition Officer should conduct his proceedings with due care and diligence and avoid cases under clauses (b), (c), (e) and (f).

Applications under Section 13, L. A. R. to be made to the Special Land Acquisition Officer.

426. In cases where a Special Officer is appointed by Government under clause (e) of Section 3, L.A.R., to perform the functions of a Deputy Commissioner under this Regulation, the written application contemplated in Section 18 thereof should be made to such Special Officer and *not* to the Deputy Commissioner of the District.

R. 9904-9—L.
R. 41-19-33, d.
28th Feb.
1920.

Acquisition of lands for Railway purposes.

427. The following procedure should be followed in paying compensation for lands required in British India and Native States for Railway purposes:—

(1) When land in British territory is required for the purposes of a Railway constructed or to be constructed at the expense of a Native State, such land as is in private ownership will be acquired by the British Revenue authorities as for a public purpose, under the provisions of the Land Acquisition Act. The Durbar will be required to pay as compensation for the land made over to them, the actual amount of the awards paid in the case of private land, and in the case of Government land, the full market value, plus such incidental items of expenditure as the cost of establishment, demarcation, stationery etc. The Durbar will also be required to pay compensation for the value of extinguished land revenue, the amount to be settled by negotiation in individual cases, due regard being had to the indirect advantages accruing to the British Government from the Railway. Where differences of opinion between the Durbar and the Revenue authorities

R. 8541-50—
L. R. 804-18-2,
d. 18th Nov.
1918; R. 9279-
68—L. R. 538-
14-2, d. 2nd
Nov. 1914.

occur as to the compensation payable on account of extinguished land revenue, an arbiter shall be appointed by the Local Government concerned or, in the case of Durbars in direct political relation with the Government of India by the Government of India, and his decision shall be final.

(2) Before making an award in the case of private land to be acquired for a Durbar, the responsible officer will give sufficient notice to the Officer of the Durbar concerned, and take into consideration any representation which such officer may make, whether it is made orally or by letter. More especially he will, before making the award, allow such officer an opportunity of appearing in person or by agent and of producing evidence as to the value of the land.

(3) When land is required in Native State territory for the purposes of State Railways proper, or Railways worked by Companies, the general principle to be observed is that, so far as possible, the same degree of compensation is paid to the Durbar as is payable by Durbars under the provisions of the preceding clauses. Where the terms of a Railway Company's contract provide that the Secretary of State will use his good offices to secure the provision of land in Native State territory free of cost, the question whether compensation will be paid or not will be left for negotiation between the Political authorities and the Durbar.

In all cases in which it is proposed to acquire land for Railway purposes and the Durbar are entitled to compensation, estimates of the amount payable will be framed as expeditiously as possible by the Durbar, and forwarded to the Railway administration concerned who should be given all necessary facilities for checking the estimates. If such estimates are accepted by the latter, they will be treated as a settlement. Where, however, differences of opinion between the Durbar and the Railway administration concerned occur as to the compensation payable, or where the amount of an award is raised by action in a Court of Law and the Railway administration is not prepared to pay to the Durbar the increased sum demanded, arbitration will take place. If both parties signify in writing their consent to such a course, the arbiter shall be the Political Officer

concerned, and his decision will be final. In other cases the compensation payable will be assessed by an arbiter appointed by the Government of India, or in the case of a Durbar which has not direct political relations with the Government of India, by the Local Government concerned. With this arbiter will be associated a representative of the Durbar and a Railway official, and the award will be final. In these latter cases the arbitrator will decide the incidence of the cost of the arbitration.

(5) In determining the amount of the compensation payable, Political Officers and other arbiters will be guided by the general principle that the amount shall be equivalent to what would have been payable by the Durbar had acquisition taken place in British territory and had compensation been assessed in the manner laid down in clause (1), *ante*.

(6) Where land is acquired either for a Durbar's Railway in British territory or for a State Railway or Railway worked by a Company in Native State territory, the compensation paid under the provisions of the foregoing clauses will be held to cover the right to quarry stone and to excavate sand, clay, earth or other material for the purposes of the Railway on the land so acquired without payment of royalty.

CHAPTER XXII.

MANAGEMENT OF INAM VILLAGES.

Statutory provisions.

With the previous sanction of the Revenue Commissioner, a Deputy Commissioner may take a revenue defaulter's entire village or a share of it under the management of himself, or any agent or officer whom he appoints for the purpose. (Sec 165, L. R. C.)

Lands of such villages revert to Government free of all encumbrances and the Deputy Commissioner or other officer who manages the village may receive all rents and profits accruing from its lands, to the exclusion of the superior holder or any of the sharers thereof. (Sec. 166, L. R. C.) The utilization of the surplus profits is regulated by the provision of Sec. 167, L. R. C., and the restoration of the village by Sec. 168, ibid. If no application for such restoration is made by the interested party within 12 years, or if after such application is made, he fails to pay the balance due within the time allowed by the Deputy Commissioner, the village will vest with Government. (Sec. 169, L. R. C.)

General instructions for the revenue management of villages or estates not belonging to Government but which are brought temporarily under Government management are given in Sec. 120, L. R. C.

Government Management of Inam villages for improving their administration.

R. 4558-88—L.
R. 384-09-3, d.
8th Feb. 1911.

428. (i) On the application of Inamdars, their villages may be taken under Government management for a period of not less than five years, according to the circumstances of each case. The Inamdars concerned should apply, in the first instance, to the Deputy Commissioner of the District, who, after necessary, enquiry will move the Government, through the Revenue Commissioner, for sanction, such a course is deemed desirable. During the period of Government management of a village,

a charge of six per cent should be deducted from the gross collections every year, to defray the cost of management, and Survey and Settlement will also be introduced into the village.

(ii) In the case of alienated villages coming under the management of Government as security for the loan granted by Government to the Inamdars, or on the application of the Inamdars for the improvement of the administration of their villages, the cost of management should be charged at a uniform rate. In cases of estates managed by Government for recovering Government loans, the same rate of six per cent should be charged on the gross collections.

R. 7255-64—L.
R. 493-11-1, d.
May 1912.

(iii) The orders contained in Government Notification No. 271, dated 15th November 1883*, directing the attachment and management of Inam villages for non-payment of arrears of Government due, are not intended to preclude District Officers from sales of inam villages, in those cases in which such sales are considered necessary; [e.g., (i) payment of their respective shares of Government demand by the majority of sharers; (ii) unusual difficulty in the management of villages by Government agency, etc.]

2900—Cir. 69,
d. 5th Aug.
1894.

(iv) The management of inam villages is an important trust and the Deputy Commissioner should take care that the revenue is settled on the same principles, as those adopted in the management of Government villages. The receipts should be credited to "Private Estates under Government management." No expenditure other than ordinary should be incurred, without the sanction of Government. In the annual administration report, a paragraph should be devoted to the management of the private estates.

3733-3803—
Cir. 67, d.
17th July
1890.

(v) *Liability to assessment of lands in the occupation of Inamdar.*

R. 7380-3—L.
R. 435-06-2,
d. 2nd Feb.
1907.

When a village is taken under Government management, lands in the direct occupation of the inamdars cease to be entitled to be held free and become liable to payment of assessment or rent, as in the case of lands in the holding of others.

* Incorporated in Section 165, L. R. C.

(vi) *Responsibility of Government in the collection of revenue of the villages.*

R. 7402-10—L.
R. 428-09-1, q.
29th April
1910.

(a) Revenue officers should pay attention to the *remarks of the Government Advocate regarding their liability when they fail to take proper and timely steps for the collection of arrears, after a village comes under Government management. They should discharge to the best of their ability, the trust imposed on them by the management. Arrangements should be made to conduct the jamabandi of all such villages annually, as in the case of Government villages, and to get the demand and collection carefully checked by the Jamabandi Officer. Accumulation of arrears must be avoided by all possible means.

*Note dated 26th August 1909 by the Government Advocate regarding the remission of *khalsat* imposed on certain Devadaya Inam lands in Sarvamanya Hariharapur village, Krishnarajpete Taluk, which is under Government management, having been mortgaged by the Inamdar for a loan of Rs. 20,000:—

“The mortgage deed stipulates, among other things, that the hypothecated village shall be in the management of the Amildar and that out of the income realised a sum of Rs. 1,662-10-8 shall be annually appropriated towards the principal and interest, until the debt is fully discharged. Neither this document nor the Government Proceedings referred to therein alludes to the arrears of assessment due by the raiyats. I am therefore of opinion that the Government have no right to collect arrears of assessment due for years previous to the date of mortgage. The mortgager was at liberty to collect them in spite of the mortgage. If any portion thereof was recovered by Government it was unauthorised. It is therefore advisable to inform the representative of the late Mr. Gopala Iyengar to make their own arrangements for the recovery of such arrears.

As mortgagees in possession, the Government are bound to collect, with due diligence, from the raiyats, the Kandayam payable by them, and will be liable to make good any loss arising from their negligence. The right of the mortgager to demand the *khalsat* in question was denied by the pujari; and the mortgager did not make any attempt to enforce this right for nine years he was in possession of the village before mortgage. It can fairly be contended for the *pujari* that the land itself was made a gift of to the deity and not a certain amount out of the income thereof. The gift was not qualified by any reservation that when the assessment of the land was enhanced, the donor was to get the difference between the old and the new assessments. Thus the claim itself is a highly doubtful one and no negligence can be imputed to the mortgagee if no suit be filed to enforce such a claim.

If the claim of the mortgager to the *khalsat* in question be considered good, the only way it can be enforced is by a suit to be instituted by the Deputy Commissioner of Mysore on behalf of the

NOTE.—Prompt measures should be taken to reduce the arrears of all the inam villages under Government management.

(b) Government are not responsible for the recovery of arrears accrued, prior to the assumption of the management of the villages by them.

In the Demand, Collection and Balance statements pertaining to the villages, information should be furnished regarding the amount of such arrears, so that it may eventually be eliminated from the account, after orders of Government, if necessary.

NOTE 1.—When an inam village is taken under Government management, Government only succeed to the rights and liabilities of the Inamdar, subject to the reservations mentioned in Clause (1) of Section 166, L. R. C. The words "public revenue", occurring in that clause cannot be construed to include arrears of rent due from inferior holders to the Inamdar, without any limit of time.

(Vide paragraph.....also in this connection.)

NOTE 2.—The recovery of the arrears of more than six years, previous to the date of taking the Inam village under Government management, is not allowable; nor can the recovery, by summary process, of arrears of even six years which accrued before the assumption of management by Government be authorised, as they are regarded, not as a charge on the land but as personal debts due to the Inamdar from his tenants.

(c) The figures pertaining to loans outstanding against the encumbered estates should be furnished both to the Comptroller and the Inamdars concerned for verification, before submission to Government.

(d) All the accounts prescribed should be invariably maintained and audited at periodical intervals.

New occupancy rights in villages under Government Management.

429. No new occupancy right can be created by conversion of *Batayi* into *Nagadiyat* in an inam village under

Government of Mysore, as the mortgage deed stands in his name. The heirs of the mortgagor will have to be made *pro forma* parties to the suit.

Before launching a suit of this kind, the question of limitation will have to be considered. The Survey Settlement seems to have taken place in 1885 when the *khalsat* was claimed by the mortgagor and the *pajari* seems to have denied his right to make such a demand. Whether or not this right be regarded as a recurring one for which a cause of action arises from day to day, or from year to year, the claim seems to be barred by either the twelve years' rule under Article 131, or by the six years' rule under Article 120 of the 2nd schedule of Limitation Regulation."

R. 10194-5—
L. R. 64-17-7,
d. 8th April
1918;
R. 12153-4—
L. R. 40-18-2,
d. 22nd March
1919.

R. 8453-61—L.
R. 217-06-2, d.
3rd Dec. 1907;
R. 2505-15—L.
R. 747-05-2, d.
28th Aug.
1906.

1736-72, d. 6th
June 1899.

Government administration on trust, unless it can be shown that such conversion is for the benefit of the Inamdar. In the interests of the Inamdar (a Matt in this case), the lands of the village should be registered in the *khate* of the Matt, and leased to the previous cultivators on an annual tenancy, on the rent which was being paid by them.

Appointment of Managers in Inam villages.

9287-19, d.
28th Sep.
1871.

430. When the proprietary right of an inam village is held by several persons as co-sharers, they may be required to nominate one amongst themselves, or such other person as they may be willing to appoint, as an agent to collect, and to perform other acts on their behalf, in view to protect the interests of raiyats cultivating lands in that village. The following rules are laid down in the matter :—

(1) In all Inam villages whether *Sarvamanya*, *Jodi* or *Kayamgutta*, the management of which is already vested in one person, the co-sharer should, within one month after notice duly served upon them, submit to the Deputy Commissioner through the Amildar of the Taluk in which the village is situated, the name of the individual whom they agree to invest with authority to act as agent or manager of the estate.

(2) If the co-sharers fail to make the required appointment, and to give notice of the same within one month or such further time as the Deputy Commissioner may, on application, grant, or if disputes or difficulties arise in the selection of a manager, the Deputy Commissioner is at liberty to nominate and appoint a manager requiring him to furnish all necessary accounts to the co-sharers and to give suitable cash security for the due discharge of his duties. The appointment of a manager when made by the Deputy Commissioner otherwise than with the consent of the co-sharers, is limited to a period of one year; but it may be renewed annually at the discretion of the Deputy Commissioner.

(3) When appointing a manager of an inam village or estate, the Deputy Commissioner, should, if necessary, determine the manner in which such manager is to be remunerated, whether by a fixed salary (to be a first charge on the estate) or by a percentage, computed on the annual income or net profits of the estate.

(4) The duties of the manager of an inam village appointed by the Deputy Commissioner are, unless otherwise expressly directed by him or agreed upon by the co-sharers, limited to the collection of the rents or other dues payable by the cultivators, of the lands to the Inamdars jointly, and to the distribution of the amount so collected, among the several co-sharers in such proportions as may have been fixed. The manager is responsible for payment to Government of the authorized demands of the State.

(5) The Deputy Commissioner may withhold these rules from enforcement in villages where their application is unnecessary or undesirable.

NOTE.—The system of employing an expensively paid agent for the general management of *vritti aghaharams* is an abuse of the orders on the subject. In the case of these *vritis*, where the lands are divided and separately held by the *vrittidars*, an agent for the collection of rents of the *vritis*, or for arranging for the payment of the jodi to the Government is unnecessary, unless desired by any particular *vrittidars*. 1198-85, d.
5th May 1882.

The shares of the jodi payable for each *vritti* should be recorded in the Taluk Cutcheries and the Jodi received from the several *vrittidars* themselves.

NOTE 2.—An agent is only required for the collection of the rents payable to the Inamdars jointly, and for the management of any other common concerns of the village and this the *Agrahardars* ought, in general, to be able to provide by the nomination of one of their resident share-holders gratuitously, as an honorary work, or upon a very small allowance.

NOTE 3.—The employment of strangers or others as agents on a high pay is a needless charge on the Inamdars and should not be resorted to, unless desired by the *vrittidars*.

Reports, Accounts and Returns connected with villages and estates under Government Management.

431. (1) (i) Annual statement of personal deposit held on behalf of encumbered Inamdars, furnished by the Deputy Commissioners of Districts to the Comptroller.

(ii) Annual abstract of individual (*kulwar*) statement of balances.

and (iii) Annual statement of inam villages brought under Government management.

(2) The following returns need not be submitted to Government:—

(i) Annual Demand, Collection and Balance statement of inam villages and estates under Government management, on account of loans sanctioned in favour of

R. 10745-53—
L. F. 44-15-10,
d. 5th May
1917;
R. 1752-62—
R. M. 21-18-
10, d. 1st Aug.
1913.

Inamdars under the scheme for affording relief to encumbered Jahgirdars.

(ii) Statement of expenditure relating thereto.

(3) The form for the monthly statement of personal deposits held on behalf of encumbered Inamdars as revised is given in Appendix.....

(Vide also Chapters XVIII and XXVI of this Manual with regard to the other registers that have to be maintained and the Returns to be submitted by Deputy Commissioners to the Revenue Commissioner and to the Government).

CHAPTER XXIII.

RURAL DEVELOPMENT.

NOTE.—To stimulate economic and other activities in rural areas and for providing subsidiary occupations and increasing production and the earning capacity of the people, a scheme called "the Village Improvement Scheme" was inaugurated in February 1914.

A synopsis of all important orders and circulars of Government relating to Village Improvements in this State has been embodied in the Village Improvement Manual (1917 Edition).

The Mysore Local Boards and Village Panchayets Regulation, 1918, was passed with the object, among others, of placing Village Self-Government on a statutory basis.

It provides for the appointment of Village Panchayets and authorises them to undertake, (a) the ordinary maintenance of roads, sanitation, water supply, drainage; (b) improvement works referred to in the Village Improvement Manual; and (c) all other communal work connected with education, irrigation, pasture lands, village forests, etc.

Power is also given to the Village Panchayets to levy a cess for any of the above purposes and to commute, with the consent of the person concerned, the payment of such cess into a contribution of labour, not exceeding 18 days' labour in a year.

To avoid inconvenience to the people living in rural tracts in their having to travel long distances for the institution and conduct of petty civil suits before the ordinary courts of the State, and also to minimise the heavy expenditure incurred, the Mysore Village Courts Regulation has also been enacted. This tends to the expeditious disposal of petty suits.

SECTION I—OTHER FACILITIES TO VILLAGERS.

Construction of chavadies in villages.

432. *Chavadies* are places, where (a) the villagers meet for caste and other purposes; (b) the village officers collect the revenue; (c) villagers keep watch and ward every night; and (d) local officers, as Shekdar, Amildar, etc., meet the villagers and transact official business.

6508-14—L.
F. 69-94, d.
26th Oct.
1894;
19242-50—R.
2765, d. 20th
April 1886;
8253-64—L.
F. 69-94, d.
6th Sep. 1895.

Chavadies are thus used mainly for Government purposes and secondarily for communal purposes. The following instructions are issued regarding their construction :—

(i) They should be constructed and maintained by the villagers themselves, at their own cost.

(ii) Free grants of wood may be allowed to them, and the prime cost thereof adjusted by a debit to the Police Budget and credit to the Forest Budget, as laid down in the late Chief Commissioner's Proceedings, dated 11th September 1877 (No. 2146—R. F. 190-202).

(iii) Deputy Commissioners are competent to issue, free of duty, wood and bamboos within their powers of sanction, *viz.*, Rs. 25.

NOTE.—Monthly statements of such grants should be submitted to the Government. Special sanction is necessary for grants in excess of Rs. 25.

(iv) In respect of *Chavadies* in towns and large villages which are to be decent and large, requiring professional skill in construction, a special report in each case should be submitted to Government for orders.

Fuel for jaggory-boiling at concession rates.

R. 1728-9—Ft.
189-12-4,
21st Aug.
1918; and
R. 7699-700—
Ft. 151-14-2,
d. 6th March
1915.

433. (i) Raiyats may remove fuel from State Forests at concession rates for jaggory-boiling.

(ii) Licenses are issued for this purpose between the 1st September and the 31st January, for a period not exceeding two months in any locality. The licensees are bound to remove the fuel before the end of the period covered by the license.

Removal of thorns and prickly shrubs from Amrut Mahal Kavals.

R. 5689-98—
Ft. 76-14-6, d.
31st Dec.
1914.

434. Raiyats may remove thorns and prickly shrubs from Amrut Mahal kavals on *Mafi* licenses to be granted by the Amrut Mahal subordinates.

Timber for house-building, etc., in malnad.

R. 2559-63—
Ft. 179-19-5,
d. 21st Aug.
1920.

435. In villages in whose limits there are no village or district forests, the local officer may assign the forests and the particular areas wherein such villages can exercise the right of removing timber for house-building and other purposes.

Removal of timber from District Forests at concession rates.

436. Raiyats should not be permitted to take wood, etc., at concession rates in District Forests, other than those attached or assigned to their own villages. When a representation is made that there is not sufficient timber in their village and that they should be allowed to remove the timber from the forests attached to a neighbouring village, a formal enquiry should be made by the Deputy Commissioner as to the capacity, both of the forests and of the village, which claims the privilege and of the village where the privilege is asked for, and also as to the usage in the past and the legitimate objections of the people of the village affected. If the claim is justifiable, a formal assignment should be made under Sec. 39, L. R. C., and Rule 11 B (i) L. R. R., with the previous sanction of Government.

R. 7688-97—
Ft. 147-14-6,
d. 22nd Jan.
1917.

Village roads.

From the allotment provided annually for village improvement work, a contribution should be made from State Funds, equal to the amount collected by the Village Panchayets, by means of a cess levied under Section 57 of the Local Boards and Village Panchayets Regulation (VI of 1918) within the area under its control, for the better maintenance of village roads.

R. 729-39—L.
B. 19-20-1, d.
16th July
1920.

SECTION II—VILLAGE FORESTS.

Village Forests and Panchayets.

Government land may be constituted into a Village Forest for the benefit of any village community or group of village communities and rules framed for the management of such forests. (Secs. 31 and 32, Mysore Forest Regulation, 1900.)

Statutory
provisions.

NOTE.—The rules above referred to and bearing on the following points among others are given in Chapter II (pages 57 to 60) of the Mysore Forest Manual :—

- (i) Constitution of Panchayets for the management of Village Forests.
- (ii) Term of the Panchayet.
- (iii) Chairman for the Panchayet.
- (iv) Meetings of the Panchayets.
- (v) Accounts to be maintained by the Panchayets.

Constitution of Village Forests.

12161-71—Ft.
148-16 6, d.
22nd March
1919;
R. 11501-6—
Ft. 81-19-6, d.
1st April
1920.*

437. (a) In all proposals for the constitution of Village Forests, the District Forest Officer should be consulted.

(b) A Forest Range Officer has been deputed to work under the Revenue Commissioner for the development of village forests and for ensuring substantial progress in this direction. [*Vide also division (c) of sub-para (i) of paragraph 11 of this Manual.*]

NOTE.—Rules for the management of Village Forests are given in Chapter II of Part II of the Mysore Forest Manual (pages 57 to 61 of the 1918 edition).

The Malnad Raiyats' Special Privileges Rules.

438. Rules (defining the privileges of raiyats in the "Malnad" in regard to the use of forest produce from Village and District Forests and lands assigned at the Survey Settlement as free grazing grounds) issued under Secs. 34 and 35 of the Mysore Forest Regulation, 1900 are as follow :

(1) The rules *infra* apply to taluks and parts of taluks specified as "Malnad" in Appendix.....The privileges granted hereby to the raiyats should be exercised by them within the limits of Village Forests, wherever specifically assigned, and when Village Forests have not been so assigned, within the limits of District Forests or such portions thereof as may be set apart for the purpose.

NOTE 1.—The Rules do not apply to Coffee Planters: Nor do they affect any existing privilege of grazing in District Forests, or rights of owners of gardens in their Soppinabettas, or rights in the Kans in the Malnad. But there is nothing to prevent a District Forest from being placed under special protection, under the provisions of Section 35 (ii) of the Forest Regulation, 1900.

NOTE 2.—"Agricultural implements" means and includes ploughs, harrows, cold-crushers, hoes, seed-drills, mamti-handle, gudli or pick-axe handles and all other agricultural implements.

"Malnad" means the taluks and parts of taluks mentioned in the Appendix.

"Raiyat" means a *pattadar*, *khatedar*, or registered occupant of Government land, or minor Inamdars, and includes the co-holder or tenant of all the above descriptions of landholders.

(2) Raiyats should not -fell, lop or otherwise damage any tree bearing minor forest produce, such

* Reviewing the Forest Administration Report for 1918-19.

as Cinnamon (*Cinnamomum iners*), Tamarind (*Tamarinds indica*), Gallnut (*Terminalia Chebula*), Kachu (*Acacia catechu*), Geru (*Semicarpus anacardium*), Gamboji (*Garcinia morella*), Antavala (*Sapindus trifoliatu*s), and Halmaddi (*Canarium strictum*); nor any of the reserved trees mentioned in the subjoined table, which will be entirely at the disposal of the Forest Department.

Serial No.	Botanical name	English or popular name	Kanarese name
1	<i>Santalum album</i> ...	Sandal ...	Gandha
2	<i>Tectona grandis</i> ...	Teak ...	Sagavani
3	<i>Dalbergia latifolia</i> ...	Blackwood ...	Besti
4	<i>Shorea Talura</i> ...	.....	Jalari
5	<i>Diopyros ebenum and melacorylon</i> , ...	Ebony ...	Kari mars or bale
6	<i>Xylia dolabriformis</i> ...	Ironwood ...	Jambe
7	<i>Calophyllum slatum</i> ...	Poonspar ...	Srihonne
8	<i>Hopsea parviflora</i> ...	.....	Kiralbhogi or bogi
9	<i>Dysoxylum malabaricum</i> ...	White cedar ...	Devagarge
10	<i>Pterocarpus Marsupium</i> ...	.....	Honne
11	<i>Chitraana tabularis</i> ...	Chittagong wood ...	Kalgarge

(3) Save with the written permission of the Deputy Commissioner or other officer duly empowered, no trees, shrub or bamboo shall be cut or burnt; nor shall any grass or other forest produce be burnt, within—(a) 50 yards of the banks of a perennial hill stream or its feeder; (b) a radius of 50 yards from any spring of water; or (c) 50 yards of any public road.

(4) No person shall set fire to any tree, timber, grass of other forest produce in a District Forest.

(5) For the purpose of these Rules trees other than those mentioned in Rule 2, are divided into three groups as given hereunder:—

Group I.

No.	Botanical name	Kanarese name
1	<i>Artocarpus integrifolia</i> ...	Halasu.
2	Do <i>hirsuta</i> ...	Hebbalasu.
3	<i>Terminalia arjuna</i> ...	Bili-matti.
4	Do <i>tomentosa</i> ...	Kari-matti.
5	<i>Lagerstroemia lanceolata</i> ...	Nandi
6	<i>Mesua ferrea</i> ...	Nagasampige.

Group II.

1	<i>Terminalia paniculata</i> ...	Hunal or Hulva.
2	<i>Sterculia villosa</i> ...	Messi.
3	<i>Adina cordifolia</i> ...	Yettoga or Arasinataga.
4	<i>Albizia odoratissima</i> ...	Bilwara.
5	<i>Grewia tiliifolia</i> ...	Tadmal.
6	<i>Schleichera trijuga</i> ...	Kondala or Sagada.
7	<i>Albizia Lebbek</i> ...	Bage or Tirohal.
8	<i>Cornus macrophylla</i> ...	Hadaga.
9	<i>Mimusops Elengi</i> ...	Nanja or Bakala.
10	<i>Mischoclis Champaca</i> ...	Sampige.
11	<i>Pachiraurron indicum</i> ...	Ballagi.
12	<i>Artocarpus Lakucha</i> ...	Vata.

Group III.

“Jungle wood” consisting of species not included to Groups I and II above.

(6) Subject to Rules (1) and (2), raiyats in the Malnad are entitled to remove from District Forests the following forest produce without payment or permit:—

(i) Jungle wood for agricultural implements. But

Sagar Taluk.

Marabadi.
Karur.
Saulnad.
Savantanakatte.
Saralahole.
Malsli.
Idavani.
Avinahalli.
Brahmanvad.
Nadevad.

Nagar Taluk.

Muganad.
Kabnad.

wood of Group II may be taken for this purpose with the written permission of the patel. Only mature and knotted trees unfit for timber should be cut. When jungle wood is wanted for sugar-cane mills, paddy husking mills and troughs for cattle, free permits should be obtained from the Amildar, and these should be returned to the taluk within the time specified with the endorsement of the patel of the

village in which the wood has been cut as to the quantity removed under the permit: except in the magnis noted on the margin where no permits are required.

(ii) Jungle wood stakes, brushwood and bamboo thorns for fences and hedges and dams and for fuel.

(iii) Jungle wood and bamboos including vate or reed bamboos required for cattle pens, for sheds, pendals, small huts and “Machans” to be put up in fields and for stack floor;

(iv) Branches of jungle wood trees for manure and litter;

(v) Grass for thatching or fodder;

(vi) Thorny bamboos for hedges and fences;

(vii) Dead date, or bagani palm trees required for agricultural implements, sugar-cane hedges and water-courses, and canes for agricultural purposes; and

(viii) Dead wood of all kinds other than those referred to in Rule 4 may be removed as firewood.

NOTE.—In addition to the above, the raiyats may also cut and remove grass gratis from the State Forests with the permission of the District Forest Officer.

(7) Raiyats in the Malnad may obtain wood and bamboos for building and agricultural purposes on license which will be issued on payment of favourable rates of seigniorage as hereunder mentioned. Provided, however, that the wood or bamboos thus obtained shall be used for the construction and repairs of their farm buildings and

dwelling houses in the village to which the forest is attached or has been assigned, and that no license will be issued for felling wood or bamboos in Malnad "Cans."

	Rs.	s.	p.
Wood included in Group I, per cart-load ...	3	0	0
Honne and kiralbogi per cart-load ...	5	0	0
Jambe per cart-load ...	1	0	0
Wood of the Group II, per cart-load ...	1	0	0
Jungle wood per cart-load and kiribidarus per 100	0	8	0
Jungle wood poles or maragalas, per cart-load...	0	8	0
Garte or small solid bamboos, per 100 ...	0	4	0
Hebbidarus, per 100 ...	2	0	0

NOTE 1.—Sawn timber will be charged for 50 per cent in addition.

NOTE 2.—The term "cart-load" shall mean a country cart drawn by two bullocks or buffaloes. The rate for a cart-load drawn by four bullocks or buffaloes to be double that for a cart drawn by two buffaloes, and so on for every additional pair of bullocks or buffaloes employed in dragging the cart.

(8) The concessions accorded to raiyats in Rules (6) and (7) are intended solely for their own *bona fide* use. They should not transfer, sell or barter for purposes of trade, any materials obtained under the aforesaid rules. Provided, however, that the license and materials obtained under these rules may be transferred to any member of the license holder's family or to any Malnad raiyat.

(9) The Deputy Commissioner may appoint, by notification in the *Mysore Gazette*, any person or class of persons, by name or by virtue of his office, to issue or recover paid permits under the foregoing rules, and may also prescribe *thanas* or places to which the timber or other forest produce should be brought for examination or checking or the recovery of permits, and the issue of way permits. Except as provided in Rule (6), permits must be obtained before any felling, conversion, collection or removal is commenced. Permit-holders must comply with the regulations of the Forest Department and the conditions entered in the permit.

(10) Free permits prescribed in Rule (6) are liable to inspection by Forest, Revenue and Police Officers, who are bound to see that the terms of the license are not exceeded or broken.

(11) Any breach or infringement of Rules 2, 3, 4, 6, 7 and 8 renders the offender liable to imprisonment of either description, as defined in the Indian Penal Code, which may extend to one month, or to fine which may

extend to Rs. 200, or to both, in addition to the withdrawal of the privileges conceded to him by the foregoing rules.

Planting of Trees.

439. (i) One of the important items of work to be taken up in connection with the improvement of villages by the Village Committee and the villagers in general is the systematic planting up of trees in the rural areas (*gomal* and *kharab* lands, assessed wet lands, camping grounds, village sites, road sides, margin of tank beds, banks of channels, etc.)

(ii) Rules under the Land Revenue Code authorize the grant of liberal concessions for encouraging the planting of trees in Government waste and unoccupied assessed dry lands (*vide Appendix H. L. R. R. ; also Appendix G, regarding concessions for the planting of avenue trees*). But the concessions have not been availed of to any large extent. The Village Forest Panchayets, wherever they are appointed, should take steps for the protection and improvement of the lands from which the villagers usually draw their supply of fuel, timber and other forest produce for their domestic and agricultural needs and educate the villagers to make a more economical and well regulated use of the forest resources at their disposal.

(iii) The advantages of every village owning topes of various kinds for fuel, timber and manurial purposes, or as pleasure resorts are numerous. The maidan districts of Bangalore, Kolar, Tumkur and Chitaldrug and the maidan portions of the Mysore and Hassan Districts are in specially urgent need of attention in this direction. The Village Committees appointed under the Village Improvement Scheme in these places have a very good opportunity before them of doing a real service to themselves and their posterity. They should give their best attention to systematic tree-planting on the road side, on the margin of the tank beds and banks of river channels, and on the communal waste lands lying unoccupied for a long time in the village. They should also induce every large landholder to devote a portion of his lands for planting trees for his own purposes.

(iv) In addition to the arrangements for the planting up of selected plots by batches throughout the convenient season and for looking after the young growth, a

day may be fixed in May or June every year to be called the "Arbor day" on which all the villagers should assemble and plant trees in all the selected localities in the village. This day may be made to synchronize with the Empire Day or the King-Emperor's Birthday or His Highness the Maharaja's Birthday.

(v) Nurseries should be established in districts other than Shimoga and Kadur, at convenient centres, for raising seedlings of the most suitable varieties selected out of the list. (*Vide pages 97 and 98 of the Mysore Village Manual, Part III.*)

R. 8896—309
Ft. 94-17, d.
18th March
1916; Cir. 8910
Ft. 64-15-8, d.
8th March
1916.

(vi) The seedlings should be distributed free of charge to village committees and patels of villages applying for the same, through the Amildar or Deputy Amildar concerned.

(vii) The Conservator is authorised to incur expenditure for the purpose not exceeding Rs. 40 per mensem each, in the districts of Bangalore, Kolar, Tumkur and Chitaldrug and Rs. 25 per mensem each in Mysore and Hassan Districts.

Seigniorage on Tupre Leaves.

440. Tupre leaves should be excluded from the minor forest produce contract. The system of issuing licenses to individuals for the collection of the leaves may be adopted tentatively. A license fee of half-an-anna per headload and ten annas per cart-load of *tupre* leaves, removed from forests may be levied from the purchasers.

R. 10940-5—
Ft. 107-19-4,
d. 19th March
1920; R. 78-
87—Ft. 195-19-
2, d. 2nd July
1920.

Rules for combating Epidemics in rural and urban areas.

441. 1. *Definition.*—The term 'Epidemic' refers to diseases due to the specific microbes, *e.g.*, those of cholera, small-pox, plague, etc., which affect or are likely to affect a large number of people at the same time.

G. 21371-403—
San. 101-17-
12, d. 25th
March 1919.

SECTION I.—ORGANISATION, EQUIPMENT AND PROCEDURE IN RURAL AREAS.

2. Agency invested with responsibility for action.—Amildars and Deputy Amildars, assisted by the Local Sanitary or Assistant Sanitary Inspectors are responsible for the adoption of the rules prescribed hereunder for rural

areas, both the general rules, pertaining to procedure as well as the special ones laid down under specific diseases.

3. *Prompt report of outbreaks of epidemics.*

(a) *By village officer.*—The patel or, in his absence, the shanbhog should submit by express messenger a report to Taluk Office and another to the Medical Officer in charge of the nearest dispensary, as soon as cases of any epidemic, whether imported or indigenous, occur and, in the case of plague, immediately after rat mortality is observed in the village.

(b) *By Amildar or Deputy Amildar.*—The Amildar or the Deputy Amildar on receipt of the report from a village, should send immediate information to the (i) Medical Officer in charge of the nearest dispensary, (ii) Presidents of Municipal Councils in the Taluk, (iii) District Medical Officer, (iv) District Sanitary Officer, (v) Deputy Commissioner of the District, (vi) Amildars of adjoining taluks, and (vii) Sanitary Commissioner.

Issued under G. O. No. G. 21371-402 San. 101-17-12, dated 25th March 1919.

4. *Preliminary action prior to Medical Officer's arrival.*

(a) *By Patel.*—Pending the arrival of superior Officers, the patel, or, in his absence, the shanbhog, should notify to the villagers the expediency of following the elementary Sanitary Rules and make arrangements to see that the sanitation near the infected locality is carefully observed. These arrangements shall include the adoption as far as possible of such of the preventive measures as can be carried out without any professional assistance.

(b) *By Amildar or Deputy Amildar.*—If the Medical Officer or the Sanitary Inspector has not already proceeded to the village, the Amildar or the Deputy Amildar should forthwith proceed to the village and personally see to the carrying out of disinfection and other preventive measures. He may leave the village before the arrival of Medical Subordinate or Sanitary Inspector in case the hobli shekdar is left in the village to carry out his instructions. Special endeavour should be made to encourage and develop local initiative, by enlisting the co-operation of the Village Improvement Committees and of voluntary workers possessing influence in the villages.

5. *Form of report and frequency of submission.*—The report alluded to in the preceding paragraph should be in the form given in Appendix XLII.

The report should be submitted by the patel daily till after a week of the occurrence of the last case of the epidemic in the village.

6. *Stock of disinfectants and medicine.*—The Deputy Commissioner and President of the District Board should see that each Taluk Office is supplied with a sufficient quantity of disinfectants, and a sufficient number of medicine chests, the quantity and number of these articles being fixed in consultation with the Sanitary Commissioner and the Senior Surgeon respectively. Each medicine chest should contain, in the vernacular, a complete set of instructions for the use of the medicine and disinfectants. The Amildar or the Deputy Amildar will be responsible for maintaining sufficient stock of medicine and disinfectants in the taluk.

7. *Custody and issue of disinfectants and medicine.*—The stock of medicine and disinfectants should be kept in the Taluk Office but its issue will be regulated by the Local Medical Officer who, on receipt of first information of an outbreak of an epidemic, will advise the Amildar or the Deputy Amildar as to the quantity of medicine and disinfectants that may be issued for use in the affected area. If the Medical Officer himself proceeds to the village, he shall take with him both disinfectants and required medicines. In the case of villages with a population of over 1,000, the Amildar or the Deputy Amildar should arrange to leave with the patel, or the Chairman of the Village Panchayet as the case may be, a sufficient quantity of disinfectants and a couple of medicine chests with clear written instructions for use.

8. *Application for Medical assistance and extra sanitary staff.*—If the epidemic breaks out in more than one village at the same time and the services of the Sanitary Inspector and the Medical Subordinate are otherwise fully employed, the Amildar shall apply, without loss of time, to the District Medical Officer for medical assistance and to the Deputy Commissioner for additional sanitary staff. In the meantime, suitable arrangements should be made for the adoption of preventive measures, a temporary gang for disinfection and observation work being employed, if necessary. The Presidents of Taluk Boards should arrange to train a few men in the permanent conservancy

staff in the technique of disinfection so that they may be deputed for preventive duty, their places being taken by the temporary gang newly employed. Similar training should be given through the Sanitary Inspectors to a few local men in all important villages.

9. *Organisation of Preventive Medical Staff.*—Should it appear to the Deputy Commissioner that any epidemic imminently threatens to spread into several villages at the same time, he should immediately organise a preventive and medical staff and place it at the disposal of the officer responsible for working these rules. The staff should be stationed in a central place in the affected area and will operate in the villages situated within a radius of five miles from such place. The apparatus, disinfectants and medicine chests required by the staff should be issued from the nearest Taluk Office, the stock being replenished whenever necessary from the same source.

10. (a) *Personnel of the Staff.*—The staff shall ordinarily consist of:—

(i) The reserve Sanitary Inspector for the district, or in case he is already posted for charge of a preventive staff constituted in some other part of the district, local Sanitary Inspector.

(ii) One Mestri and a gang of temporary coolies not less than six in number, and

(iii) a Sub-Assistant Surgeon drawn from the special reserve in the Medical Department and trained in modern methods of cholera treatment.

(b) *Duties of the Staff.*—The members of the preventive staff should obtain early information as to the cases of the epidemic occurrence in the Circle, visit every house in which a case has occurred and thoroughly disinfect the infected house, including the floors, the walls and the furniture, with a solution of phenyle or cyllin.

The Sub-Assistant Surgeon also must reside in a central place and be available for attendance free of charge on the sick in their own houses. The Village Improvement Committees, if any, in the area should, as early as possible, be associated with the work of the staff both preventive and medical. They should be frequently consulted, as to the course of action, consistently with these rules, and their suggestions for payment of compensation, construction of temporary isolation sheds, sinking of temporary wells, duly carried out.

11. *Powers of sanction of Deputy Commissioners.*—Deputy Commissioners are empowered to sanction, within the limits of the budget provision—

- (a) the employment of temporary gangs,
- (b) the purchase of diet articles and country medicines,
- (c) other contingent charges pertaining to relief measures and
- (d) compensation for infected bedding and clothing destroyed.

Of the grant available in the budget inadequate owing to the unusual severity of the disease in the district, a special grant-in-aid may be applied for through the Sanitary Commissioner.

12. *Imprest for expenditure.*—The Amildar or Deputy Amildar will be provided with a permanent advance of Rs. 50 for expenditure under epidemic charges, the whole or a part of which may be given to the subordinate officer immediately responsible for working the rules, the advance being recouped from time to time by bills supported by vouchers.

13. *Final report of measures adopted.*—The Amildar or the Deputy Amildar should, fifteen days after the occurrence of the last attack in the area, submit a report on the epidemic and the action taken to the Deputy Commissioner who will transmit the report to Government through the Sanitary Commissioner.

SECTION III—SPECIAL RULES FOR CHOLERA.

442. (i) *Mode of spread of cholera and preventive methods.*—The infection of cholera is conveyed by the microbes that exist in the excreta of persons attacked by the disease. It is usually spread by persons infecting the drinking water supply, frequently also by flies infecting food and occasionally through persons apparently healthy, but yet harbouring the microbes in their intestines. The present rules aim primarily at providing for either the immediate destruction of these microbes or for minimising the chances of their being conveyed into substances in which they will be swallowed by other persons.

(ii) *When special vigilance is necessary.*—Local authorities should keep themselves informed of the occurrence of the cholera cases in adjoining towns and villages and lose no time in taking precautionary measures, when

an outbreak is apprehended or appears imminent. Special caution should be exercised, when there is a movement of large number of people to places outside the local area for purposes of attending fairs and festivals, or when pilgrims pass through the town or village on their way to or from places of pilgrimage, whether the latter places be or be not actually affected with cholera at the time.

(iii) *Precautionary measures in apprehended cholera cases.*—The general precautionary measures to be adopted on such occasions are :—

(a) Prevention as far as possible of outsiders from having access to and fouling the water-supply.

(b) Sinking, and temporary use of, infiltration wells in case the water-supply in the town or village is obtained from tanks and streams.

(iv) As a general precaution, all wells in the local area should be permanganated thoroughly once during the hot weather every year whether there is cholera or not. If potassium permanganate is not readily available, quick lime may be used with equally good results.

(v) *Disinfection of sources of water-supply.*—Immediately on an outbreak of cholera all wells in the affected area should be treated with sufficient quantity of Potassium Permanganate so as to leave a pink colour for twenty-four hours. In the absence of Potassium Permanganate, a couple of baskets of quick lime should be used for each well. The same precaution should be taken in the case of wells in the adjoining villages, though they may be uninfected.

(vi) During epidemic times, watchmen, preferably policemen, wherever available, should be placed near step-wells, tanks, or streams, to prevent the contamination of water by bathing or washing of cloths. In the case of draw wells, it would be well to employ a high caste man to draw water and supply it for drinking purposes to all who resort to the well.

(vii) *Prevention of the multiplication of flies.*—Special attention should be paid to the frequent removal of nightsoil and other refuse to a distance from the town or village. The rubbish should be either buried deep or covered with a layer of quick lime to prevent the breeding of flies.

(viii) *Facilities to be provided to people for personal prophylaxis.*—Every house from which a cholera case is reported should be promptly supplied with—

(a) a solution of phenyle with instructions that the people who attend on the patient should wash their

hands with it each time, they touch the patient or the excreta.

(b) one grain packets of Potassium Permanganate for internal use in solution, by the patient as well as contacts.

(ix) *Segregation of patients and contacts.*—On the occurrence of a case of cholera, the people should be persuaded to send the patient to the isolation ward, if there is one and themselves remove to the Health Sheds. If facility for segregation is not in existence, it is desirable that the local authorities should arrange to put up temporary huts.

(x) *Disinfection*:—(a) *Of excreta.*—Great care should be taken to see that all choleraic vomit and excreta are at once collected, mixed with saw dust, paddy husk or other combustible matter, and burnt on or near the premises, if not burnt, the excreta buried deep far away from the sources of water-supply.

(b) *Of effects.*—All infected material, if of no value, should be burnt, if valuable, they should be immersed in boiling water and then dried in direct sunlight. compensation claimed on account of valuables destroyed should in all cases be paid.

(c) *Of the infected house.*—After a case of cholera, the house and especially the room occupied by the patient should be thoroughly disinfected with Phenyle solution. All drains which discharge into the open should be flushed with the same solution.

(xi) In cases in which the attack of cholera proves fatal, it shall be the duty of the local authority to see that the mode of disposal of the dead body does not constitute a source of infection, special arrangements being made to ensure that the dead bodies are properly buried and away from sources of water-supply.

(xii) The occurrence of cholera in any place should be made known to the people who should be warned to boil all the drinking water.

SECTION IV—SPECIAL RULES FOR SMALL-POX.

443. (i) *Prompt vaccination of unprotected children.*—As soon as a case is notified in any area, the local authority should send an urgent requisition to the Sub-Assistant Surgeon or the Taluk Vaccinator, as the case may be, to

vaccinate all the unprotected children in the area. The re-vaccination of persons who have not been vaccinated for five years previously should be encouraged as far as possible. It shall be the duty of the local authority to assist the Sub-Assistant Surgeon or the vaccinator in finding out all cases to be vaccinated.

(ii) *Concentration of vaccination staff wherever necessary.*—If the affected area is large such that one vaccinator cannot be expected to speedily vaccinate all the unprotected children, a report should be at once submitted to the higher authorities bringing to notice the need for employing additional vaccinators. The authority receiving the report should, if satisfied with the need for extra assistance, lose no time in posting one or more additional vaccinators withdrawing them from stations where their services are not in urgent demand.

(iii) *Other preventive measures.*—People should be advised to avoid going to the house infected with small-pox or freely mix with the contacts until the epidemic has completely subsided. All houses in which small-pox cases have occurred should be disinfected by the process of desiccation

SECTION V.—SPECIAL RULES FOR PLAGUE.

(i) *Prompt desiccation of infected houses.*—The infected rat-flea being the connecting link for the transmission of plague from rat to man, it is essential that prompt action should be taken, having for its object the destruction of the infected flea before it is able to convey the infection to other rats or to man. The rat-flea is easily killed by desiccation or the application of dry heat. As soon as a dead rat is observed in a house, such house along with the adjoining ones should be subjected to a process of thorough desiccation.

(ii) *Desiccation how carried out.*—Desiccation is simple to carry out and is done by spreading, uniformly in all parts of the house, paddy-straw, dry leaves or other inflammable material setting fire to it. To ensure that the required degree of heat is generated, it is best that desiccation is always carried out by trained staff in towns. In the case of affected villages, an itinerant gang may be employed during seasons of plague to practically demonstrate the method to the villagers.

(iii) *Disinfection of grain.*—All grain infected with rat-fleas should be exposed to bright sun light for at least a couple of hours.

(iv) *Evacuation of infected houses.*—To facilitate desiccation, people in the houses proposed to be desiccated should be shifted with their belongings to the Health Camp if there is one or two temporary sheds specially put up for the occasion. After ten days, desiccation should be repeated in the same houses, when the people may be permitted to re-occupy the houses. Should they choose to remain in camp for some time longer, they should be required to remove to sheds of their own and make room for others that may need the special sheds.

(v) *Wholesale evacuation of houses.*—If notwithstanding disinfection, a wholesale evacuation of a town or a village is desired by the people, it should be actively proceeded with, the necessary facilities in the shape of supply of shed materials gratis or at cost price being provided. But a thorough desiccation of the houses should invariably precede evacuation.

Once a town or village is evacuated, people should be dissuaded from opening and visiting the houses for any reason whatsoever, unless it is for reoccupation, in which latter case, the house should once again be desiccated.

(vi) *Inoculation and medical relief.*—The earliest possible requisition should be made on the nearest Medical Officer for (a) inoculation and (b) a medical relief. Such Medical Officer will, as far as possible, attend to these measures himself and, if assistance be needed, apply to the District Medical Officer. At the same time that a requisition is sent to the local Medical Officer, a copy thereof should, if the requisitioning officer be a patel, be submitted to the Amildar of the taluk.

(vii) Immediately the Medical Officer arrives, it shall be the duty of the local authority to co-operate with him in encouraging people to get themselves inoculated and patients to receive medical treatment.

(viii) *Rat destruction.*—In every town and village, attention should be directed to the destruction of rats in the off-plague season. A cheap and effective method of trapping rats will be described in the form of a pamphlet which will be issued by the Sanitary Commissioner.

SECTION VI—PROCEDURE WHEN EPIDEMICS OTHER THAN CHOLERA, SMALL-POX OR PLAGUE OCCUR.

443A. Whenever there is a marked rise in the mortality or sickness in any town or village and the cause thereof is at the time unknown, the local authority shall have power to take such measures in consultation with and on the advice of the local Sanitary Medical Officer and incur such expenditure as may be necessary to reduce the sickness and the mortality in the town or village. These measures include organisation of staff, medical relief and provision of nourishment to the sick. In all emergencies, the local authority shall take the initiative without delay, pending instructions from the higher authorities.

District Sanitary Officers.

6812-9—San.
8-14-9, d. 3rd
March 1915.

NOTE 1.—Deputy Commissioners should not, without the previous consent of the Sanitary Commissioner, put a District Sanitary Officer in charge of duties that would interfere with (a) his freedom to visit without delay, areas affected by cholera or other epidemic diseases; and (b) his taking measures necessary in the interests of public health.

NOTE 2.—The District Sanitary Officer is bound personally to direct all operations for checking epidemic diseases, and the Deputy Commissioners should see that they properly discharge this primary duty.

Account Rules re Village Improvement Fund.

R. 5862-78—L.
R. 10-14-209,
d. 15th Dec.
1915.

444. These are given in Section 3, Chapter IV of the Mysore Village Improvement Manual, 1917 and also in the Mysore Account Code.

Sanitary Commissioner's Memorandum on Village Planning and Sanitation.

R. 10969-99—
L. R. 425-17-5,
d. 9th May
1918.

445. This memorandum is communicated for the information of local bodies for suitable action being taken wherever possible.

A.—In the selection of a site for a new village, the following points deserve consideration:—

1. Proximity to cultivable lands.
2. Proximity to tanks.
3. Proximity to high roads and other means of inter-communication.
4. Proximity to centres of trade.

5. Facility of tapping potable water at no greater depth.

6. Elevation of land and capability of its being easily drained.

As regards the existing villages, the question of removal to new sites arises in those few cases where unhealthiness has become very marked.

B.—Points to be considered in planning a new village or improving an old one :—

1. A village plan should make provision for the housing of various communities in separate blocks, thus preserving their communal interests in the village.

2. The plan should provide room for future extension when the population increases.

3. The plan should provide for sites, for shops, temple, mosque, school, dispensary, Post office, rest-house for travellers, etc. These may be built only as occasion arises.

4. The plans should provide separate sites for granaries.

5. There should not be too much open space in the village, as it cannot be kept clean and offers temptation for storage of manure.

6. In villages big enough to be formed into unions or minor Municipalities, a few public latrines should be provided at convenient spots. In other villages, places for digging trenches for disposal of nightsoil, should be provided, in the plan.

7. The plan should show where avenue trees should be planted or "topes" formed.

8. The plan should show places where the villagers can store their manure, no such accumulation being allowed either in the individual houses or within the precincts of the village.

9. A convenient place outside the village should be set apart for holding a "santhe" or "cattle-fair."

10. The plan should show where public wells are to be located.

11. The plan should show the alignment of roads not more than 15 feet wide and of conservancy lanes not more than 8 feet wide.

12. In the alignment of house sites, the plan must show the area to be built upon for human habitation, the position of cattle-shed and the open space to be left between any two adjacent houses.

C.—Points deserving attention in drawing plans for individual houses :—

1. Every house must be at a distance of at least 12 feet from the houses on either side.

2. Each house must have a detached cattle-shed in the backyard, having no connection with the living quarters.

3. Each house must have a small kitchen garden between itself and the cattle-shed, where all the house sullage can be used profitably for growing vegetables.

4. No cess-pools should be allowed.

5. The flooring should be slightly raised above the level of the surrounding land and should be made of impervious material.

6. In the living quarters, the corners of the rooms should be made rat-proof.

7. The ceiling should be of tiles. No mud-roofed structures should be allowed.

8. Proper provision for ventilation and lighting should be made.

9. There should be at least one kitchen, one living room and one verandah in each house.

10. One house should accommodate not more than one family.

11. A granary should not be a part of the house.

D.—General sanitary measures to be adopted in villages :—

1. Draw wells only to be sunk. No step-wells to be attempted. Draw wells to have parapet walls and pulleys.

2. If a village is resorted to by many travellers, the wells yielding the drinking water-supply should be covered up and fitted with Myer's pumps.

3. No excavations to be made and all existing pits to be filled up.

4. No hedge to consist of lantana or prickly pear.

5. If a tank or channel or stream is the only source of drinking water-supply, no men or cattle or clothes should be allowed to bathe or to be washed therein.

6. Nobody should be allowed to commit nuisance in the streets or lanes or open spaces in a village.

7. There should be no collection of rubbish in or about the houses, where flies can breed.

8. Houses to be built only according to a plan approved by the sanitary authority.

9. Uninhabited, dilapidated houses to be pulled down by the village authorities, and cost, if any, recovered from the owners.

10. No offensive trade to be carried on in a village.

11. Every case of cholera, plague or small-pox to be reported by the patel at once to the Amildar. The appearance of dead rats should be reported likewise.

12. Vaccination to be made compulsory in the village.

13. In places well-known to be malarious or to be liable to periodical visits of cholera, the Patel or the School Master may be given a stock of quinine for free distribution and permanganate of potassium for disinfecting the well-waters. Vaccinating the children and inoculating cattle are too technical to be entrusted to the villagers.

E.—The majority of existing villages require improvement in various directions, e.g.—

- (1) providing proper drainage,
- (2) separation of cattle-sheds from the dwelling portions,
- (3) a fairly safe water-supply,
- (4) removal of manure to a selected place outside the village,
- (5) closing of all pits,
- (6) laying out straight roads and lanes, and
- (7) extensions where there is much congestion.

Each village must be surveyed by a special agency for noting all its needs estimating the cost and carrying out the necessary works. The funds to come from—

- (1) contributions from District and Taluk Boards,
- (2) contributions from the villagers, and
- (3) Government grants.

Where any houses are acquired in carrying out the improvements, compensation should be given to the owners not in the form of money but of new sites and building materials.

CHAPTER XXIV.

MISCELLANEOUS.

SECTION I.—TREASURE TROVE.

Introductory
Note.

The Mysore Treasure Trove Regulation, III of 1910 is re-printed in Volume III. Its object is to define the right in Treasure-trove of the finders and other interested parties. Intimation should be given to the District Magistrate of the finding of the treasure. Provision is made in the Regulation for recognising the claim of the person who can establish an antecedent right in it, namely, of its having been hidden by him or by somebody through whom he claims, within one hundred years from the date of the finding of the treasure. Civil Courts have power to compensate the finder in a reasonable amount, not exceeding one-fourth of the value of the treasure. This is based on Rule 4 of the late Chief Commissioner's Rules, promulgated in April 1867. The Regulation also provides for the determination of the right to the treasure of persons who fail to prove their right to it, or who claim as owners of the soil, where the treasure was found, or, as the finders of the treasure. All claims to the treasure and all disputes as to the ownership of the land are determined by Civil Courts. Where the treasure exceeds one lakh of rupees, and when no person other than the finder has established a right to it, the Regulation provides for a lakh of rupees being paid to the finder, the excess going to Government. The Regulation also reserves the right of the Government to the treasure found in Government lands (*Paragraph 35 of the State Administration Report for 1910-11.*)

Ancient coins, discovered as hidden treasure.

G. 778-82—G.
M. 16-07-7, d.
6th Aug.
1910.

445. (i) Whenever ancient coins and other articles of antiquarian interest are discovered as hidden treasure, Deputy Commissioners should send them, before disposal under the Treasure Trove Rules, to the Officer in charge of the Archæological Researches in Mysore for examination.

(ii) This Officer should, after examination, return the treasure within a fortnight from the date of its receipt in his office, to the Deputy Commissioner for the prescribed action being taken under the Treasure Trove Rules.

(iii) If, on such examination, the Archæological Officer considers that the coins or other articles deserve to be preserved in his office cabinet, he should obtain orders of Government for the acquisition of the said articles.

(Paragraphs 15, 16 and 17 of the *Compilation of the Standing Orders of the Archæological Department.*)

SECTION II.—FOREST SETTLEMENT.

Whenever it is proposed to constitute any land a State Forest, the Government publish a notification in the official Gazette, (a) specifying the situation and limits of such land, (b) declaring that it is proposed to constitute such land a State Forest, and (c) appointing an officer, called "The Forest Settlement Officer," to inquire into and determine the existence, nature and extent of any rights within the said limits of land or the claim to any forest produce of such land. (Sec. 4, Mysore Forest Regulation, 1900)

Statutory Provisions.

*After the publication of this notification by Government, the Forest Settlement Officer should publish, in Kannada in the Official Gazette and at the headquarters of each taluk in which any portion of the land comprised in the notification is situate, and in every town and village in the neighbourhood of such land, a proclamation, specifying (a) the situation and limits of the proposed forest (b) the bar of accrual of new forest rights in the said block, and (c) the consequences ensuing on the constitution of the block as a State Forest. (Sec. 5, *ibid*)*

The enquiry to be conducted by a Forest Settlement Officer and the powers that may be exercised by him are described in Secs. 7 and 8 of the same Regulation.

(For rules and further instructions on the subject, *vide* pages 41 to 54 of the Mysore Forest Manual, 1918 edition).

Instructions for Forest Settlement.

446. Delay occurs in the selection of areas for reservation owing to the Revenue Department insisting upon an elaborate investigation of matters during the Forest settlement. No minute or elaborate enquiries are called for in the preliminary stages as to every right that may have to be respected by the settlement. But, the matter

No. R. 3992.
402—Pt. 68.
06-2, d. 30th
Nov. 1907.

should not be decided merely on the one-sided report of the Forest Officer, who selects the area for reservation.

The following instructions should be noted :—

(1) Prior to the notification of an area under Section 4, Forest Regulation, the expediency of the proposed reservation should be thoroughly investigated by collecting information as to :—

(a) the extent of forest lands already under reservation in the same locality; (b) the extent of occupied lands; (c) the waste lands at the disposal of the villagers; (d) the number of inhabitants and the live-stock owned by them; (e) the extent of gomal (free grazing) land already assigned; (f) the nature of the lands proposed to be reserved; (g) the ordinary requirements of the people in regard to forest produce and how they are met; (h) any general rights and privileges which may be affected; and (i) all other facts and features which will enable Government to understand that there is a *prima facie* case for reservation and none against it.

(2) If the officer making the selection is unable to furnish the necessary information on these points himself, he may get it from the Amildar, or when the papers are submitted to the Deputy Commissioner, he may send them through the Assistant Commissioner, in charge of the Sub-Division in which the tract lies, in order that that officer may, after local inspection or necessary personal enquiry, furnish an opinion as to how the proposed reservation will affect agricultural interests.

(3) These preliminary enquiries need not be elaborate or protracted.

(4) Perambulating the tract, hearing the persons affected by the reservation and examining the evidence that may be adduced by them are the chief items of work of the Settlement Officer.

(5) As raiyats are generally ignorant and do not understand the effects of a demarcation until the Settlement Officer warns them of its meaning and of the penalty they incur by transgressing it, he should not consider his functions to be restricted to those of a judge and recorder of rights, claimed or proved. He is often an arbitrator, effecting a judicious compromise between conflicting principles and claims. He may not decline a settlement. He may modify the original proposals by admitting rights or granting concessions, as provided for in Sections 10 to 14, Forest Regulation.

(6) He should not encourage people to put forward claims to rights and privileges based upon an idea that forest conservancy, without proving beneficial, involves them in difficulties and troubles. If the proposed reservation is considered inexpedient, he may recommend accordingly.

(7) No hard and fast rules as to the proportion of grazing land to be allowed for the use of cattle and other privileges can be prescribed, as these vary with the circumstances of each locality, which the Settlement Officer should take into consideration and duly provide for. Creation of State Forests, involving numerous petty rights and privileges to be regulated by several checks and formalities, the enforcement of which is a constant source of vexation to the public and often times an engine of oppression in the hands of corrupt subordinates, is undesirable.

(8) The Settlement Officer need not confine his enquiries to claims actually advanced before him. He should also provide for other privileges which may appear reasonable, on reference to Government records or on local enquiry. Sufficient allowance must be made for the apathy and ignorance of raiyats, who do not raise a protest, until they actually experience the incidents of the settlement. If it is proved to his satisfaction that the raiyats have actually to depend upon a particular area for meeting their domestic and agricultural wants, the claims should be carefully examined on their merits, such as absolute necessity and well-established custom, as distinguished from casual and clandestine enjoyment winked at by local officials.

(9) The tracing and other records in connection with fresh proposals should be made in the respective District Forest Offices and forwarded to the Conservator of Forests through the Deputy Commissioner, who will record his opinion about the advisability or otherwise of adopting the proposals, or suggest any modifications from a Revenue point of view.

(10) The official designation without the name of the Revenue Officer who conducts the settlement will be mentioned in the preliminary notification under Sec. 4, Forest Regulation.

(11) If the proposals are accepted by the Conservator of Forests, the same will be submitted to Government

through the Revenue Commissioner for being notified under Sec. 4, Forest Regulation.

(12) After the due publication of the notification, the reservation records will be forwarded by Government direct to the Deputy Commissioner concerned for further action.

(13) If, in the course of settlement, any slight alterations in the proposed boundary of the block are called for, the same should be rectified by the Revenue Officer conducting the settlement work with the help of the District Surveyor.

(14) If any corrections or alterations are to be effected in the statements and records, the same should be done by the Revenue Officer's office staff, calling in the aid of the Forest Department in complicated cases.

(15) The completed settlement records should, after the expiry of the appeal time allowed, be forwarded, together with a report to Government through the Revenue Commissioner by the respective Deputy Commissioners, for approval and issue of final notification under Sec. 17, Forest Regulation.

(16) The Revenue Officer should submit a monthly progress report in the prescribed form to the Deputy Commissioners who will send a consolidated report to the Revenue Commissioner, before the 10th of the month following that to which it relates. The consolidated reports of each district will be forwarded to the Conservator of Forests for submission to Government.

(17) In constituting new forests, the wants and interests of the agricultural population, both present and prospective, should receive adequate treatment in the hands of the Settlement Officer and others concerned. The Amildar of the Taluk is competent to be present at the enquiry and urge these considerations when necessary.

Instructions Nos. (8) to (15) above are issued by the Conservator of Forests with the concurrence of the Revenue Commissioner and approval of Government. (G. O. No. R. 8307-316—Pt. 160-14-2, d. 27th March 1915.)

*Selection and preliminary and final demarcation of
Forest Blocks.*

447. (The instructions on the subject are given in pages 47 to 49 of the Forest Manual.)

Revenue Officers are concerned with the following rule only regarding the reservation of a margin of 110 yards between the State Forests and cultivated lands.—

In re-surveyed villages, the boundaries of proposed reserves should follow the surveyed boundaries of fields. When this cannot be done without excluding too large an area of valuable forests, or without taking the line too near cultivated lands and inhabited village, the boundary should run in a straight line from one field boundary mark to another. When it is absolutely necessary to take the boundary line along cultivated fields, a margin of five chains (110 yards) should be left.

In tracts not brought under re-survey, the above rule may be departed from, when absolutely necessary; but the boundary should run in a straight line from one point to another, such points being fixed with reference to prominent land marks or existing field or village marks and should be marked by chains.

Scope of Revision Settlement on Forest lands.

(i) Lands already notified as forests or proposed to be notified as such are not, as a rule, affected by the Revision Survey Settlement.

R. 8978-5—R.
F. 144-98-4, d.
16th June
1904.

(ii) As regards other lands, the Conservator of Forests and the Revenue Survey and Settlement Superintendent should, in communication with each other, settle the question of the reservation of the said lands. After obtaining information of the Survey Operations in time, the Conservator should ascertain the probable requirements of his department and intimate the same to the Survey Superintendent.

(iii) The reservation of land for Forest purposes does not extend to occupied lands.

Relation of the Special Forest Settlement Officer with Deputy Commissioners and the Revenue Commissioner.

448. Appeals from the decision of the Forest Settlement Officer lie to a Revenue authority to be appointed by Government, under Sec. 15, Forest Regulation; and he is therefore to be properly regarded as a Revenue Officer. According to the G. O. of 31st October 1906, all correspondence relating to the constitution and settlement of Forests should pass through the Revenue Commissioner. (*Vide* sub-para 28, of paragraph 12 of this Manual.) The

R. 9141-4. F.
56-06-12, d.
10th April
1907.

object of this provision is greatly furthered by the subordination of the Forest Settlement Officer to the Revenue Commissioner in all matters not involving the exercise of purely judicial functions under the Regulation.

The Forest Settlement Officer should work directly under the Revenue Commissioner.

4910-18 Ft. F.
89-95, d. 25th
Jan. 1899.

449. Deputy Commissioners are competent to revise the Forest Settlements made by an Assistant Commissioner, either at the instance of the raiyats, or of the District Forest Officer.

R. 4074-86—
Ft. 29-05-4, d.
25th Sept.
1905.

As an authority empowered to hear appeals against the decision of the Settlement Officer, the Deputy Commissioner cannot, however, deal with matters other than those to which the appeals, if any, relate. In his general capacity of District Officer, he can make such representations to Government as he may deem desirable in public interests. The Settlement Officer's decision, the appellate authority's order and the representations of the Deputy Commissioner, the Revenue Commissioner and the Conservator of Forests, will be duly considered by Government, before passing final orders on the settlement.

SECTION III—ACCIDENTAL FIRES.

R. 2746-56—L.
R. 11-16-2, d.
7th Sept.
1916.

450. The following instructions are issued in the matter of:—

- (a) Reporting cases of accidental fires;
- (b) Concessions to be granted to the sufferers in connection therewith; and
- (c) Powers of the several officers to grant building materials to the sufferers for reconstructing their houses destroyed by fire.

* This supersedes the following previous orders on the subject.—
400—F., d. 12th July 1873. from the Secy. to the Chief
Commr. to the Commr., Nandidrug Divn.,
886-998—R. F. 127, d. 24th June 1878;
1199-1203—R. F. 171, d. 13th July 1878;
19242-400—R. 2765, d. 20th April 1895;
21392-400—R. 3079, d. 22nd May 1895;
7376-84—Fts. F. 117-95, d. 17th Feb. 1896;
366-74—Fts. F. 49-96, d. 10th July 1897;
444-5—4230-7, 20th Jan. 1903;
R. 6122-31—Fts. 16-06-12, d. 21st March 1908;
R. 353-62—Fts. 47-08-35, d. 10th July 1909;
R. 1557-66—Fts. 157-09-5, d. 10th Sept. 1910;
R. 336-45—Fts. 8-10-4, d. 14th July 1911;
R. 6096-105—Fts. 54-11-1, d. 29th April 1912.

(1) All cases of accidental fire involving loss of human life or cattle, or property valued at Rs. 500 or more, should be reported to the Revenue Commissioner in the form given in Appendix XLIV as soon after the occurrence as possible. A half-yearly statement of all such cases should be submitted to Government in the same form by the Revenue Commissioner, before the close of the month following each half-year, with his review on (i) the causes of such accidents, (ii) the date of grant of relief, and (iii) the measures to be adopted for minimising them in future. This does not however preclude the Revenue Commissioner from submitting reports, on individual occurrences, where distress is general, or when special relief not covered by rules is deemed necessary.

Submission of reports.

(2) Relief should be afforded to raiyats paying *kandayam* to Government, in Sirkar villages. Agricultural labourers, ordinary coolies and residents not paying any *kandayam* are not entitled to any free grants of timber. Free grants may be made to raiyats of inam villages or to those cultivating minor inam holdings, in special cases, only when the whole or greater part of a village is destroyed by fire.

Concession to sufferers.

(3) No delay should occur in affording relief to distressed raiyats.

(4) The value of the materials to be granted free to the sufferers should ordinarily be limited to one year's *kandayam* paid by each individual. In exceptional cases where such value exceeds one year's *kandayam*, or where non-agriculturists are recommended for any concessions, the grounds for such special treatment should be set forth clearly. The value of the materials supplied should be calculated at ordinary license rates for unreserved wood and bamboos for each district.

Limit of value of materials.

(5) In cases where the materials are to be granted from a district different from that in which the grantee or grantees reside, half the rates prescribed for such materials should be recovered.

(6) When such free grants are sanctioned, the wood should, as far as possible, be felled and delivered from the Depots or other convenient spots, by the Forest Department, all *bona fide* charges for felling and carting being borne by the raiyats to whom the free grant has been made.

Powers of several officers granting relief.

(7) Deputy Commissioners are empowered to make free grants of unreserved wood of a value not exceeding Rs. 50 from District Forests. When in special cases, wood of the reserved kind is required, the consent of the Conservator of Forests should be obtained, before sanctioning its grant.

(8) District Officers should maintain a printed register of materials granted under the above Rules and forward a quarterly extract therefrom to the Conservator of Forests. On a review of these returns, he will not only bring to the notice of Government any cases of excessive or irregular grant noticed, but will also submit a consolidated statement of relief afforded in cases of accidental fire occurrences, at the end of each year with his annual report.

(9) Revenue Sub-Division Officers may grant building materials from District Forests to the extent of Rs. 25 to each individual.

(10) In cases where immediate relief is called for, small quantities of timber of an inferior description, or bamboos may be granted by Amildars, from District Forests, when the value calculated at seigniorage rates does not exceed Rs. 10 in each case.

(11) The Sub-Division Officers and the Amildars should submit to the Deputy Commissioner a report of grants sanctioned by them, for incorporation in the register maintained in the Deputy Commissioner's Office.

(12) The Conservator of Forests is empowered to sanction the grant of building materials from State Forests, when the value does not exceed Rs. 50. Where it exceeds Rs. 50, or where the Conservator of Forests cannot accept the Deputy Commissioner's recommendation, the matter should be submitted for the orders of Government.

Maintenance of the Frontier Fire Line between Coorg and Mysore.

451. The following arrangements are in force for the maintenance of this fire line :—

(i) Mysore should clear a fire line, 66 feet wide parallel to the present cleared line 70 feet wide on the Coorg side.

(ii) A belt of forest 100 feet wide should be annually burnt on either side of the cleared line, *i.e.*, both in Coorg and in Mysore.

(iii) A path 10 feet wide should be kept clear of all trees and grass, as far as possible in the middle of the cleared line.

The cleared line in the middle will be in charge of the Deputy Conservator of Forests, Coorg, Mysore paying half the expenses.

(iv) The burning of the belt of forest in Mysore should be done by Mysore authorities, and that in Coorg by Coorg authorities. Each Ranger should give to the other at least a week's notice of his intention to burn. This arrangement applies only to the boundary between Lakshmanatirtha and Pujekal.

The Forest officials of both Mysore and Coorg will, as far as possible, assist each other in preventing fires and in putting out fires that may occur in the vicinity of the frontier.

SECTION IV.—GUARDIANS AND WARDS.

NOTE.—The guardians and Wards Regulation, 1911* and the Rules thereunder are re-printed in Volume III.

The chief object of the Regulation is to empower Courts to afford a certain measure of protection to the interests of minors. § Zamindars and big landed estates (with reference to minor proprietors of which the Indian Majority Act, 1875, was enacted) do not exist to any large extent in this State.

The following persons are entitled to apply to the District Court concerned for an order, appointing a guardian of the person or property or both of a minor:—

Statutory Provisions.

- (a) *the person desirous of being, or claiming to be, the guardian of the minor; or*
- (b) *any relative or friend of the minor; or*

* Prior to this enactment, certificates of administration were being issued, under the rules relating to the custody and guardianship of minors.

§ "Minor" means a person who has not completed the age of eighteen years, or if he is not domiciled in Mysore, has not attained majority, according to the law to which he is subject.

"Guardian" means a person having the care of the person of a minor or of his property, or of both his person and property. [Clauses (1) and (2) respectively of Section 3 of the Regulation.]

(c) *the Deputy Commissioner of the District or other local area within which the minor ordinarily resides or in which he has property ; or*

(d) *the Deputy Commissioner having authority with respect to the class to which the minor belongs (Sec. 7 of the Regulation.)*

A Deputy Commissioner may be appointed as a guardian of person or property, or both by virtue of his office. (Sec. 17.)

When the Deputy Commissioner is appointed as guardian, fees may be recovered by Government, out of the property of the ward. [Sec. 21, (2).]

In all matters connected with the guardianship of the ward, he is subject to the control of Government, but not of the Court. (Sec. 22).

He is not subject to the control of the Court either in the matter of removing the ward from the jurisdiction of the Court, or of mortgaging or transferring the property of the ward ; nor can his powers be restricted or extended by the Court. He is not bound to submit any accounts or to execute any bond. (Secs. 25, 28, 32 and 33.)

J. 55—Cts.
140-14-2, d.
6th July 1915.

452. Where Deputy Commissioners are unable to look after the estates of minors, Sub-Divisional Officers and Amildars are competent to perform the functions of a Deputy Commissioner, within their respective jurisdictions, for purposes of the Guardians and Wards Regulation, 1911.

SECTION V.—STAMPS.

General Stamps.

Questions relating to General stamps are governed by the Mysore Stamp Regulation of 1900 and the Rules and executive orders issued thereunder.

The nature of questions that generally come up before Revenue Officers for orders and the registers to be maintained are indicated in paragraph 78, Chapter V of the District Office Manual.

ADJUDICATION OF STAMPS.

When any instrument, whether executed or not, and whether previously stamped or not, is brought to a Deputy Commissioner, and the person bringing it applies to have the

opinion of that officer as to the duty (if any) with which is chargeable, and pays a fee (not exceeding five rupees and not less than eight annas) prescribed by the Deputy Commissioner, the said officer should determine the duty with which the instrument is chargeable. He may require to be furnished with an abstract of the instrument and also with affidavit or other necessary evidence. (Sec. 31, Mysore Stamp Regulation, 1900.)

If he determines that a particular document is already fully stamped, or if the duty determined by him in respect of the insufficiently stamped instrument, the balance amount adjudicated upon, has been paid, he should certify by endorsement on such instrument that the full duty (stating the amount with which it is chargeable) has been paid. If no duty is chargeable, a certificate to that effect should be endorsed on the document. (Section 32, *ibid.*)

When an instrument bears a stamp of sufficient amount, but of improper description, the Deputy Commissioner may, on payment of the duty with which the same is chargeable, certify by endorsement on the instrument that it is duly stamped.

If the application is made within three months of the execution of the instrument and the Deputy Commissioner is satisfied that the improper description of stamp was used, solely because of the difficulty or inconvenience of procuring one of proper description, he may remit the further payment of the duty prescribed in the above rule.

Section 27 of the Indian Stamp Act of 1879 (corresponding to Section 31, Mysore Stamp Regulation, 1900), requires that all facts and circumstances necessary to determine the amount of stamp duty leviable should be fully and truly set forth. Failure to comply with this provision, if resulting from intent to defraud the Government of any duty, is punishable under Section 64 of the same; but such failure often proceeds from ignorance, especially in the case of partition-deeds, relating to sundry properties of small value, in which parties may not have occasion to fix a money value on the property. In such cases, an affidavit or other evidence may be taken in the manner provided in Section 30 in regard to the value of the property, and the stamp duty levied with reference to it and noted on the document. Until the necessary information is furnished by the parties concerned, the document will remain impounded.

2092-9-R.
887, d. 10th
July 1880.

IMPOUNDING OF INSUFFICIENTLY STAMPED DOCUMENTS.

Statutory
provisions.

Every person having by law or consent of parties authority to receive evidence and every person in charge of a public office, except a Police officer, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his function, should, if such instrument is not duly stamped, impound the same. (Sec. 33, Mysore Stamp Regulation, 1900.)

*In respect of unstamped receipts tendered to, or produced before, any officer, in the course of the audit of any public account, such officer may, instead of impounding the instrument, require a duly-stamped receipt to be substituted therefor (Sec. 34, *ibid*).*

*If the impounding officer has by law or consent of parties authority to receive evidence and admits the instrument in evidence upon payment of the penalty, prescribed by law, he should send an authenticated copy of the instrument, with the amount levied and a certificate in writing, stating the amount of duty and penalty recovered by him. In every other case, impounded documents should be sent in original to the Deputy Commissioner (Sec. 38, *ibid*).*

Deputy Commissioners have power to stamp impounded documents; and the procedure to be adopted by them in dealing with the said documents is described in Sections 40 to 44 of the said Regulation.

*All duties, penalties and other sums required to be paid under Chapter IV of the Stamp Regulation may be recovered by the Deputy Commissioner concerned, by distress and sale of the moveable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land revenue. (Sec. 48, *ibid*.)*

Sale Deeds.

453. An instrument, conveying by sale several articles may be subjected to a separate stamp duty on the value of each of the articles, *only* if the sale of each such article forms a *distinct and separate transaction*, so as to constitute a "distinct" matter. But, the sale of several articles in a *single transaction* or engagement, *i.e.*, by a single sale, though the price of each article may be separately specified in the instrument, should not be regarded as comprising *several distinct matters*, and must

therefore be charged with a stamp duty on the *aggregate* amount of the sale, such sale constituting but a single cause of action.

For other rulings and decisions of the High Court of Mysore as well as of Government under the Mysore Stamp Regulation, *vide* the Mysore Stamp Manual.

Powers of Assistant Commissioners and Amildars in stamping Instruments.

454. Sub-Division Officers and Amildars are authorised to exercise, within the limits of their respective jurisdiction, the following powers conferred on Deputy Commissioners by Sections 18(2) and 16 of the Mysore Stamp Regulation, 1900.

Notns. Nos.
Fl. 1709—S.
R. 107-14-8, d.
7th Oct. 1916;
Fl. 1997—S.
R. 103-14-1, d.
6th Nov. 1915.

(a) The power to stamp instruments other than bills, cheques and notes, executed out of Mysore and presented by the persons concerned within three months of their execution.

(b) The power to endorse the payment of duty with which an instrument is chargeable or the fact of its exemption from duty, where the duty with which the instrument is chargeable or its exemption depends on the duty actually paid in respect of another instrument.

Government have recently appointed:—

(1) All Assistant Commissioners in charge of Sub-Divisions, Personal Assistants to Deputy Commissioners and District Treasury Officers to be Deputy Commissioners in respect of the powers conferred under Sections 16, 18, 31, 32, 38, 39, 40, 41, 42, 48, 49, 52, 56, 61 and 73 of the said Regulation, within the limits of their respective jurisdictions.

Note No. R.
18541—St. 23.
18-13, d. 2nd
June 1921.

(2) All Amildars to be Deputy Commissioners in respect of the powers conferred under Sections 16 and 18(2) of the said Regulation within the limits of their respective jurisdictions.

Stamp Vendors.

455. Formerly, there were full-time salaried Stamp Vendors borne on the District Treasury Establishments. These appointments were abolished throughout the State, as the system of salaried vendors was more costly than commissioned vendors and was also attended with risk of loss through defalcation of Government money.

Fl. 925-34, d.
8th Jan. 1902.

Rules for issue of licenses and vend of stamps.

Fl. 2270-9—S.
R. 176-18-4, d.
2nd Nov.
1916.

456. (i) Deputy Commissioners may license as many vendors as they may consider necessary for the convenient and prompt supply of stamps to the public in any locality. They as well as other officers empowered by Government may, at their discretion, grant licenses to officials in charge of Post Offices to sell non-judicial and Court Fee stamps.

(ii) The licenses will be issued on the application of the officials concerned, submitted through their immediate superiors, *i.e.*, a Superintendent of Post Offices or a Post Master of the first class, as the case may be.

(iii) Post Masters, Sub-Post Masters and Branch Post Masters will be licensed by their official designation and not by name.

(iv) Post officials licensed to sell non-judicial and Court fee stamps are subject, in all respects (including rates of commission, etc.,) to the rules and regulations for the time being in force in Mysore, applicable to licensed private vendors. They should purchase the stamps required for sale *from their own private funds*.

(v) A license issued in the official designation of a Postal official will, in the event of his transfer or departure on leave, be transferable to his successor or *locum tenens*.

(vi) If a licensed Postal official desires to discontinue the sale, he should, before doing so, get the license cancelled in the ordinary course, through his immediate superior.

(vii) Every license should specify the name of the licensee, the description of stamps which he may sell under the license, the place of vend and such other matters as may be necessary; and it should be signed by the authority granting it. Every license should be in the form given in Appendix XLIII.

(viii) Every license is revocable at any time by the Government or by the authority who granted it (generally Deputy Commissioner).

(ix) Licensed vendors should sell only such stamps as are indicated in their licenses. Persons licensed by Deputy Commissioners or other officers empowered by Government in that behalf, are deemed licensed vendors.

Other Rules regulating the control, manufacture, custody of stamps and other matters are given in the Mysore Stamp Manual.

Accounts, etc., to be kept by Stamp Vendors.

457. Every *ex-officio* vender selling stamps to any person not a licensed vendor shall write on the back of every stamp paper which he sells, a serial number, the date of sale, the name and description and residence of the purchaser, and if the stamp is purchased for the use of any person other than the person who tenders the money for it, the name, description and residence of that other person also; and the value of the stamp in full in words, and his own ordinary signature; and if the purchaser has no objection, then his signature if he is literate, or his left thumb impression, if illiterate. Any vendor who knowingly makes a false endorsement on the stamp sold or a false entry in his register, renders himself liable to criminal prosecution.

R. 658-717—
St. 15-19-2, d.
16th July
1920.

(2) Every licensed vendor should keep a register in the prescribed form for showing the daily account of sales, the date of sale, the value realised and the amount paid into the Treasury, the purpose of purchase of the stamp, the signature or left thumb impression of the purchaser, if he consents to sign the entry, and if he does not consent, the reason for his not consenting, in case the purchaser states his reasons. The Stamp Vendor should put a serial number on each stamp paper sold and also give the name, description and residence of the party to whom sold, and if the stamp is purchased on behalf of a person other than the actual purchaser, the name, description and residence of that person. He should also render such accounts as may be prescribed by the Government and allow the Stamp Commissioner or any Officer duly authorised by the Stamp Commissioner or the Government, at any time to inspect the accounts and registers kept by him, and to examine the store of stamps in his possession.

Commission to Stamp Vendors.

458. (i) General and Court-fee stamps of the value of Rs. 50 and of a lower value should be sold to the licensed vendors for sale to the public, provided that the value sold to any such vendor at one time is not less than Rs. 25, which, in special cases, may be reduced to Rs. 10, under the orders of the Deputy Commissioner, who will record his reasons for such reduction.*

Fl. 2270-79—
S. R. 175-18-4,
d. 2nd Nov.
1916; Fl.
6610-18—S. R.
194-16-2 d.
8th May 1916;
R. 9820-3—84.
22-19-1, d.
27th Feb.
1920.

* The value of copying sheets sold to a vendor at any one time shall not be less than Rs. 10.

A discount is allowed to the licensed vendors at the following rates :—

General stamps ...	}	3 per cent.	At District and Taluk headquarters.
		5 per cent.	At other places.
Court-fee stamps...		2 per cent.	Except at the Kolar Gold Fields, where the licensed vendor is allowed 5 per cent.

(ii) The practice of vending stamps of a higher value than Rs. 50, only at Treasuries may be continued, there being no real public inconvenience felt thereby, owing to the very limited demand for such stamps. In special cases, where there is great demand for such stamps, the Stamp Vendors may apply to Deputy Commissioners for licenses to vend such stamps also.

(iii) The vendors authorised to sell stamps of above Rs. 50 in value may be allowed commission at the rate of 2 per cent.

NOTE.—Treasury Officers must see that the stamp papers issued from the District Treasuries to Taluk Treasuries, or to vendors for sale to the public are stamped at the top on the back with a stamp containing the name of the District Treasury and the date of issue. In the issue of stamps from the District as well as Taluk Treasuries, care should be taken to ensure the issue of the stamps in the order of the date of receipt, so that the earliest received might be first disposed of. (*Vide* also Stamp Superintendent's Circular No. 114-21, dated 15th October 1889.)

Stamped Copying sheets.

459. The system of using stamped copying sheets in the Civil and Criminal Courts of the State was brought into effect from 1st January 1913. The cost of each paper of the size (calculated to contain about 100 English and 200 Vernacular words) is fixed at two annas. Each sheet is provided with 16 ruled lines.

Refund of value of unused or spoiled General Stamps.

460. (i) Applications for the renewal or refund of the value of stamps, spoiled or rendered useless, or which for any reason, are not required by the possessor, must be made within one year from the date of purchase of the stamp, or one year from the date on which the stamp has been spoiled or rendered useless.

(ii) Refunds for spoiled or useless stamps may be made by Deputy Commissioners under Chapter VI of the

Mysore Stamp Regulation, provided the application for such refund is made within six months. All applications preferred after six months should be submitted to Government for orders.

(iii) Amildars are permitted to receive applications under the Stamp Regulation for the refund of the value of unused or spoiled stamp papers, addressed to Deputy Commissioners and presented within the time allowed above. The applications when received should be forwarded to Deputy Commissioners for orders, and steps should be taken to expedite disposal of the claims.

Fl. 749-57—S.
R. 84-10-1, d.
17th Aug.
1911.

(For other Rules on the subject, *vide* the Mysore Stamp Manual.)

Court Fee Stamps.

Cases relating to these stamps that chiefly come up for orders of Revenue Officers are enumerated in paragraph 80 of Chapter V, District Office Manual.

Refund of the value of impressed Court Fee Stamps.

(i) When any person is possessed of an impressed court fee stamp for which he has no immediate use, or which has been spoiled or rendered unfit or useless for the purpose intended, the Deputy Commissioner may, on application, re-pay to him the value of such stamp in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Deputy Commissioner's satisfaction (a) that it was purchased by him with a *bona fide* intention to use it, (b) that he has paid the full price thereof, and (c) that it was so purchased or spoiled or rendered useless within the period of six months next preceding the date on which it is so delivered.

No. 9, d. 16th
April 1885.

(ii) The Government may, in special cases, and upon the recommendation of the Deputy Commissioner, allow refunds, when application is made within one year from the date of purchase of the stamp, or one year from the date on which the stamp was spoiled or rendered useless.

(iii) When a licensed vendor surrenders his license or dies, the Deputy Commissioner may, at his discretion, if he considers that the circumstances justify the application, repay to him, or his representatives, as the case may be, the value of stamps not spoiled or rendered unfit for use, returned into the Deputy Commissioner's store, deducting one anna in the rupee; or he may issue stamps of other values in exchange.

SECTION VI.—REPRESENTATIVE ASSEMBLY.

Original and Constitution of the Assembly.

Object and functions.

It was the desire of His Highness the late Maharaja Chamaraja Wadiyar Bahadur that "the views and objects, which his Government has in view in the measures adopted for the administration of the State should be better known and appreciated by the people for whose benefit they are intended." He accordingly directed the institution of the Representative Assembly so that the action of the Government may be brought into greater harmony with the wishes and interests of the people. It is expected that the great object of promoting the public interests should always be kept in mind by the members. They should also familiarise themselves with the wants of the people whom they represent, educate themselves in the matter of administration, subordinate private to public interests, and assist the Government in the difficult work of administration by bringing forward only real grievances and helping to remove them.

By carefully watching the working of the Administration in all its branches and by bringing to notice any defects or shortcomings in them, and also by practical suggestions for improving the condition of all classes of His Highness' subjects, the Assembly is in a position to materially contribute to the good government of the country.

Constitution.

G. 28217-67—
R.A. 40-18-1,
d. 20th June
1919.

461. The numerical strength of the Assembly is now as follows:—

Representatives from Taluks and Sub-Taluks.

18 First class taluks	...	...	...	54
26 Second do	...	...	...	52
24 Third do	...	...	...	48
9 Sub-taluks	...	...	...	9
				163*

Municipalities.

	Members.
2 City Municipalities, at 4 each	... 8
Kolar, Tumkur, Shimoga, Channapatna and Davangere Towns at 2 each	... 10
The remaining 24 Towns	... 24
29 Minor Municipalities (Population, 3,000 or over).	29
	71

District and other Boards.

The eight District Boards at 2 each	... 16
The Kolar Gold Fields Sanitary Board	... 2
	18

* This number will eventually be raised to 170.

Associations and other special bodies.

(i) Associations representing communities :—			
Mahomedans	...	...	6
Vokkaligars...	...	...	1
Lingayets	...	...	1
Vaisyas	...	...	1
Eurasians and Anglo-Indians	...	...	1
Indian Christian	...	...	1
Panchamas	...	...	1
Total			12
(ii) Associations representing special interests :—			
Law	...	...	2
Planters	...	...	4
Mining Board	...	...	1
Other Industrial, Commercial and Agricultural interests	...	...	3
Total			10
(iii) General	...	...	2
(iv) Senate of the Mysore University	...	...	2
(v) Mysore Chamber of Commerce	...	...	2
Total			26
Grand Total			280

NOTE.—The strength is expected to come to 288 eventually, when certain additions are finally decided upon.

Persons qualified to elect members.

462. The following persons are qualified to elect members of the Assembly for a taluk or sub-taluk :—

G. 10156—G.
R. 88-14-1, d.
22nd March
1915.

(a) Every person who pays on his own account annually land revenue or mohatarfa tax (house and shop taxes) of not less than the amount specified in the schedule given in Appendix XLV for each taluk or sub-taluk, either to the Government or to the holder of an alienated village (the Jahgirs of Yelandur and Sringeri excepted) to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied, or in the case of mohatarfa tax, to a Municipal Council ;

(b) Every person who is the owner of one or more entire inam villages with a total *Beriz* of Rs. 250 per annum and who ordinarily resides in that taluk or sub-taluk ;

(c) Every graduate of a University whose ordinary place of residence is in that taluk or sub-taluk.

Persons eligible for election.

463. Every member elected as a taluk or sub-taluk member under the above Rule shall be :—

(a) A person who pays on his own account annually land revenue or mohatarafa tax (house and shop taxes) of not less than the amount specified in the schedule given in Appendix XLVI for each taluk or sub-taluk either to the Government or to the holder of an alienated village (the Jahgirs of Yelandur and Sringeri excepted) to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied, or in the case of mohatarafa tax to a Municipal Council ;

(b) The owner of one or more entire inam villages with a total annual *Beriz* of Rs. 500 who ordinarily resides in that taluk or sub-taluk, or

(c) A graduate of a University of not less than ten years' standing who resides in the taluk or sub-taluk concerned for at least three years immediately before the date of election.

No person who has not completed 18 years of age, no person who is of unsound mind or has been convicted of any such offence or subjected by a Criminal Court to any such order as implies in the opinion of Government a defect of character which unfits him to be a member of the Representative Assembly and no dismissed official shall be eligible to be returned as a member of the Assembly.

NOTE 1.—If any member during the term for which he has been elected or deputed becomes disqualified under any of the conditions set forth above, he shall be disabled from continuing to be a member and his seat shall become vacant.

NOTE 2.—As the object of the Assembly is to elicit non-official public opinion, no Government servant should vote for or be returned as a member of the Assembly.

This prohibition applies also to Municipal and Local Boards and Associations deputing a member to the Assembly. The term "Government servant" does not include a shanbhog, patel or other hereditary officer.

NOTE 3.—Females are not entitled to vote for or be returned as members of the Assembly.

Rules relating to the election.

464. (i) A list of electors and of those eligible for election is published in the *Mysore Gazette* not later than the 15th day of the month of *Vaisakha*. Persons whose names are omitted from the said list should, within ten

days from the publication thereof, apply to the Deputy Commissioner for inclusion of their names in the said list.

(ii) Such of the eligible persons as wish to stand for election in the taluks or sub-taluks concerned should furnish their names in writing to the Amildar or Deputy Amildar, at least one month before the election for local publication to voters.

(iii) Persons elected under the above Rules shall be members of the Representative Assembly for a term of three years next after the election.

(iv) In addition to members for taluks and sub-taluks elected under the above Rules :

(a) Each Local Fund Board may depute two of its members to the Assembly ;

(b) The Municipal Boards of the towns mentioned in Schedule C may depute members to the number specified against their names.

(c) Associations representing approved public interests may depute a member to the Assembly, provided that the Association contains at least 100 members who are not Government servants and that 75 of such members are present at the meeting held for the purpose of nominating a member.

NOTE.—Government may, however, for special reasons, allow an association containing less than the above minimum number of members to depute a member to the Assembly.

Persons deputed under the above Rule shall be members of the Assembly for one year only and the deputation shall be made and duly notified in the month of *Jyeshtha* preceding the meeting of the Assembly in each year.

For the other rules which relate to the representations or subjects to be brought forward by the members, their selection, mode of discussion at the Assembly and other points, *vide* Chapter XXXI of the Manual of General Circulars and Standing Orders.

SECTION VII.—LOCAL BOARDS AND

MUNICIPAL COUNCILS.

LOCAL SELF-GOVERNMENT.

Brief History.

The first step in creating local bodies for the control of local affairs was taken in the State in the year 1862, when Municipal

3005-5—M1
132-16-1, d.
16th Dec.
1916.

Committees were experimentally constituted for the cities of Bangalore and Mysore. The measure having proved a success, similar Committees were formed for the remaining district head-quarter towns and gradually for other towns also. By 1872-73, there were fifty-eight Municipalities serving the needs of an urban population of nearly 5,00,000, with an annual income of Rs. 37 lakhs. The next step was the constitution in 1874 of District Committees in rural areas for the administration of local funds levied within the district, to provide for works and undertakings, such as roads, wells and other sources of water-supply, hospitals, *dharmasalas*, markets, etc. These Committees were constituted and worked under the executive orders of Government, except in the case of Bangalore and Mysore Cities. The need for placing the working of these bodies on a statutory and definite basis was felt very early, but practical action was taken only after the institutions had been working for well-nigh half a century. The Local Boards Regulation came into force in 1902 and the Municipal Regulation in 1906.

Main features of the new scheme.

(Paragraph 6
of the State
Administration
Report
for 1916-17.)

Owing to the deficiency of the popular element on Local Boards and Municipal Bodies, the want of sufficient powers of disposal over their funds and the interference in the details of their affairs by departments of Government, a full sense of responsibility for local self-government was not awakened in the minds of non-official members. To enhance the usefulness of these bodies, the following changes have been introduced in Municipal Administration:—

(a) The abolition of Municipalities constituted under executive orders known as Non-Regulation Municipalities by converting them into "Regulation" Municipalities:

(b) Classification of Municipalities into City, Town and Minor according to their importance;

(c) Introduction of elected majority in City Councils and an increased elected element in the other Municipalities;

(d) Gradual transfer of the control of primary education;

(e) Reduction of interference in their affairs, by Government and the Deputy Commissioners, to the necessary minimum.

In addition to District Boards, Taluk Boards and Village Panchayets have been created as incorporated bodies with control over their own finances and with power to manage purely local matters. District Boards have now only charge of the larger district concerns, such as, roads, and ferries, etc.

The abolition of the Local Funds General and the transfer of the funds to the local bodies for augmenting their resources is also one of the main features of the scheme.

Legal Enactments.

Amendments to the Municipal and Local Boards Regulations, necessitated by the policy outlined above have also been effected. The number of elected seats on the Town Municipal Councils was increased from one-third to one-half of the total strength of the Councils from

the 1st April 1918 and those in the Mysore City Municipal Council to two-thirds from the 1st July 1917. The Bangalore City Municipal Council has been permitted to elect its President and Vice-President and the Mysore City Municipal Council its Vice-President from among the Councillors. The number of *ex-officio* Councillors of the Town Municipal Councils has been reduced.

Rules framed under the Local Boards and Village Panchayets Regulation, 1918 adequately provide for the representation of important interests and communities on these Boards.

The revised rules under the amended Municipal Regulation, 1918, secure due representation of all interests and extend the franchise in Municipal areas.

Powers of Deputy Commissioners in respect of Local Boards.

Statutory Provisions.

Deputy Commissioners have power to supervise the proceedings of every Local Board or Joint Committee. This power may, with the sanction of Government, be delegated by a Deputy Commissioner, in respect of a Local Board, to a subordinate officer not below the rank of an Assistant Commissioner. (Sec. 32, Local Boards and Village Panchayets' Regulation, 1918).

*If the execution of an order or resolution of a Local Board or Joint Committee is likely to cause injury or annoyance to the public or to lead to a breach of the peace, the Deputy Commissioner may, by a written order, suspend the execution of the said order. He should forthwith forward to Government a copy of his order with a statement of the reasons therefor; Government may resent the order or direct that it continue in force, with or without modification. (Sec. 33, *ibid*).*

*In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act and also direct that the incidental expenses be paid by the Local Board concerned (Sec. 33, *ibid*).*

Powers of Deputy Commissioners in Municipal matters.

They have powers;—

(a) *to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by any Municipal Council, or any work in progress, or under their direction;*

(b) *to call for any extract from the proceedings of a Municipal Council or its Committee, or for any book or*

other document in the possession of the Council, and any return, statement, account, or report which they deem necessary to obtain ;

(c) to require a Municipal Council to take into their consideration objections for doing or not doing a thing by such Council and also the information which a Deputy Commissioner may furnish on a subject before the Municipal Council.

N.B.—A Deputy Commissioner may delegate all or any of the foregoing powers to a Sub-Divisional Officer, in so far as concerns any Municipal Council other than a City Municipal Council in a taluk in charge of the Assistant Commissioner. (Sec. 173, Municipal Regulation.)

A Deputy Commissioner has power to suspend execution of orders, etc., of Municipal Councils. His order in such cases should be reported to Government, who may confirm or modify it. (Sec 174, *ibid.*)

In emergent cases, Deputy Commissioners may provide for the execution of any work, or the doing of any act, which a Municipal Council are empowered to execute or do, if they think that it is necessary for the health or safety of the public and levy the expenses from the Municipal Council. (Sec. 175, *ibid.*)

N.B.—A Deputy Commissioner is not competent to exercise the powers detailed above in regard to City Municipal Councils, except under the special orders of Government. (Sec. 180 A, *ibid.*)

Presidents of Municipal Councils should furnish to Government (in the case of City Municipal Councils), and to the Deputy Commissioner (in the case of other Municipal Councils), or to such other officer as the Deputy Commissioner nominates in this behalf, a copy of every resolution passed at any meeting of the Municipal Council and any extract from the minutes of the proceedings thereof or of any Committee, or other document called for by the Deputy Commissioner. [Cl. (d) of Sec. 24 (i), Municipal Regulation.]

SECTION VIII.—FAMINE RELIEF.

Introductory Note.

Experience has shown that agricultural years may be classified as follows:—

(a) "Good years" in which the rainfall is timely sufficient and generally reasonable throughout the State;

(b) "Tolerable" in which either of the two monsoons is scanty or gives rise to apprehensions of scarcity, but subsequent rains materially improve the situation;

and (c) "Bad" in which the rainfall is on the whole defective and unseasonable or ill-distributed.

Mysore is, and has always been, mainly agricultural, under conditions particularly exposed to famine. The raiyats have still no capital generally and often depend on unorganised local credit which shrinks, when the harvests fail.

Thus, the masses of the people depend on harvests which in turn depend upon a periodic and adequate rainfall. When both the monsoons fail in a year, distress becomes inevitable, and its intensity is often governed by the quantity of rainfall in the years immediately preceding. Not only human beings but cattle also suffer by lack of water supply and fodder when rains fail.

The Mysore Famine Code contains detailed instructions for the guidance of officers in respect of famine administration. One of the most important features of this Code is the provision of works for the relief of the agricultural population in the vicinity of their village.

As stated in sub-para (25) of paragraph 12 of this Manual, the Revenue Commissioner is vested with the chief executive control of Famine Administration, in addition to his ordinary duties, unless a separate Famine Commissioner is appointed.

Relief measures have to be adopted previous to a famine, either as a standing preparation against it or on the approach of scarcity.

The Code is accordingly divided into two parts—the first part relating to duties of officers previous to Famine, that is in ordinary times and when scarcity is imminent, the second part to measures to be adopted during the prevalence of famine. The guiding principles of famine administration are indicated in the "Hand Book on Famine Relief Administration."

Supplementary instructions regarding the maintenance of famine accounts and their audit are given in the "Mysore Famine Accounts and Audit Manual."

The chief duties of the Revenue Commissioner as the controlling authority of Famine Relief Measures are:—

(a) to keep himself at all times thoroughly informed as to the state of the season and the course of prices:—

(b) to supervise the system or collecting information in normal times regarding prices, rainfall, cultivation, state of the crops, agricultural stock and the general agricultural condition of every village and other circumstances from which the approach of scarcity can be detected, and ascertain by periodical inspection that the system is

Classification
of years.

Causes of
famine.

The Famine
Code.

Rev. Commr.'s
duties under
the Famine
Code.

being properly and efficiently worked in each district, and take steps to remove any defects which he may observe in the working of the same, reporting for the orders of Government cases in which a change or improvement in the system itself is necessary ;

(c) to prepare an abstract of the season reports received from the Deputy Commissioners and publish it in the *Mysore Gazette* issued during the week ;

(d) to compile and collate, in his annual crop and season report, the agricultural statistics derived from the returns received from the local Revenue Officers under the above system and provide information on the economic condition of the people and of the measures required to improve the agricultural efficiency of the different parts of the State ;

(e) in communication with the Deputy Commissioners to maintain, up-to-date, revising and re-editing it after each decennial census, a map for each district, showing the areas liable to famine, with a rough forecast of the maximum number of persons within each such area likely to require employment on relief works in times of famine ;

(f) to revise from time to time, with the approval of Government, the schedule showing the normal retail shop rates in seers and *chataks* per rupee based on an average of ten years—(excluding famine years), of the principal food grains for representative marts in each district, and the rates, a rise to which will render a special report necessary ;

(These rates should be revised whenever the map and the forecast above referred to are revised).

(g) to satisfy himself by personal enquiry in each district where programmes of relief works have been prescribed, at least once in three years, that the programmes are adequate and the true state of facts is correctly represented therein.

The Revenue Commissioner should forward to Government punctually at the beginning of each year the report prescribed in clause (d) and also supply Government with the maps, forecasts and schedules, referred to in clauses (e) and (f) above. The latter should also be recorded in the Public Works Department Central Office and in the Deputy Commissioner's Office. (Sec. 15, Famine Code.)

The Deputy Commissioner is the responsible head and Director of Famine Operations within his own district, subject to the general control of the Revenue Commissioner, or of the Famine Commissioner if one is appointed. Officers of all Departments on Famine duty must obey his orders on all points not strictly professional. (Sec. 58, Famine Code.)

Dy. Comrs'.
powers and
duties.

Powers and
duties of Sub-
Division
Officers.

Subject to the general control of the Deputy Commissioner, Sub-Division Officers may direct operations in their respective sub-division. In the case of severe famine and when the Sub-Division is a large one, Special Relief Officers are appointed, in subordination to the Sub-Division Officer, to each taluk or other portion of the Sub-Division. These officers should move actively inspecting villages, organising the distribution of gratuitous relief in villages, poor houses and hospitals and supervising all small village relief works in their charge. They will be assisted in the many details of these duties by the Amildars or Taluk Relief Officers specially appointed. (Sections 66 to 72 *ibid*).

When the failure of rain causes anxiety, active preparations should be made to put heart into the people. Meetings should be held, the famine policy explained, non-official relief agency and private organised, a central committee of the most influential residents appointed in each Taluk to advise generally (a) to stimulate private charity, (b) collect subscription in cash or grain and (c) to manage village works if necessary. Preliminary action.

Village inspection should also begin and programmes of public and village works should be scrutinized to see whether works included in them for the tract likely to be affected are sufficient. Arrangements should also be made for the tools and plant of all kinds required for the selected works to be held in readiness for immediate use.

Measures usually to be adopted in famine times :—

(1) Granting permission for the temporary cultivation of tank beds.

(2) Throwing open of the State and District Forests and certain Amrut Mahal Kavals for free grazing of cattle, the cutting and stacking of hay at convenient centres for the use of cattle and the grant of permission for cutting and removing the date leaves for cattle.

(3) Gratuitous relief to the old, decrepit, and the infirm and *goshā* women.

(4) The grant of loans on a very liberal scale under *takavi* and the Land Improvement Regulation, the grant of advances for earth-work to tanks and the purchase and storing of seed grains for sale to the raiyats.

(5) Expansion of ordinary Village and Public Works, road works and other works of public utility.

(6) Remission of *kulbanni*, *mohatarfa* and land revenue, in regard to wet lands; and suspension of land revenue, in regard to dry lands.

(7) Relief to weavers by way of advances.

(8) Grain compensation allowance to officials on low pay and village servants.

Normal and Warning rates of Staple Food Grains.

465. The approved normal and warning rates of staple food grains in the several districts are shown in Appendix LIII to this Manual. The normal rate has been uniformly calculated on the average of the prices of the past ten years, excluding famine years, during the period, and the warning rate is fixed at 25 per cent higher than the normal rate.

The Mysore Famine Code does not contemplate a scarcity rate.

Fodder for cattle.

466. In times of drought, free cutting and removal of grass in the State Forest areas may be largely permitted,

R. 11576-54—
Agri. 71-12-7,
d. 30th May
1918.

R. 10868-57—
Pt. 58-16-2, d.
7th May 1917.

The raiyats should be encouraged, as far as possible, to stall-feed their cattle.

SECTION IX.—INCOME-TAX.

Introductory
Note.

With the double object of increasing public revenues to answer the increasing needs of the Administration and of equalising the burden of taxation, the Mysore Income-tax Regulation VI of 1920 was enacted, authorising the imposition of a tax on *annual* incomes of Rs. 2,400, and above, derived from sources other than agriculture.

The Mysore Income-tax Regulation (VI of 1920)* follows in its main feature the lines of the Indian Income-tax Act, except as regard the rates of taxation, which are fixed lower than in British India.

Various officers have been invested with the powers of a Collector or Commissioner under the Regulation, and their respective jurisdictions have also been defined.

Chief Revenue Authority.

R. 248—I. T.
1-19-14, d.
6th July 1920.

467. The Government is the Chief Revenue Authority for the purposes of the Income-tax Regulation.

Income exempted from payment of the tax.

R. 1710, d. 3rd
Aug. 1920.

468. (i) Scholarships granted to meet the cost of education.

(ii) Such portion of the income of a member of His Highness' Military Forces as is compulsorily deducted from his salary by the orders or with the approval of the Government for payment, as to a Regimental Fund.

(iii) The allowances attached to the following Military Distinctions:—

- (a) Victoria Cross.
- (b) Military Cross.
- (c) Order of British India.
- (d) Indian order of merit.
- (e) Indian meritorious service medal.

(iv) The interest on deposits in the Mysore Government Savings Bank.

3307-9—E. C.
42-20-3, d. 30th
Sep. 1920.

(v) Profits of any Co-operative Society for the time being registered under the Mysore Co-operative Societies' Regulation of 1918 or the dividends or other payments received by the members of any such Society on account of profits.

* This Regulation and the Rules thereunder are printed on pages 49 to 114 of Volume III.

exception for a period of five years from 1st July 1920:—

(vi) The income derived from debentures issued by the District Boards and the Municipalities in the State (both those already issued and those to be issued in future).

R. 4135—I. T.
14-20-8, d.
22nd Sep.
1920.

NOTE 1.—*Vide* Comptroller's Circular No. 1960—R., dated 24th June 1920, for detailed instructions in regard to the levy of income-tax from Government officers coming within the purview of the Income-tax Regulation.

NOTE 2.—All Foreign Associations carrying on business within the territories of His Highness the Manaraja of Mysore whether incorporated or not, and whether their principal place of business is situate within the said territories or not, are companies for purposes of Income-tax Regulation.

R. 14058—I.
T. 1-19-6, d.
23rd June
1920.

Statement of Income-tax Collections.

469. The Comptroller should furnish to the Commissioner of Income-tax on the 15th of each month a detailed statement of recoveries in the form prescribed in Appendix XLVII, in respect of all Gazetted Officers in the State.

R. 8856-916—
I. T. 11-20-8,
d. 18th Sept.
1920.

In respect of establishments, each Head of Office should send similar statements direct to the Commissioner, when preparing bills of establishments.

Miscellaneous instructions on the working of the Income-tax Rules.

470. (i) The returns of income for 1919-20 are required for the purpose of making a *preliminary assessment* of the tax for 1920-21. When the *final* accounts for 1920-21 become available, necessary adjustments in the tax will be made, with reference to the *actual income* for the year. The Income-tax Department should therefore be satisfied if, in such cases, reasonably approximate accounts are submitted. If there appears to be great disparity between the return submitted and what is believed to be the true income, the Income-tax Collector should send for the parties, and if the parties assure him that the return already submitted represents the true income, such assurance may ordinarily be accepted.

26-28—I. T.
17-20, d. 20th
Oct. 1920.

Accounts to be submitted for the "previous year" may be either for the previous official year or for the previous calendar year or for the year beginning and ending with *Yugadi* or for the *Marvari* year, beginning and ending with *Dipavali*, as may be elected by the assesseses.

(ii) Interest on one's own capital put in business should not be deducted from profits. If the interest is deducted from the profits, it should be taxed under other sources.

(iii) Income from investments in the shape of house property cannot, at present, be exempted from this tax.

(iv) The penal provision of Rs. 10 per day when returns are not submitted, should be enforced in a considerate manner. It is only in the case of persons who are recalcitrant that the necessity to prosecute will arise, and such prosecution should be ordered only by high officials. First Class Magistrates will ordinarily try such cases.

(v) It will be sufficient for the present if information as to income is given under main heads only. All reasonable help to prepare the required accounts should be rendered by the Income-tax staff.

(vi) Bad debts, when actually written off the accounts, may be deducted from the profits. Income accrued, but not actually received, should not be assessed, unless it has been credited in the accounts.

SECTION X.—GENERAL.

Noting important Government Orders.

Decision in
Appeal No.
187 of 1908-09.

471. A proper note of all important Government Orders should be kept in the offices of Deputy Commissioners and the offices subordinate thereto.

Visit to Pavagada.

R. 8440-1—L.
R. 341-17-12,
d. 14th Feb.
1918.

472. The Deputy Commissioner of the Tumkur District should visit Pavagada at least twice a year.

Position of Amildars in respect of the Malnad Improvement Work.

G. 9750-2—
Sen. 42-2-1,
d. 19th Nov.
1920.

473. All improvement work—whether it be of public health or the material well-being and prosperity of the people—devolves, as a rule, on the Revenue Department. The Amildar should therefore take the responsibility in respect of the Malnad Improvement Works in his taluk, under the guidance of the Revenue Sub-Division Officer. The Amildars concerned should also bear in

mind that their efficiency as Amildars would be gauged as much by the results shown by them in this direction as by the zeal and earnestness evinced in connection with the other duties pertaining to their office as the heads of the taluks.

Paper to be used for Vernacular Correspondence.

474. (i) All paper used for Vernacular Correspondence between Amildars and Deputy Commissioners should be of thick white French Foolscap or printing paper, 12 lbs. foolscap size, *i.e.*, $13\frac{1}{2}'' \times 17''$ or $13\frac{1}{2}'' \times 8''$ when folded. Statements of accounts should also ordinarily be on printing paper of the same size, and important statements may be written on thicker paper of demy or medium size, but the breadth and length of the statement should on no account exceed the dimensions of a single paper used. When all the columns of a statement cannot be conveniently brought on one side of the paper, the statement must be written in book form.

9776-84—Pet.,
d. 8th Dec.
1894.

(ii) Papers sent by Amildars to Shekdars and Shanbhogs and *vice versa* may be about half the size mentioned above, *i.e.*, $8\frac{1}{2}'' \times 6\frac{1}{2}''$. For this purpose, printing paper alone should be used and cut into the size above specified.

(iii) On indent, the Superintendent, Government Stationery, will supply the quantity required.

(iv) Papers not written in sheets of the prescribed size and kind will be returned.

(v) Petitioners should be advised to write their petitions on paper of foolscap size.

Arrangement of Vernacular Records.

475. Papers should be arranged and indexed in accordance with the following instructions:—

5062-96—P.
468, d. 15th
Sep. 1898.

(i) A list of documents and account books produced for reference should be kept in each file, and the books, if they are heavy, should be kept unstitched separately in the file.

(ii) When more files than one are required to be sent for reference in any case, they should not be made into one file, but a list of the several files submitted should be put up.

(iii) The Sheristadar or other responsible officer of the office from which the records called for are transmitted

should see that all the material papers are in the file and certify to that effect.

(iv) The system of leaving a small margin of un-written space at both the left and right edges of a paper should be observed.

(v) The same amount of care should be bestowed on the transcription of Kannada reports and orders as in drafting or copying English correspondence.

(vi) Special attention should be paid to the arrangement, etc., of vernacular records going up to Government.

R. 10888—R.
M. 882-06-1,
d. 4th June
1907.

Submission of sketches of lands, etc., with the records.

5284-41—
Petn. 715, d.
15th Dec.
1897.

476. When the records of cases involving—(a) claims to, and encroachment on, Government waste lands, (b) rights of way, (c) disputed claims to boundaries, and (d) irrigation rights, are submitted for the orders of Government in appeal or revision, a sketch of the lands in dispute neatly drawn to scale and authenticated by a responsible taluk or district official should be forwarded with the records.

Grant of copies of Government Records.

18280-314—R.
1888, d. 8th
Feb. 1894.

477. (i) Every person requiring a search to be made of official records for the purpose either of inspection, or of obtaining copies of such records must submit an application for the same in the form given in Appendix XLIX.

(ii) A separate application need not be presented in respect of each document of which inspection or copy is required. Enclosures or annexures to letters, accounts or other documents to which they pertain, are not reckoned for the purposes of these rules as separate documents.

(iii) The application should be made to the head of the office in which the applicant in good faith believes the records to be preserved, provided that applications for inspection or copies of records in the custody of village officials are made to the Amildar of the taluk in the first instance.

(iv) In respect of every document of which inspection or copy or extract is applied for, and which is more than one year old, a search fee according to the scale laid down in clause 5 of Rule 115, L. R. R., should be paid in Court Fee Stamps affixed to the applications.

(v) On the presentation of the application, the Head of the Office should cause a search to be made for the document required.

(vi) If the search prove successful, and if the document be of such a nature as, in the opinion of the Head of the office, the applicant may be allowed to read or take a copy of, the applicant may be allowed to read the document or part of it, for the finding of which the fee has been paid, or it may be read to him; but he may afterwards be allowed to take a copy of the document or part of it in due course on the presentation of a separate application for the same.

(vii) If the search should prove fruitless, the fee will not be refunded, but the applicant may receive a certificate on the application that the document or entry sought for has not been found. If the Head of the Office refuses to grant the application, the applicant is entitled to the refund of the value of the Court Fee Stamps.

(viii) The above rules are not applicable to cases in which persons are entitled by any law to inspect public documents free of charge.

(ix) Copies of judgments and decrees which have been prepared at the instance of parties, or their Advocates or Pleaders, and which, owing to default on their part, have not been delivered to them, must be destroyed, if not claimed within six months from the date of their preparation.

1716-23—R.
1787, d. 18th
April 1894.

No copies should be prepared, unless all the requisite fees are prepaid.

(x) (a) No copies of reports submitted to a higher authority should be given, except with the permission of such authority.

9190-222—
Pet. 1566, d.
20th April
1894.

(b) Orders passed by officers must be self-contained, and reasons must be fully given for them. Final orders in regular and miscellaneous cases should contain a statement of facts and reasons on which the decision or order is based; in cases where the order is not self-explanatory, the parties affected are entitled to a copy of the report or reports on which the order is based, or the necessary extract thereof.

R. 701-42—L.
R. 500-03-1,
d. 6th Aug.
1910.

(xi) Certified copies of title-deeds may be given to persons whose names already appear in the title-deeds or register.

24433-41—R.
3559, d. 21st
June 1926.

(xii) Section 91 of the Registration Regulation provides for the grant of copies of "Sannads," inam title-deeds

R. 3050-9—L.
R. 701-14-2,
d. 13th Sept.
1915.

and other documents, purporting to be or to evidence grants or assignments of Government of land to all persons applying for the same.

The order of 16th May 1874 should be deemed to have been *abrogated* by the above provision of law.

Recovery of Costs in Government suits.

J. 1739-78, d.
5th May 1903.

478. In all cases in which costs or other sums are awarded to Government by Civil Courts, the Deputy Commissioners concerned should take the necessary steps to realise the amounts from the parties from whom they are recoverable. Copies of the decrees should be furnished to them by the officers who represent Government in each case.

Receipt and disposal of petitions.

6284-91—Pet.
544, d. 29th
Sep. 1893; R.
12683-91—L.
R. 877-18-3, d.
7th April
1919.

479. (i) Petitions intended for Revenue officers should be received by the officers themselves *and not by their clerks*. The officers should strictly adhere to the rules on the subject. (*Vide Chapter V of the Manual of General Circulars and Standing Orders*).

(ii) In reply to petitions received, endorsements embodying final orders should invariably be issued.

(iii) Where reference is made to other orders, the number and date of those orders as well as the authority issuing them should be specified. Where allusion is made to any communication sent up to Government, similar particulars in respect of the same should be given.

Archæological finds.

G. O. No.
11595-643—
Mis. F. 15—
1900, d. March
1901.

480. District and other officers should acquaint themselves, as far as possible, by enquiries in the course of their tours and otherwise, with the existence and nature of all objects of Archæological interest within their jurisdictions, such as ancient inscriptions, statues, relics, trophies, ruined buildings, buried implements and the like and communicate as speedily as possible all discoveries of the kind to the Director of Archæological Researches for affording facility to the Director and the officers deputed by him for the examination and study of the same. (*Paragraph 12 of the "Compilation of the Standing Orders of the Archæological Department."*)

Preservation of Ancient Monuments:

481. (i) The rules contained in the Public Works Department Code provide for the care and preservation of buildings of archæological and historical interest, including ancient ruins of all kinds and mounds, known or likely to contain ruins.

G. 895-794—
G. M. 180-07,
d. 80th July
1908; G.
6045-105—G.
M. 194-17-8,
d. 14th Sep.
1920.

N.B.—In cases of doubt, no steps whatever should be taken affecting such buildings, without the previous consent of the Archæological Department.

(ii) Effective measures should be taken to prevent the destruction of any ruin of interest and to ensure co-operation of the Public Works officers also. These latter should issue necessary instructions to their subordinates and contractors.

(iii) So far, 163 monuments are reported to have been enumerated in this State. Ninety-one of these are Muzrai institutions, at present in service, and under the control of the Muzrai Department; and only 19 of them have sufficient funds of their own for their up-keep. Twenty monuments of which seven are Muzrai Institutions in service are being maintained by the Public Works Department.

(iv) The Director of Archæology should, in consultation with the Deputy Commissioners, where necessary, classify the 163 monuments under the following three heads:—

I. Monuments which from their present condition and historical or archæological value ought to be maintained in permanent good repair.

II. Monuments which it is now only possible or desirable to save from further decay by adopting petty measures, as the eradication of vegetation, the exclusion of water from the wells and the like.

III. Monuments which from their advanced stage of decay or comparative unimportance, it is impossible or unnecessary to preserve.

The monuments should also be classified into those which must be annually inspected by an officer of the Archæological Department and those which need be inspected by such officer only once in five years. A list of the monuments showing this combined classification should be submitted to Government.

(v) The Director of Archæology is responsible for exploration and excavation of sites of archæological

interest. Deputy Commissioners of Districts and all other officers who come across articles, etc., of archæological or antiquarian interest, not included in the standard list, should communicate their finds promptly to the Director.

(vi) The work to be done in respect of monuments falls under the following classes:—

(1) Protection from (a) wanton or ignorant demolition, or (b) traffic in and sale of images and other works of antiquarian interest removed from such monuments;

(2) Conservation from decay;

(3) Restoration or special repairs, including reconstruction of demolished portions and resetting of dilapidated portions in their original setting; and

(4) Periodical Inspection.

N.B.—(1) As soon as a regulation is passed in this behalf, Deputy Commissioners will be responsible to enforce it.

(2) Conservation, *i.e.*, the *ordinary maintenance* and annual repairs of a minor nature, should be attended to by the local Muzrai authorities, in respect of all Muzrai institutions where service is being conducted, and by the local revenue authorities in all other cases.

(3) In the case of monuments of special importance and value which are not Muzrai institutions in service, whole-time care-takers may be employed by Deputy Commissioners, with the concurrence of the Director of Archæology.

(4) In every case, the local officers should confine their activities purely to keeping the buildings and premises clean and in good repair and free from rank vegetation, protecting them from the effects of the wind; sun and rain, the ravages of rodents, white ants, etc.

(5) In respect of ordinary annual repairs, care should be taken not to interfere with the æsthetic or any special features of the buildings by indiscriminate white-washing, etc.

(vii) Lump sum grants, as noted in the margin, are annually placed at the disposal

Bangalore	...	Rs. 100	of Deputy Commissioners for the
Kolar	...	75	maintenance of monuments which
Tumkur	...	100	are not Muzrai institutions. In the
Mysore	...	250	case of Muzrai institutions in service,
Hassan	...	200	the expenditure on ordinary maintenance
Shimoga	..	150	and annual repairs should be
Kadur	..	75	met from the funds of the institutions
Chitaldrug	...	50	themselves.
Total	...	1,000	

(viii) Whenever any special repairs on a large scale are necessary or any construction or alteration whatsoever is involved or a partial or wholesale restoration is proposed, the Muzrai Assistant Engineer in the case of Muzrai institutions, or the local Public Works Sub-Division Officer in the case of others, should prepare an estimate in consultation with the Archæological Draftsman and after a joint inspection of the spot. The new work should not detract from the special historic or artistic features of the building and also be in consonance with the general design and spirit of the monument. The estimate thus prepared should, after scrutiny by the Superior Officers of the Public Works Department and by the Deputy Commissioner, or Muzrai Superintendent as the case may be, be sent to the Director of Archæology for counter-signature and submission to Government in the General Department for administrative sanction and allotment of funds out of the special grant. No such work should be put in hand without sanction of Government in the General Department. In cases of emergency, however, where owing to an accident or other unforeseen causes, some work is immediately necessary to prevent a building from further deterioration, the Executive Engineer of the Division should visit the spot with the Director of Archæology and arrange for the immediate execution of the temporary work. The cost of conservation and maintenance of Muzrai institutions in service should be met from the funds of the institutions or from the provincial Muzrai grant.

(ix) Government make provision from time to time for the cost of special repairs to monuments which are not Muzrai Institutions in service and for special watch and ward establishments, if any, when such repairs or establishment are sanctioned.

(x) The Revenue Sub-Division Officers will be responsible for inspecting all the monuments within their jurisdiction once a year and submitting a report of inspection in respect of each institution to the Deputy Commissioner for scrutiny and transmission to the Director of Archæology. The Director, his Assistant or the Archæological Draftsman, should also inspect annually each of the monuments selected for annual inspection and at least one-fifth the number of the monuments listed for quin-quennial inspection. A programme of such inspections should be prepared in advance and submitted to Government for

information and record in June every year. The results of the inspection should be communicated to the Deputy Commissioner concerned within one month of the visit. Forms of inspections by the Revenue Sub-Division Officers and the Archæological Officers will be prescribed.

(xi) The Director of Archæology should inspect the two monuments situated in Jaghirs once a year in consultation with the Jahgirdars and to give them all necessary expert advice in regard to their maintenance, repairs, etc.

(xii) An account of the work turned out in pursuance of this order should be sent by each Deputy Commissioner, annually, before the 31st August to the Director of Archæology who will consolidate and incorporate them in the Annual Archæological Report.

Correspondence in matters relating to Education.

Cir. 1771-80—
Edn. 888-18-2,
d. 20th Aug.
1919.

482. The following rules are laid down to regulate the correspondence between the different grades of officers in the Revenue and Education Departments in matters relating to Education:—

I. *Correspondence of Circle Inspectors.*—Circle Inspectors and Inspectress shall correspond with Deputy Commissioners, Presidents of District Boards and Chairmen of Municipal Councils on questions of general policy or principle and on all matters of administrative detail relating to schools within their jurisdiction.

II. *Correspondence of District Inspectors.*—A District Inspector of Education may correspond direct with a Revenue Sub-Divisional Officer or a President of a District Board or a Chairman of a Municipal Council, on all matters of administrative detail relating to schools under his jurisdiction.

Correspondence affecting permanently the status of schools and papers relating to the sanction of grants by the Deputy Director or the Director of Public Instruction and in general matters concerning the administration of such schools shall ordinarily pass through the Deputy Directors. In cases of emergency, the communications may be sent direct to the Deputy Commissioners and Presidents of District Boards and Chairmen of Municipal Councils, but copies of such correspondence should be submitted to the Deputy Director for information and, if necessary, for approval.

III. *Correspondence of Assistant Inspectors of Education.*—These officers may correspond direct with Amildars and Presidents of Taluk Boards on matters relating to Elementary Schools. On all other matters, they should correspond through the District Inspectors.

IV.—*Communications with Municipal Councils.*—Communications addressed to Municipal Councils should be sent through the Deputy Commissioners concerned, except in the case of purely routine matters, such as, reminders, calls for statistics, etc., which may be sent direct to Chairmen of Municipal Councils.

V. *Forms of address.*—All communications between Inspecting Officers and Revenue or Local Board Officers shall be in the ordinary letter form. Papers transmitted to Presidents and Chairmen without any covering letter should be endorsed "Forwarded".

District and Taluk Conferences.

483. The object of holding District and Taluk Conferences annually is to take stock of progress made in the Districts or Taluks during the year and to discuss subjects of local importance relating to the well-being of the people.

L. R. 10-14-211, d. 5th Dec. 1916; R. 7689-740—L. B. 69-17-211, d. 19th Dec. 1918.

The following general instructions in regard to District Conferences are laid down for guidance. (On matters not provided for in these rules, Deputy Commissioners may exercise their discretion and frame subsidiary rules of procedure.)

(1) *Time of meeting.*—Taluk Conferences may be held in December, the Taluk Jamabandi being finished before November previous. District Conferences may be held in the early part of January following.

(2) *President.*—Deputy Commissioners may preside over Taluk Conferences whenever possible; in their absence the Revenue Sub-Division Officers should preside.

(3) *Members.*—The Conference will consist of the members of the District Board and District Economic Conference Committee, the Dasara Representative Assembly Members, selected representatives of the Municipalities, Unions, Tank Panchayats and other interests in the district, whom the Deputy Commissioner may invite.

(4) *Work to be done.*—The work to be transacted at the Conference will be—

(a) Preparation or revision of the list of the major and minor wants of each taluk and of the district and discussion of the means of providing the same.

(b) Discussion of local grievances, and measures for redressing the same.

(c) To examine the progress made in the working of the special schemes, such as Economic Conference activities, Village Improvement Scheme, Minor Tanks, Village Forests, Courts, etc., and taking stock of progress made.

(5) All the District Officers who may be invited by the Deputy Commissioner will be expected to attend the conferences and render all possible help. The Departments of Education, Agriculture, Industries and Commerce, the Registrar of Co-operative Societies and the Secretary to the Economic Conference should be good enough to depute, as far as convenient, their representatives for delivering lectures and holding demonstrations, etc., at the Conference.

(6) The expenses of the District Conferences should be met by contributions from local bodies and Government grant of Rs. 150 for each Conference, which will be met from the Village Improvement and Economic Conference grants in equal proportion. All legitimate expenses for Taluk Conferences should be met out of District Office contingencies.

(7) Within a month of the close of the District Conference, the Deputy Commissioner should submit to Government a brief report of the proceedings of the Conference not exceeding three pages of printed matter together with the lists of major and minor wants adopted by the Conference and a list of proposals made for the development of the district. The lists of major and minor wants which should show succinctly what remedies were suggested at the Conference, and what action is intended to be taken or recommended by the local officers.

(8) Deputy Commissioners should take steps to see that the Conferences are fully representative of the various interests of the different taluks and towns in the district.

(9) As regards Taluk Conferences, Deputy Commissioners may exercise their discretion in regulating the proceedings. The subjects to be discussed in Taluk Conferences will be on the same lines as those prescribed for District Conferences.

Quarters for Government officials at Taluk Headquarters.

484. (1) Quarters for officials have already been built by Government at Koppa, Mudgere, Nagar and Kolar Gold Fields. Quarters are needed in the places mentioned in Appendix LI. Deputy Commissioners may indicate specifically the places where buildings are absolutely necessary and those in which it would be well to provide them. The first class should include only cases where, owing to the operation of very special causes, such as, insanitary conditions of the locality and the evils incidental thereto, construction of quarters for officials is an urgent necessity.

R. 5216-26—
L. R. 288-12-
11, d. 27th
Nov. 1915.

(2) In cases of the first class, the following concessions will be granted, according to the circumstances of each case, to local capitalists who are willing to undertake the work and with such variation as may be necessary in each case.

(i) Free grant of a suitable site to be selected by the Deputy Commissioner.

(ii) Grant of a loan equivalent to half the cost of the building repayable in ten years with interest at 4 per cent per annum on the security of the house to be built.

(iii) Guarantee of rent for a period of not less than five and not more than twenty years at 5 per cent per annum, the owner being held responsible for the maintenance and repairs of the building.

(3) The grant of the loan itself will be subject to the following conditions:—

(i) The loan will be given in one or more instalments at the discretion of the Deputy Commissioner.

(ii) If, however, the amount is to be paid in one lumpsum, other immovable property should be taken as additional security besides the house to be built.

(iii) The building should be constructed according to a design to be approved by the Public Works Department and the department for which it is required, within a reasonable time to be fixed by the Deputy Commissioner, in default whereof, the full value of the site and the amount of the loan will be recoverable as an arrear of land revenue.

(iv) A mutchalika to the above effect should be taken from the owner who should also bind himself to let the house only to officials on rent to be fixed by mutual

agreement between him and the Deputy Commissioner after the plans are approved.

(v) The rent so fixed will be deducted from the officials' pay every month and carried to the owner's credit so that it may also be adjusted towards the loan granted to him by Government.

(4) The Chief Engineer should submit for orders a table, prepared in consultation with the Revenue Commissioner, showing the limits of capital expenditure on the buildings according to the salaries of officials for whom they are intended.

Concessions to Settlers in Malnad.

485. As a measure calculated to forward the movement for the improvement of the malnad, the Deputy Commissioners of Shimoga, Hassan and Kadur Districts, are authorised to offer the following concessions to persons willing to settle down in the malnad :—

(i) Grant of assessed waste land not exceeding 8 acres in extent for a single family of settlers, without any upset price and free of assessment for the first three years, but subject to half assessment for the next two years and to full assessment thereafter.

The sanction of Government required in this behalf under rule 44, L. R. R., is dispensed with, till the end of June 1921, up to a maximum of 500 acres, in the first instance.

(ii) Grant of building materials in accordance with the scale given in Appendix LII.

(iii) Grant of advances, not exceeding Rs. 200 for a single family, for the purchase of the necessary agricultural stock and implements in cases where such assistance is called for and here some local men of sufficient means stand surety, subject to the condition that the amount is repaid in not more than ten yearly instalments, commencing *from the third year*, that is, after 24 months from the date of the payment of the loan.

Breeding Bulls.

486. (i) The improvement of the local breed of cattle is of vital importance to the raiyats. It is very desirable that the breeding operations should be conducted under the supervision of the Veterinary Department.

8201-7—San.
99-15-5, d. 8th
May 1916;
8102-6 San.
44-16-8, d.
22nd June
1917;
6385-8—San.
21-17, d. 11th
May 1918,
18523-5 San.
35-18-7, d. 7th
June 1919.

R. 8852-69—
Agri. 148-11-3,
d. 26th Jan.
1918; R.
8184-52 Agri.
44-15-4, d. 20th
Sep. 1916.

(ii) A breeding bull is kept in each of the Veterinary Hospitals and Dispensaries in the State, provided the District Boards concerned are prepared to bear half the cost of purchasing the bulls and of their maintenance, the other half of the charge being borne by the Government.

NOTE.—The maintenance of additional bulls in the districts will be sanctioned only if the District Boards are agreeable to the proposal.

(iii) A small fee, fixed by the Revenue Commissioner in consultation with the District Board, may be levied for service by such bulls and the receipts credited to the Provincial and District Funds in equal proportions.

Faulty flaying of Hides and Branding of Cattle.

487. (1) Loss of much valuable leather is caused by the faulty flaying of hides and by the branding of cattle.

(2) The main reasons for the faulty flaying of hides in India are stated to be :—

(a) Insufficient time allowed for slaughtering by Municipal and other controlling authorities.

(b) Ignorance of the butchers of the fact that a well-flayed hide is worth more by two annas per pound raw, or 4 annas per pound tanned, than a badly flayed one; and

(c) Absence of any incentive to the actual skinner to produce well-flayed hides.

(3) A small brand in the neck or shoulder of the animal serves the purpose of preventing thefts of cattle and safeguards the value of the hide.

(4) The object of the Board in bringing these matters to the notice of the Local Governments is that District Officers and local authorities may use their influence to effect an improvement in the prevailing practice.

(i) Collectors or their Assistants would interview owners of tanners and lay before them the economic importance of checking branding and insuing careful flaying, the tanners might be in a position to influence buyers, so as to bring pressure to bear on both butchers and cattle owners to desist from branding and careless flaying. Collectors might consult Municipal Councils which possess slaughterhouses as to the possibility of impressing on butchers the importance of careful flaying.

(ii) The Municipal Councils and District and Taluk Boards which have slaughterhouses under their control

R. 5702-23—
R. M. 28-18-8,
d. 8th Nov.
1918.
Observations
of the Indian
Munition
Board.

Further
Instructions
issued by the
Madras Gov-
ernment on
the subject.

should render all assistance possible to stop these objectionable practices.

(ii) The Director of Agriculture and the Superintendent, Civil Veterinary Department, should advise the organisers of cattle shows as to the desirability of according preferential consideration in awarding prizes at shows to cattle without brand marks.

(iv) The Society for the prevention of Cruelty to Animals should take action, through its organizations in the Presidency, to discourage the practice of branding.

(v) Nothing need be done in cases of branding—(a) as a remedy for such complaints as swollen joints, rheumatism, etc.; (b) as a means of identification and as a safeguard against cattle theft, especially in the case of cattle imported from Mysore; and (c) as a general measure against ill-luck or the evil eye, since the branding is usually performed on the limbs affected and not on the body of the animal.

(vi) The importance of branding as a safeguard against cattle-thefts is admissible; but the object in view can also be achieved, if the brand is made on the neck or shoulder.

(vii) In regard to branding against the "evil eye" the advantages of giving up the practice should be brought home to the raiyats by agricultural demonstrations and veterinary subordinates.

The copies of a pamphlet both in English and Kannada issued by the Director of Industries, Bengal, on the flaying and curing of hides are re-printed in Volume II.

Intimations of Cattle Diseases.

488. Information concerning infectious diseases* in horses and cattle should be communicated direct to the Chief Veterinary Officer in the Bombay Presidency and the Superintendent of the Civil Veterinary Department in Mysore. Deputy Commissioners should issue strict instructions to the Veterinary and Taluk authorities for promptly intimating the occurrence of these diseases in the local areas within their jurisdiction. In the case of the horses belonging to the Military Department, the Chief Commandant, Mysore State Troops, should give prompt intimation of such cases to the Superintendent,

*Rinderpest among cattle, Glanders, Surra, Epizootic Lymphangitis among horses. The occurrence of these diseases is first confirmed by microscopic examination.

R. 6895-914—
R. M. 32-18-5,
d. 4th Dec.
1918.

R. 7604-18—
Agri. 26-17-4,
d. 25th Jan.
1918; R.
5149-58—R.
M. 30-18-3,
d. 8rd Oct.
1918.

Civil Veterinary Department, and also to the Deputy Commissioner concerned.

Deputy Commissioners will continue to send intimation in the matter to the Madras authorities, as directed in the Government Order of the 25th January 1918.

NOTE.—Similar reports are transmitted to the Mysore Veterinary Superintendent by the Veterinary Officers of Bombay and Madras.

Construction and Repair of Government Buildings.

489. The following rules are prescribed in respect of construction and repair of Government buildings in the Cities of Bangalore and Mysore.

2859-67—M1
246-15-3, d.
11th Nov.
1911.

(i) Where the erection, re-erection, construction or material structural alteration of any building used or required for the public service, or for any public purpose, which is the property or in the occupation of the Government, or which is to be erected on land which is the property or in the occupation of the Government, is contemplated, reasonable notice of the proposed work, shall be given to the President of the Municipal Council before it is commenced, except in cases of buildings the plan or construction of which ought, in the opinion of Government, to be treated as confidential or secret.

(ii) In the case of any such building as is mentioned in the above rule (not being a building, the plan or construction of which ought in the opinion of Government to be treated as confidential or secret), the President or any person authorised by the Municipal Council in this behalf, may, with the permission of the Government previously obtained but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the Government, inspect the land and the building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the Government a statement in writing of any objections or suggestions which such Municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

(iii) Every objection or suggestion submitted as aforesaid shall be considered by the Government who shall, after such investigation (if any) as it shall think advisable, pass orders thereon, and the building shall be erected, re-erected, constructed or altered as the case may be, in accordance with such orders.

Recovery of institution fees in pauper suits.

8052—J. 167,
d. 4th Feb.
1880;
R. 5115—L.R.
164-10-2, d.
7th March
1911.

490. (i) When there are no immediate prospects of recovering the amount, remission of the amount should not be recommended; but the case should be kept on the file and steps taken to keep the decree alive for execution on a future date, if there be any chance of the pauper plaintiff coming into property. If it is certain that the pauper plaintiff is not likely to come into possession of any effects, the decree may be allowed to lapse by efflux of time and the matter reported for the information of Government.

(ii) A register should be opened in the District Office in the form given in Appendix L and the collection of pauper stamps should be watched from time to time. As a rule, the entries in the register should be examined before the close of each official year to see whether any claims have become barred by time, and information should be given in the Annual Administration Report of the number of pending cases (with amount) and the number of disposed of cases (with amount).

Services of Public Prosecutors.

Vide under "Government suits" in the tabular statement of additional powers of Deputy Commissioners—paragraph 20, pages 14 and 15 of this Manual.

District Surveyors and Mojanidars.

8660-69—Fl.
862; d. 16th
March 1898;
R. 14598-40—
L. S. 87-19-4,
d. 30th June
1920.

491. (i) The pay of District Surveyors employed in the Revenue Department will be regulated as follows:—

	Rs.
Pay on first appointment as District Surveyor	... 50
Pay after two years' approved service as District Surveyor	... 60
Pay after five years' approved service as District Surveyor	... 70
Pay after ten years' approved service as District Surveyor	... 80

(ii) These officials are granted a fixed monthly travelling allowance of Rs. 20. A Malnad Allowance of Rs. 20 each per mensem is also given to such of them as are employed in the malnad districts.

R. 2700-9—L.
S. 48-14-18, d.
6th Sep. 1915.

(iii) Every District Surveyor should submit a diary of work turned out by him every month in the form

prescribed in Appendix 95, District Office Manual, Part II.

NOTE.—The days passed by the District Surveyors in field work and the average outturn per field day should be adequate, and closer scrutiny exercised by Deputy Commissioners over the work of their District Surveyors.

Mojanidars.

492. Formerly, a Mojanidar (Measurer) was attached to each taluk for *Phod work*, that is., sub-division of lands. This duty now devolves on Shekdars.

For duties and responsibilities of Measurers, *vide* paragraphs 25 to 30 of the Mysore Revenue Survey Manual, Part I.

NOTE.—Officials of the Survey and Settlement Department should not ordinarily be deputed for miscellaneous work in the Revenue Department which should be done by trained Shekdars and District Surveyors.

R. 608-17—L.
S. 62-15-2, d.
12th July
1916.

CHAPTER XXV.

STATISTICS.

Introductory
note.

Statistics are numerical statements of facts in any department of inquiry, placed in relation to each other; statistical methods are devices for abbreviating and classifying the statements and making clear the relations between the various facts.

Statistics are used for describing and analysing large groups of aggregates, too large or complex to be intelligible by simple observation. Thus, the affairs of a community, the progress of a large business, and the productivity of a country need statistical treatment. Statistics are specially useful for making comparisons of similar aggregates from time to time, or from place to place.

Statistical data on a large scale have necessarily to be collected through the agency of Government Departments. The Revenue Department being the one which has its representatives in every village, it is held responsible for collecting most data required in connection with the country's affairs whether for administrative, commercial, scientific or other purposes.

493. The following tabular statement shows the various *statistical* returns* dealt with by the Revenue Commissioner and the Government.

Serial No.	Name of return	Due date	To whom due	Remarks
FORTNIGHTLY.				
1	Statement of prices current of food grains. (Wholesale and retail).	4th & 20th of every month.	Rev. Comr.	The publication of Revenue Commissioner's consolidated statement of the wholesale prices in the <i>Mysore Gazette</i> , is discontinued. Fortnightly statements of wholesale and retail prices of certain food grains current in the Cities of Bangalore and Mysore are compiled by the Deputy Director of Commerce. (Vide G. O. No. 874-S-1. & C. 247-18-8, d. 9th July 1919).
MONTHLY.				
2	Rainfall statement in the catchment areas of rivers.	15th	Government in the Statistical Department.	Received from Deputy Commissioners. Due at the Residency on the 20th of every month.

*For a fuller treatment of the subject, *vide* Bowley's *Elementary Manual of Statistics*.

Serial No.	Name of return	Due date	To whom due	Remarks
QUARTERLY.				
3	Cotton Forecasts...	25th Jan.; 25th July; 25th Sep.; and 25th Nov.	Government in the Statistical Department.	Due in the Office of the Director of Statistics, Calcutta and at the Residency on 1st Feb., 1st Aug., 1st Oct. and 1st Dec.
4	Wheat Forecasts...	1st Jan., 10th Feb., 25th Apl., and 10th July.	Do	Due in the Office of the Director of Statistics, Calcutta and at the Residency on 10th Jan., 21st Feb., 7th May and 20th July.
5	Statement of Cattle Mortality.	1st week of the month following the quarter.	Director of Agriculture.	The printing of these quarterly statements is discontinued. (1153-62—Stl. 7-19-13, d. 15th June 1920). Director's reviews due to Government on the 31st May, 31st Aug. 30th Nov. and 28th Feb.
HALF-YEARLY.				
6	Statement of wages	6th Jan. & July.	Government in the Statistical Department.	Due at the Residency on 7th Jan. and 7th July.
7	Revenue Business Statistics.	After the close of every half-year.	Government in the Revenue Department.	
ANNUAL.				
8	Coffee Statistics.	15th Aug.	Government in the Statistical Department.	Due in the Office of the Director of Statistics, Calcutta direct on 1st September.
9	Preliminary Forecast of paddy.	1st Feb. ...	Do	Due at the Residency on the 10th February.
10	Final Forecast of ragi and paddy.	5th Mar....	Do	Due at the Residency on the 1st April.
11	Preliminary Forecast of sugar-cane.	15th Jan.	Do	Due at the Office of the Director of Statistics, Calcutta, on 7th February.
12	Final Forecast of sugarcane.	5th May ...	Do	To be sent to Residency soon after receipt.
13	Tables of Agricultural Statistics.	15th Oct.	Do	Due at the Residency on 15th November.
14	Statement of Cattle Mortality.	15th Sep.	Director of Agriculture.	
15	Industrial and Agricultural Statistics of rural areas under the Village Improvement Scheme.	15th Oct.	Government in the Statistical Branch.	

Forecasts of Crops.

494. The Shanhog should visit the village of his *firka* as frequently as possible after the *Mungar* rains set in and ascertain the state of rainfall and progress of cultivation generally, and more particularly of the extent,

R- 4543-51—
Agri. 12-07-6,
d. 15th Jan.
1908.

nature and progress of the cultivation of the following crops for which special forecasts have to be submitted by him to the Taluk Office, *viz.*

Cotton, Wheat, Paddy, Ragi, Sugar-cane.

For forms of final forecasts of paddy, rice, and sugar-cane, *vide* Form No. 27, Village Manual, Part II.

Pahani Takhta.

R. 5008-12—
L.R. 855-06-5,
d. 12th Feb.
1908;
R. 8528—L.
R. 160-08-2,
d. 2nd Dec.
1908.

495. (i) For estimating the out-turn of the principal food crops such as ragi, paddy, horse-gram bengal gram, cholam and sugar-cane, two inspections should be made—one while the crops are on the land and the other after they are harvested.

(ii) The first inspection should be made by the village officers between the 15th September and the first week of November, that is, before the crops are begun to be harvested, for ascertaining the estimate of the *Vysaki* crops.

(iii) This first inspection should be followed by another, after the crops are harvested, for ascertaining the results of the harvest of the *Hingar* crops and recording the estimates of the standing crops in the appropriate columns of the statement.

(iv) The estimate should be made, taking into consideration the actual state of the crops at the time of the inspection and presuming that the other conditions including future rainfall would be normal.

(v) After each inspection, an abstract statement should be prepared to show its results for the whole village, in accordance with the instructions given in the Village Manual. It is also necessary that both for the first and second crops the time of sowing (*i.e.*, in what *nakshtra* rainfall a particular crop was sown) should be noted for the different crops. The two statements should then be consolidated as regards actual out-turn, so as to give an idea of the results of harvests of the year.

(vi) In the "Remarks" column of the consolidated abstract statement, information should be given as regards the fodder and water-supply and the condition of cattle.

(vii) A consolidated statement after each Pahani should also be prepared villagevar for each hobli by the Shekdar and *hobliwar* for each taluk in the Taluk Office, with the additional columns (in the abstract statement)

for name of village or hobli as the case may be, the total extent under occupation and the totals of actuals of both Pahanis, after making entries relating to second Pahani.

(viii) The inspecting and supervising officers should invariably initial against survey numbers which they tested and affix their signatures or initials with dates at the end of the first or second Pahani Abstract, as the case may be.

For more instructions on this object, *vide* pages 25 to 27 of Village Manual, Part II. Detailed instructions *re* the arithmetical calculations of the forecasts of crops are given in Appendix LIV to this Manual.

Preliminary Forecast of Sugar-cane.

496. (i) The preliminary forecast of the sugar-cane crop should be sent to the Director of Statistics, Calcutta, by the Statistical Branch of the Chief Secretariat on or before the 7th February of each year.

(ii) The Revenue Commissioner should submit to Government his preliminary forecast of this crop by the 15th January each year. The dates by which the preliminary forecast should be submitted by the several offices to those above are fixed as follows:—

By the Taluk Office to the District Office—15th December.

By the District Office to the Revenue Commissioner—31st December.

By the Revenue Commissioner to Government—15th January.

NOTE.—The crop forecasts in respect of wheat, cotton, rice, ragi and sugar-cane serve the object of furnishing the mercantile public with timely information regarding the probable supply of agricultural produce.

Standard rate of produce.

497. The present approved standard rates of produce per acre of the several crops in Mysore, with their equivalents in pounds, are given in Appendix LV to this Manual.

The figures should be further tested every year and the result communicated to Government at the end of five years.

Forecasts of Cotton Crops.

498. (i) The estimates of the forecasts of crops of the year of report should be compared with those of the corresponding date of the previous year.

2522-61—Stl.
8-20-4, d. 17th
Sept. 1920.

R. 8268-49—
Agri. 61-15-7;
d. 29th Aug.
1918.

R. 3442-50—
Agri. 9-11-6,
d. 29th Nov.
1911; R.
12153-63—
Agri. 60-14-2,
d. 30th June
1916.

(ii) If it is desirable to compare preliminary estimates with final figures, this may also be done.

(iii) Revised figures should be furnished, with a clear statement of their nature and as supplementary to the original figures.

(iv) The *final* (February) forecast stands on a different footing. It is concerned greatly with outturn, and it is desirable to compare the estimated total crop of the year of report with the actual total crop of the previous year. While the final forecast is an estimate of the quantity of cotton actually handled, the earlier forecasts are only aids to conjecture as to what that quantity will be.

(v) Statements showing the trade descriptions of cotton are given in Appendix LVI.

(vi) In preparing forecasts of cotton, a statement should be appended, showing the figures of area and outturn according to the description of cotton grown, with the names of districts, where each variety is grown.

For forms, *vide* Serial 25, Village Manual, Part II.

Wheat Forecasts.

499. (i) Four forecasts of the wheat crop should be prepared and submitted by the Revenue Commissioner, so as to reach the Statistical Branch of the Chief Secretariat by the 1st January, 18th February and the 3rd May respectively; and information should also be furnished for a fourth memorandum before the 10th July.

(ii) The first and second forecasts should contain a rough account of the state of the crop and also area. The first forecast should, however, also specify the date at which the sowings began in the year under report, and whether the said date was early, normal or late.

(iii) The third forecast should give correct statistics with regard to area and outturn, in accordance with the instructions given at the foot of the form. The date at which harvesting began and whether it was early, normal, or late should also be stated in this forecast.

(iv) The final forecast should give the finally adjusted figures on both acreage and outturn.

The forms for the first three forecasts of wheat crop are given in Appendix LVII. The form for the fourth forecast is the same as that for the third.

R. 8048-58—
Agri. 1-15-6,
d. 21st Dec.
1915.

R. 9740-41—
Agri. 98-06-15,
d. 4th May
1907; R.
10077-87—
Agri. 82-16-10,
d. 2nd April
1917.

Agricultural Statistics.

500. The list of crops and the tables of agricultural statistics in use in the State are revised, so as to accord with those of the Government of India. Tables VII (a) and (b) and VIII relating to classification of holdings and holders of land, and transfers of property in land, respectively, are retained, though they are discontinued in British India. The list of crops and the tables as revised are printed as Appendices LVIII and LIX respectively.

757-63—Std.
20-20-4, d.
18th—21st
Feb. 1921.

NOTE.—(i) The Season and Crop Report should be approximated as far as possible to the form in use in British India and the statements should be accompanied by a brief and lucid letter press. It should be published not later than the end of December following the year to which it relates. The Revenue Commissioner should send a copy of the Report to the Director of Agriculture also simultaneously with its submission to Government. The Director of Agriculture should submit to Government his remarks on the statistics within one month.

R. 246-63—
Agri. 3-16-3,
d. 6th July
1916.

(ii) The Season and Crop Report will be reviewed by Government in the Statistical Department every year. The responsibility for the collection and publication of the agricultural statistics vests in the Revenue Department.

The Agricultural Department is responsible to furnish detailed statistics regarding special crops such as sugar-cane, cotton, oil-seeds, etc.

Statistics of Coffee Production.

501. Information regarding coffee estates having an area of 20 acres or more in their districts should be collected by the Deputy Commissioners of Shimoga, Kadur, Hassan and Mysore Districts, before the 1st August every year in the Form A, given in Appendix LX. The information thus collected should be consolidated in the District Offices in the Form B, given in the said Appendix and submitted to the Revenue Commissioner and to the Government in the Statistical Branch simultaneously, on or before the 15th August every year.

1065-75—Std.
30-19-2, d.
26th May
1920.

Monthly Rainfall Statements.

502. (i) An abstract of the monthly statements of daily rainfall at Taluk Headquarter Stations in the State should be sent by the Revenue Commissioner to the Meteorological Reporter to the Government of India.

R. 1930-9—
Agri. 14-15-
143, d. 29th
July 1916; R.
5063-112—R.
M. 17-9-2, d.
3rd Nov. 1915
R. 12807-67—
R. M. 17-19-1
d. 11th May
1920.

(ii) Deputy Commissioners should submit their monthly statements of such rainfall to the Revenue

Commissioner, who will consolidate the same.

NOTE.—The publication of the consolidated statements in the Gazette is discontinued; but, copies are printed and distributed among the officers interested.

128-785—Stl.
82-20-1, d. 17th
Feb. 1921.

(iii) The monthly statements of rainfall in the *catchment areas of rivers* relate to certain rain-gauge stations only. These statements should be submitted by Deputy Commissioners direct to Government in the Statistical Branch for despatching the consolidated statement due to the Residency for transmission to the Government of Madras.

Statements of Cattle Mortality.

188-98—Stl.
7-19-14, d.
25th Aug.
1920.

503. The quarterly and the annual returns of Cattle Mortality should be forwarded by Deputy Commissioners to the Director of Agriculture. This latter officer reviews the returns and sends copies of his reviews to the Revenue Commissioner and the Deputy Commissioners, and also to Government in the Statistical Branch together with the *consolidated* statements, on the dates specified in the tabular statement *supra*.

R. 11926-75—
L.R. 185-18 6,
d. 19th March
1919.

NOTE. 1.—The object of this return is to see whether every endeavour is being made to reduce the mortality of cattle by effective measures, as the loss of a large number of cattle from illness is a serious drain on the economic resources of the agricultural population.

R. 7656—Agri.
61-14-2, d.
6th March
1915; R. M.
8792-801, Agri.
46-15-2, d.
14th March
1916.

NOTE. 2.—In the annual reports on the working of the Civil Veterinary Department, statistics throwing light on the prophylactic value of inoculation in arresting the spread of cattle diseases should be furnished.

Quinquennial Cattle Census.

R. 1598-85—
Agri. 61-14-3,
d. 8rd Aug.
1915; R. M.
7-20-9, d. 22nd
Sep. 1920; R.
4361-120—R.
M. 7-20-11, d.
26th Sept.
1920.

504. A census of cattle in the State is held once in five years. The census for the last quinquennium which fell due in 1920 was taken, along with the preliminary general Census of 1921.

In the taking of the quinquennial cattle census, the following salient points require attention:—

(1) Deputy Commissioners should select a day in a month when people and stock are most likely to be in their villages. Market days and days of fairs and festivals should be avoided. The precise days selected should be locally notified so that people may remain with their stock in their respective places.

(2) When the quinquennial cattle census is concurrent with the general census, the cattle enumeration

should be as nearly as possible simultaneous in all villages and towns.

(3) A cattle enumerator's block should be the same as that intended for the general census and the same enumerator will attend for both.

(4) Errors and omissions should be carefully checked and brought to the notice of the Supervisor for rectification in the course of the preliminary survey of his block.

(5) Each block whether comprising an entire village or a separate portion of a town or a village should have a separate cattle schedule for itself. (*Vide* Appendix LXI.)

(6) Both the enumerators and supervisors should deport themselves with civility and sense with the people whom they come in contact with.

NOTE—Instructions to be observed by enumerators as well as supervisor are detailed in Appendix LXII.

(7) Cattle temporarily absent should not be omitted; such as are casually present need not be reckoned as appertaining to the premises in which they are so present. It will thus be necessary for an enumerator to visit all pens and folds outside the "Gavtan." Carts and bullocks in transit on public roads need not be counted.

(8) Herds of cattle belonging to cattle-breeders which may be in kavals difficult of access need not be counted in the kavals themselves; their particulars may however be ascertained from the respective owners and entered with a remark in the cattle schedule.

(9) Statistics, relating to the Amrut Mahal cattle, the Palace cattle and the animals at the Kunigal Stud Farm, should be ascertained from the departmental officers by the Amildars concerned and added up to the totals of the localities where they are at the time of the cattle census.

(10) The Supervisors should, on receipt of the cattle schedules filled by the enumerators, verify the items prescribed by the Amildar. Five to ten per cent of the entries should be verified by Supervisors.

(11) After verification, the Supervisor should carefully check the totals in each schedule and attest the same with his own signature and those of the village Patel and the principal inhabitants, who were present with him in the course of his house to house visits.

(12) The Charge Superintendent should then make an abstract of the information collecting for their charges and submit the same to the Deputy Commissioners, who will compile the figures for their respective districts talukwar and forward the same to the Revenue Commissioner.

(13) These shedules with the village abstract as facing sheet constitute the *Khaneshumari* account* of the village and form the basis of the return from which Agricultural Return Table A 4 is prepared. This quinquennial account is liable to further scrutiny by the Taluk and Jamabandi officers with a view to improving the next enumeration.

NOTE.—The cattle census extends both to *Sirkar* and *inam* villages.

Half-yearly Return of Wages.

6152-9—R.
2010, d. 10th
Jan. 1898; R.
5042-80—L.R.
199-06-2, d.
15th Nov.
1906.

505. To secure uniformity in the half-yearly returns of wages, received from several districts, the form given in page 111 of the Taluk Manual, Part I, should be adopted. Explanatory details should be given in the remarks column.

Attention should also be paid to the instructions contained in the foot-note of the form above referred to.

NOTE.—A half-yearly return of wages is due to the Residency.

Revenue Business Statistics.

688-726—E.A.
8-15-1, d. 28th
Oct. 1916; B.
9008-17—Pt.
83-08-25, d.
10th April
1917.

506. The Revenue Commissioner should submit to Government in the Revenue Department, at the close of every half-year (ending with 30th June and 31st December

Khaneshumari account to be kept regularly.

*This account should be written up regularly in Form No. 11 Appendix A to the Land Revenue Rules (yearly until further orders) for all Municipal towns, and the statistics incorporated with those relating to other villages in a taluk and district. Particulars of live stock, etc., in Municipalities should accordingly be included in Government of India, Table IV of Agricultural Statistics. The account should be prepared by the establishment employed in the assessment and collection of mohatarfa in Municipal towns, *viz.*, the firka shanbhog or the municipal mutsaddi employed in his stead, and an abstract thereof, containing the headings and totals of each column, furnished to the Deputy Commissioner from each Municipal office for incorporation with the Statistical Returns for the entire districts.

(G. O. No. 540-8—B. 197, d. 15th July 1897.)

respectively) Statistics of Revenue Business, in the form prescribed in Appendix I, Manual of General Circulars and Standing Orders, Part II.

For instructions as to how this return should be compiled, *vide* paragraph 138 of the Manual above referred to. Information regarding the progress in the disposal, by revenue offices, of cases under Sec. 73, Forest Regulation, relating to injury or damage to sandal trees growing on occupied lands should also be furnished in the business return in question.

Registration of Vital Statistics.

507. The aim of the Mysore Registration of Births and Deaths Regulation, III of 1918 (pages 295 to 299 of Volume III) is to improve the system of collection, compilation and publication of vital statistics in the State. Prior to the passing of this Regulation, it had been found, that for want of statutory power to compel the registration of births and deaths in rural area, correct statistics could not be collected. As Section 48 of the Mysore Municipal Regulation, 1906, provides for framing bye-laws to compel registration of births and deaths in the Municipal areas, the Municipalities constituted under the Municipal Regulation are excluded from the operation of this measure. Power is reserved to Government in the Regulation in question to extend the provisions thereof to specified villages or local areas from time to time. (*Paragraph 68 of the General Administration Report for the year 1917-18.*)

Returns of Vital Statistics.

508. (i) The District Health Officer who is Assistant to Deputy Commissioner in sanitary matters should prepare quarterly returns of vital statistics and also the annual returns and review thereon, bringing out prominently the features of the public health in the district and suggesting necessary remedial measures.

G. 7170-230—
San. 26-10-11
d. 1st Oct. 1920.

(ii) Copies of these quarterly and annual reviews of the District Health Officers with the remarks of the District Board, should be submitted to Government through the Sanitary Commissioner in Mysore, as early as possible after the meeting of the District Board before which the returns are placed.

Consolidated Return of Village Statistics.

R. 630-27—L.
R. 15-15-227,
d. 12th July
1916.

509. These statistics are intended to show the economic condition of villages in the State. Deputy Commissioners should compile them annually for their respective districts, in the form given in Appendix 2. Mysore Village Improvement Manual, with a prefatory note, explaining succinctly the progress already made in the improvement of villages and the steps proposed to be taken in the district to ensure rapid progress under each of the essential items of work, detailed in the latter part of Section 3, (pages 5 to 7) of the Village Improvement Manual.

Detailed instructions for compiling the statistics are given in the form itself.

CHAPTER XXVI.

REPORTS AND RETURNS.

510. The following tabular statement shows the various Reports and Returns (other than statistical returns mentioned in the preceding Chapter) to be dealt with by the Revenue Commissioner and the Government.

Serial No.	Name of report or return	Due date	To whom due	Remarks
WEEKLY.				
1	Season Report ...	Every Monday.	Revenue Commissioner.	The Revenue Commissioner's Review on the District Reports is published in the <i>Mysore Gazette</i> —Part V. To be sent to the Compiler of the Gazette on or before every Tuesday.
MONTHLY.				
2	Arrear Lists ...	15th of the succeeding month.	Revenue Commissioner.	Appendix 23, District Office Manual, Part II.
3	Return of Cotton goods.	Do ...	Government in the Statistical Branch.	*Due at the Residency on the 20th of every month.
4	Four Statements of Deputy Commissioners.	20th of the succeeding month.	Government in the Revenue Department through Revenue Commissioner.	For form, vide Appendix 99, District Office Manual, Part II.
5	Diaries of Assistant Commissioners.*	5th of the succeeding month.	Deputy Commissioners and Revenue Commissioner.	Vide paragraph 98 of this Manual.
6	Season Report ...	15th of the succeeding month.	Revenue Commissioner.	
7	Progress made in the sub-division of Amrit Mahal Kaval lands.	1st week of the succeeding month.	Do ...	Vide clause (3) of sub-para (iii), paragraph 160 (3) of this Manual.
8	Review of phod work done in districts.	Do ...	Do ...	

*The Diary of the Special Land Acquisition Officer, Krishnarajasagara should be submitted to the Chief Engineer.

Serial No.	Name of report or return	Due date	To whom due	Remarks
9	Statement of work done by District Surveyors.	1st week of the succeeding month.	Revenue Commissioner.	
10	Statements showing disposal of applications for grant of lands for Sisal Hemp cultivation.	Do ...	...	<i>Vide</i> paragraph 167 of this Manual.
QUARTERLY.				
11	Darkhaat Returns	...	Revenue Commissioner.	<i>Vide</i> ensuing paragraph <i>infra</i> .
12	Progress Statement of Large Landed Estates.	...	Revenue Commissioner and Government in the Revenue Department.	<i>Vide</i> paragraph 14 of this Manual and paragraphs 1 to 8 of Section II, Chapter IX, Sub-Division Office Manual.
13	Confidential Report about Deputy Commissioners.	...	Government in the General Department.	
14	Statement of itineration of Deputy Commissioners.	...	Government in the General Department through Revenue Commissioner.	
15	Review on the progress report re: planting, etc., of avenue trees.	End of the month following the quarter.	Revenue Commissioner.	
16	Progress in the preparation of Accounts Nos. 14 and 15 of alienated villages.	20th of the month following the quarter.	Do ...	<i>Vide</i> paragraph 79 and..... of this Manual and Appendix III Taluk Manual, Part II.
17	Work done by village committee.	...	Do ...	
18	List of Taluk Sheristedars.	...	Do ...	
19	Return of Avenue Trees.	...	Do ...	<i>Vide</i> sub-pars (iii) of paragraph 128 of this Manual.
20	Statement of unauthorised alienations of Service Inams.	...	Do ...	<i>Vide</i> paragraph 128 of this Manual. Forms A and B pertaining to this Return are given in Appendix LXIX to this Manual.
21	Progress made in sorting records in Revenue Offices.	...	Do ...	<i>Vide</i> Record Manual of the Revenue Department and also Appendix 227, District Office Manual, Part II.
22	Cases of injuries to sandal trees.	20th of the month following the quarter.	Do ...	<i>Vide</i> page 127 of the Forest Manual, where the form also is given.
23	Progress in the disposal of date reserves thrown open for cultivation.	...	Do ...	<i>Vide</i> sub-pars (c) of paragraph 161 (2) of this Manual.

Serial No.	Name of report or return	Due date	To whom due	Remarks
HALF-YEARLY.				
24	Confidential Reports about Assistant Commissioners.	10th July and 10th Jan.	Revenue Commissioner and Government in the General Department.	
25	Special Reports about Probationary Assistant Commissioners.	...	Do	
26	Statements showing the progress in the constitution of village forests.	...	Government through Revenue Commissioner.	Form given in Appendix (I) VII to this Manual.
27	Statements of scholarships sanctioned in other than Education Department.	...	Inspector-General of Education.	Heads of Departments to send half-yearly statement of scholarships, sanctioned in their Departments to the Director of Public Instruction, before the 15th of the month following the half-year. The Director to prepare a consolidated statement and to submit it to Government, before the end of the month following the half-year. (No. 1808-60—Edn. 12-15-10, dated 21st October 1915.)
28	Petitions pending disposal in Revenue offices.	...	Revenue Commissioner.	
29	Statements of villages in which <i>Darabaiuti</i> Registers are maintained.	...	Do	Vide paragraph 84 of this Manual.
30	Reports on Tank Panchayats.	...	Revenue Commissioner and Government in the Revenue Department.	
31	Report on the working of the Minor Tank Restoration Scheme.	...	Do	
32	Statement of horses and saddlery.	15th of the month following the half-year.	Revenue Commissioner.	Vide sub-para (iv) of paragraph 89 of this Manual.
ANNUAL				
33	Returns of security furnished by officials of the Revenue Department.	...	Revenue Commissioner.	Vide clause (c) of Rule 8, L. R. R.
34	Statement of Huzar Jamabandi.	...	Do	
35	Programme of distribution of Jama-bandi.	...	Do	

Serial No.	Name of report or return	Due date	To whom due	Remarks
36	Budget Estimates of Revenue Department.	...	Revenue Commissioner and Government in the Revenue Department.	
37	Statement of Revenue under Inams (whole and minor).	...	Revenue Commissioner.	
38	Report on meritorious work in connection with the Village Improvement Scheme.	...	Do	Vide Appendix 146, serial 4, District Office Manual, Part II.
39	Revenue Administration Report.	...	Revenue Commissioner and Government in the Revenue Department.	
40	Jamabandi Report.	...	Revenue Commissioner.	
41	Maramat Administration Report.	...	Chief Engineer.	
42	Report on the working of the Minor Tank Restoration Scheme.	...	Revenue Commissioner and Government in the Revenue Department.	
43	Report on the Government management of inam villages.	..	Do	
44	Report on the working of Treasuries.	...	Do	
45	Report on the condition of boundary marks.	...	Do	
46	Rainfall Registration Report.	20th April	Government in the Statistical Branch.	Due from Meteorological Reporter.
47	Season and Crop Report.	31st Oct.	Revenue Commissioner and Government in the Statistical Branch.	
48	Statement of Cotton Mills in the State.	...	Government in the Statistical Branch.	
49	Statement of Woolen Mills in the State.	...	Government in the Industries and Commerce Department.	Due to the Residency also.

Serial No.	Name of report or return	Due date	To whom due	Remarks
50	Proposals for transfers of Assistant Commissioners and Amildars.	...	Government through Revenue Commissioner.	<i>Vide para infra</i> on this subject
51	Report of cases of accidental fire in which there has been loss of human life or cattle or property valued at Rs. 500 or more.	Soon after occurrence.	Revenue Commissioner.	For the form of half-yearly returns of such cases, <i>vide</i> page 155, Forest Manual.
52	Lists of candidates eligible for Amildari and Deputy Amildari.	31st Aug.	Revenue Commissioner and Government in the Revenue Department.	<i>Vide</i> paragraph 35 of this Manual.
53	Statements of lands held by officers of and above the grade of Amildars.	...	Revenue Commissioner.	

Report and Returns common to all Departments.

511. The following are the more important ones of the Reports and Returns of the kind:—

(i) Return of Dismissed Officials. (Paragraph of the Manual of General Circulars and Standing Orders.)

(ii) Confidential Reports of work done by graded officers, (including Amildars). Paragraph *ibid*.

(iii) Special Confidential Reports on the work of Probationary Assistant Commissioners. Paragraph *ibid*.

(iv) Confidential Report of officials drawing Rs. 70 and above. Paragraph 348 *ibid*.

(v) Return of lands held by public servants. To be appended to Administration Reports. Paragraphs 268 and 269, *ibid*.

(vi) Report on the annual inspection of tents, Paragraph 652, *ibid*.

(vii) Statement of appointments given to backward communities.

(viii) Half-yearly statements of Statistics of Business.

(ix) Quarterly Returns of exemptions granted under Rule 3 of the Clerkship Rules.

Season Reports.

512. The object of the weekly and monthly season reports is to keep the Government informed of the varying

conditions of the season in order to enable them to take measures when distress is apprehended. The scope of the weekly season report is laid down in Section 14(c) of the Famine Code. The matter of these reports on important particulars is verified by the local officers and is therefore fairly accurate.

(Vide pages 95 and 96 of the *Manual of Important Government Orders, Agricultural Department Series No. 2.*)

Monthly Returns of Cotton Goods.

R. 1768-76—
R. M. 9-06-7,
d. 9th Aug.
1906;
R. 7394-409—
Agri. 6-16, 17,
d. 15th Jan.
1917.

513. Forms I, II and III, prescribed for the preparation and submission of the monthly returns of cotton goods by the Deputy Commissioner of the Bangalore District are given in Appendix LXIII.

These returns should be punctually submitted, so as to reach Government on or before the 10th of the month following that to which the returns relate.

Annual Statement of Cotton Mills.

874-6—I. & C.
247-18-8, d.
9th July 1919.

514. An annual statement of Cotton Mills in the State should be compiled and submitted to the Residency by the Deputy Director of Commerce through Government in the Industries and Commerce Department.

Statement of Woollen Mills in the State.

R. 9727-85—
Agri. 80-14-2,
d. 7th May
1915; 874-6—
I. & C. 247-18-8,
d. 9th July
1919.

515. (i) A statement of Woollen Mills in the State should be submitted for the calendar year by Deputy Commissioners, in the form given in Appendix LXIV.

(ii) A consolidated statement of the Woollen Mills in the State should be compiled by the Deputy Director of Commerce and submitted to the Residency, through the Government in the Industries and Commerce Department.

Returns dealing with Land Administration and Maintenance of Boundary Marks.

R. 12174-224—
L. R. 867-18-1,
d. 22nd March
1919; R.
14950-9—R.
M. 86-18-6,
d. 21st Aug.
1919.

516. The following seven reports and returns fall under this group:—

(i) Quarterly Return of *Darkhasts*.

(ii) Quarterly report of progress in the disposal of Land Acquisition cases.

(iii) Half-yearly report on the inspection of boundary marks.

(iv) Annual Report on the expansion of cultivation under the Block system under the Vani Vilasa Sagara.

(v) Annual Report on the condition of boundary marks.

(vi) Annual statement, showing the D. C. B. of boundary marks charges.

(vii) Alienation statements.

Of the above, Nos. (ii), (iv), (vi) and (vii) have already been described in paragraphs..... respectively in this manual.

The rest are dealt with in the ensuing paragraphs.

Darkhast Quarterly Returns.

517. The form of this quarterly is given in Appendix LXV.

R. 12174-224—
L. R. 367-18-1,
d. 22nd Mar.
1919

The following points should be kept in view in preparing this return :

(i) The term "*Phod darkhasts*" in this return refers only to *darkhasts* for parts of survey numbers for cultivation.

(ii) Serial Numbers 1 to 5 in the return are exclusive of each other and make up the total number of *darkhasts* for part and entire survey numbers under each class, and Serials 6 and 7 are intended to show the number actually coming under these two special classes out of those shown against Serial Numbers 1 to 5.

(iii) When part of a survey number is granted under the rules for speedy disposal of *darkhasts* by fixing a temporary assessment the case should be shown as disposal in the return.

(iv) When *pakka phod* of a part survey number is complete and the same is brought on to the *Akarband*, an entry to that effect should be made in red ink in the remarks column of the *darkhast* register, at the time the particular entry in the supplemental *Khetwar patrik* is struck off.

Reports on the condition of Boundary Marks.

518. Deputy Commissioners should submit half-yearly statements on the inspection of boundary marks to the Revenue Commissioner, who will review them finally and communicate his remarks, if any, to the Deputy Commissioners concerned.

R. 3971-31—L.
R.—14-3, d.
2nd Nov. 1918;
R. 14950-9—B,
M. 25-18-6, d.
21st May
1918.

Large Landed Estates.

R. 2274-82—L.
R. 17-20-5, d.
17th Aug.
1920.

519. Half-yearly progress statements under the Large Landed Estates Scheme should be submitted in the form prescribed in Appendix LXVI by Deputy Commissioners to the Revenue Commissioner, who will forward them to Government with his remarks, if any.

Report re : Government Management of Inam Villages.

R. 9496-505—
L. R. 205-16-
12, d. 14th
March 1917.

520. Separate detailed reports on the management of Inam villages under Government management in their districts should be submitted to the Revenue Commissioner by Deputy Commissioners in the form given in Appendix 110, District Office Manual, Part II, on or before the 1st of September every year. The Revenue Commissioner should forward them to Government with his review on or before the 1st of October following.

Revenue Administration Report.

R. 7922-69—L.
R. 229-16-8, d.
31st Jan.
1917 ;
R. 117664-811
—L. R. 229-
16-8, d. 26th
May 1917.

521. (i) The Revenue Administration Report should be confined only to matters over which the Revenue Commissioner has control.

(ii) As statistics of rainfall during the calendar year furnish a truer index of agricultural conditions than those of the official year, the former and not the latter should be embodied in the Report.

R. 10600-60—
L. R. 11-19-8,
d. 16th March
1920.

(iii) Assistant Commissioners in charge of Sub-Divisions should submit their administration reports in the prescribed form. (Appendix 109 page 74, District Office Manual, Part II.)

Vide also paragraph 31 (iii) of this Manual.

R. 8868-922—
L. R. 10-10-1,
d. 11th Feb.
1911.

(iv) Information should invariably be given by Assistant Commissioner *talukwar*, regarding cases of default of raiyats in maintaining *bandhs* and the amount of fines levied.

Scope of the Revenue Administration Report and the Jamabandi Report.

R. 1712-20—
R. 258-06-8, d.
4th Sep. 1907.

522. The Jamabandi and Administration reports which were being submitted prior to 1907 covered the same ground to a large extent. To remedy this, slight modifications in the scope of both reports have been effected to make them fulfil very distinct objects.

A brief reference need alone be made to jamabandi in the Revenue Administration Report. This is chiefly intended for ascertaining whether standing orders have been complied with in the commencement, conduct and duration of jamabandi and the state of collection.

A close observation of the conditions of a taluk, which a careful performance of jamabandi work requires, brings to the notice of the officer several things requiring immediate attention or which have to be reported to the superior authorities.

These should be dealt with in the jamabandi reports which should be submitted to the Revenue Commissioner through the Deputy Commissioners, immediately after the completion of the jamabandi of each taluk. Deputy Commissioners need not prepare any review of the jamabandi reports. They should merely submit them to the Revenue Commissioner, along with their own jamabandi reports for the taluks settled by them, making such observations as they wish to make in the margin of the Assistant Commissioners' reports. The Revenue Commissioner should pass orders on the jamabandi report of each taluk, as it is received, and return it to the Deputy Commissioner for transmission to the officer concerned. He may also take the requisite action on the several matters of detail dealt with in the reports; but in cases where there is need to bring to the notice of Government any points worthy of note, the matter may be reported to Government either separately or in the consolidated Revenue Administration Report.

Deputy Commissioners should note the progress of jamabandi, exercise control over the work and cause any defects observed by them to be immediately rectified.

Transfers of Amildars and Assistant Commissioners.

523. (i) Proposals for transfers of Assistant Commissioners, Amildars and Deputy Amildars should be submitted to Government every year.

(ii) In the interests of public service, no transfers of either Amildars or Assistant Commissioners should however, ordinarily be recommended, in the absence of *strong administrative reasons*, unless the Officer concerned has been in his charge for at least three years.

(iii) Whenever an Amildar or Assistant Commissioner is transferred, he should, before relief, submit a

7478-81—R.
2601, d. 20th
March 1901;
304-1091—L.
R. 21-15-1, d.
22nd July
1916.

report to the Deputy Commissioner, specifying the items of important public work, if any, done by him during the period he held the charge of the office concerned.

Quarterly Statements of Exemptions granted under Clerkship Rules.

R. 1228-86—L.
R. 88-17-39,
d. 19th July
1918.

524. (i) In these returns, information regarding the period during which the appointment or promotion is to last should invariably be noted, with a note whether due efforts were made to secure passed candidates.

(ii) The return (*vide* appendix 1017 District Office Manual 2, Part III) should be submitted through the Revenue Commissioner, so far as appointments in the Revenue Department are concerned.

District Maramat Administration Reports.

R. 7088-97—L.
R. 42-15-17, d.
22nd Jan.
1916.

525. Deputy Commissioners have to submit three reports as detailed below*. As the special report prescribed in Government Order, dated 11th December 1914 overlaps, to a large extent, with that prescribed in the Government Order of the 22nd August 1911, it is sufficient if the latter report is confined to such maramat matters as are not included in the Minor Tanks Restoration Scheme (such as, repairs of civil buildings, etc.). The Deputy Commissioners' Special Reports on the Tank Restoration Scheme will be reviewed by the Revenue Commissioner and submitted to Government with his review. He may give only the essential information in the Revenue Administration Report.

Reports and Returns relating to the restoration of Minor Tanks.

R. 9756-66—L.
R. 408-14-2,
d. 7th May
1915; R.
2440-87—L. R.
408-14-40, d.
20th Aug.
1916; R. 1078-
88—L. R. 86-
17-16, d. 11th
May 1918.

526. (i) Half-yearly statements of progress made in the restoration of Minor Tanks should be submitted by Deputy Commissioners punctually to the Revenue Commissioner in the prescribed form (Appendix LXVII) before the 15th of the month succeeding the half-year for which the statements are due. The Revenue Commissioner

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- *1. District Maramat Administration Report—to the Chief Engineer.
 2. Extracts of Do to the Revenue Commissioner.
 3. Special reports on the working of the Minor Tanks Restoration Rules.

should forward them to Government with his remarks. He should also submit a consolidated progress report for the whole year in the said form along with the annual report referred to *infra*.

NOTE.—A separate half-yearly progress report for the second half of the official year need not be submitted to Government by the Revenue Commissioner.

(ii) To ensure that the rules relating to the restoration of minor tanks are strictly followed, the following additional returns are also prescribed:—

(a) Quarterly Progress Report of works for each taluk to be submitted to the Sub-Division Officers by Amildars in the form given in Form I, Appendix LXVIII.

(b) An annual report on the working of the rules to be submitted by the Revenue Commissioner to Government in the form given in Form II of the said Appendix.

(iii) In the remarks column of the consolidated statement, particulars should invariably be furnished regarding the allotment made and the amounts spent out of it for the restoration work. Incomplete works of the previous years should be specifically referred to and the progress thereunder shown for each district.

R. 10289-96—
L. R. 42-15-29,
d. 8th May
1916.

Village Forests.

527. Half-yearly returns (in the form given in Appendix LXVIII), showing the progress in the constitution of Village Forests should be punctually submitted on the due dates, and they should be prepared with sufficient care and attention. The figures to be shown in the several columns should be figures relating to only to the half-year for which the return is sent, and not the figures brought forward from the time the Village Forests Scheme was brought into operation.

R. 4739-4808
—Ft. 14-17-29,
d. 26th Nov.
1917.

Glossary of Revenue and other terms used in official correspondence.

ABAD: Populous; cultivated

ABKARI: Revenue derived from duties levied on the manufacture and sale of inebriating liquors and on intoxicating drugs; Excise.

ACHKAT: The total area of land attached to a village. When applied to irrigation, it means the total extent of land capable of being watered by any particular work.

ACREAGE CONTRIBUTION: The contribution, per acre of land to be paid to Government by all the holders of lands under tanks or other irrigational works, repaired, restored or constructed at Government cost

AGRAHAR: A village inhabited by Brahmins on a favourable tenure
Vide also paragraph 271 (a) of this Manual

AHAVAL: (i) Prayer or representation of a petitioner

(ii) A statistical annual return, giving exhaustive particulars regarding the agricultural resources of a taluk, such as, number of villages, sources of irrigation, number of men, cattle and ploughs, etc.

AIN-JAMA: Actual receipts or credits

AJAMAYISHI: Test or verification; experiment; inspection

AJAMAISHI TARIKH: On probation; as an experimental or tentative measure

AKARA: Assessment of a land

AKARABAND: A Register, showing the area and rate of assessment, etc., in detail of the survey numbers of a village

ALAHIDA: Separate

ALAVI or ALAVE: Progressive rental for improvement of land or rent commencing at a low rate and increasing gradually year by year till the maximum limit is attained.

Caval and shraya are other terms used in the same sense.

AMAL: Proceedings; action; business; operation

AMALJARI: Execution, particularly of a decree

AMAD: Imports; receipts

AMANAT: Deposit

AMANI: (i) Lands or other sources of revenue held under the direct management of Government officials, as opposed to those rented out

(ii) Anything held in trust, or under official management

AMANIKERE: Tank other than the village tank; independent tank

- AMARAI**: Minor tree produce of a village belonging to Government, such as, tamarind, honge, soapnut, etc., entered under the head "Amarai"
- AMRUT MAHAL**: A department for improving the breed of cattle for Government purposes
- ANE**: A steep foot path: also a dam
- ANDAZ**: An estimate
- ANORADHA**: An asterism; a rain commencing between 17th and 29th November: Paddy is sown at this time
- ANUBHAVAM or ANUBHOGAM (Sanskrit)**: Enjoyment or usufruct. (Also a deed of gift of land as a reward for services performed, answering perhaps, to Inam land). It was customary for princes, when conferring a title on any person, to grant him at the same time sufficient land to enable him to maintain the dignity of his position. The tenant could not be ejected, except where there were conditions imposed and he failed to fulfil them.
- ARAMBHA**: Cultivation; farming
- ARDHAMANYA**: Land granted on a light quit-rent, generally half-rent, as its name implies
- ARZEE**: A petition addressed by an inferior to a superior: *Vice Versa*, it would be a "*takid*." Among equals, it would be a "*Yadast*"; an address; a memorial; an application; a report submitted by an inferior officer to a superior officer
- ASLESHA**: An asterism; a rain commencing between 11th and 23rd April. Ground is tilled at this season.
- AVAL (Adj. Hindustani)**: Superior in quality
- AVAL NUMBER**: Used in connection with old Inam accounts, it means an account showing the boundaries of lands.
- BAB**: An item; head of accounts
- BADLI**: A substitute acting for generally an absentee on leave
- BAGAYET**: Garden lands, the assessment on which is levied according to the number of trees, the rate varying according to the fertility of the soil
- BAKI**: Balance or arrears to be paid
- ADAV BAKI**: Arrears of previous year
- BAND OR BANDU**: An earthen embankment used as a survey mark
- BANDINAVARU**: Officials of the Revenue Survey and Settlement Department
- BANJAR**: Land lying waste or uncultivated
- KABULIYAT BANJAR**: The land which its occupant has, at his own option, allowed to lie waste
- BARABALUTI**: Twelve offices which comprised the ancient village service constitution, such as, *Gowda, Shanbhog, Talari, Kumbhar, Sonar*, etc. This is a Hindustani term meaning literally "the village twelve"
- BATAYI**: (i) Equal division of the crops between the husbandmen and Government
(ii) A mode of cultivation in which the farmer gives half the

produce to the land-lord. Under the old Batayi system, the assessment was paid to Government in the shape of grain. This system was in vogue in Mysore, prior to the Commission period and was, till quite recently, prevailing in Travancore

BARTARF: Dismissal

BARAVARD: Pay abstract

BECHIRAKH: This word literally means "unlighted or without lights." Hence it came to mean "depopulated or having no population" when applied to a village

BENAME: Without name, fictitious, as a purchaser under a false name

BERIZ: The amount of revenue of a village

BEVARS: Unclaimed; without a claim or heir

BHATAMANYA or (BRAHMADAYA): Grants and endowments of land held by Brahmans for their support. They are personal grants, as distinguished from those held on conditions of rendering service

BIJAVARI: Extent of land; the amount of seed required for a portion of a field

CARCOON [*Mahratti word, spelt also 'Karkun.'*]: A clerk or manager, who sets down the transactions of the assessments of lands, etc.

CHAKBANDI: Boundaries

CHALAN: A memorandum distinctly specifying the nature of the payment into a Treasury and the person or officer on whose account it is made

CHAPAVANE: Concealment, generally of unauthorized cultivation by a raiyat

CHAVADI: The public building of a village

CHITTE: An asterism; a rain, commencing between 8th and 20th September. Millets and gingelly oil seeds are sown at this time

CHITTE: Old measurements papers

SIDDHARTHI CHITTE: Old measurement papers of the Hindu year Siddharthi, corresponding to 1799—1800

CHILLAP BOB: Miscellaneous items

CHOR INAM: Land enjoyed free of rent unauthorizedly or by stealth

CHOR MANYA INAMS: Inams of a fraudulent origin.

CHOWTHAYI: A fourth part

CHOWTHAYI REMISSION: Remission of one-fourth assessment of wet lands

CHOWTHAYI TANKS: Tanks the holders of lands under which are entitled to remission of $\frac{1}{4}$ the wet assessment

COWL: Agreement; engagement

DAFTER ILAKHA: A department in which accounts connected with revenue are kept

DAKHALE: Reference or authority

DAKHALE GRAMA: A subordinate village, included in a larger one, which is called "Asali"

DAMASHA: A proportionate share

DARAKHAST: Application for land

DARASOD: (i) The fractional part of the assessment left out of account in calculating the same

(ii) System of giving and taking equally in order to ensure a straight boundary

DEVADAYA or DHARMADAYA: Grants made for the support of religious and charitable institutions and of persons rendering services therein

DHANISHTA: A rain commencing between 3rd to 15th February

DHRUVA PAIRU: Standing crops: trees grown in garden lands

DHRUVA PHALA: Staple crop produce

DURBAR A Royal Court: Government of a Ruling Chief

EDAGAI or EDAGAI KULA: A left-hand caste. According to the Karnatic enumeration of the castes, included under this head, they are nine in number:—(1) *Panchala*, comprising five sub-division; as *Kammara*, (blacksmith); *Badagi* (carpenter); *Kansagar*, (brazier); *Kallurutiga*, (mason); *Akkasale*, (goldsmith); (2) *Berisetti*, a class of traders. (3) *Devangada*, a class of weavers. (4) *Ganigar*, an oil maker. (5) *Gollar*, (people said to be employed to carry money) perhaps a mistake for Golla, a shepherd. (6) and (7) *Paliwan* and *Palawan*, two tribes of cultivators. (8) *Beda*, (a low caste of Hindus), living by hunting and catching birds. (9) *Madiga*, a worker in leather; a shoe-maker. The latter is generally "most active in contrast with the right-hand castes. (*Vide* Buchanan's "Mysore")

EKA SAL: One year

FAISAL: Decision: judgment; disposal

FANAM: (i) "The denomination of a small coin long in use in South India (Malayal and Tamil *fanam* meaning money). The *fanam* was anciently a gold coin, but latterly of silver, or sometimes of base gold. It bore various local values, but according to the old Madras monetary system, prevailing till 1818, 42 *fanams* went to one star pagoda, and a Madras *fanam* was therefore worth about 2d." (*Vide* Hobson Jobson.—"A Glossary of Anglo-Indian Colloquial Words and Phrases.")

(ii) "A small coin of either gold or silver, worth 14, *duddus*—4 annas 8 pies (*Mysore Gazetteer*, Vol., II, 1897, edition, page 548.)

FASAL: Crop or produce

FASLI: Revenue year

FERIST: A list or table of contents of a file of correspondence

FIRKA: Sub-Division of a Hobli; the charge of a Shanbhog, consisting of one or more villages

GAUM (*from Sanskrit Grama*): Village

GAMAGANE LEKHKHA; The revenue account of a District containing several villages

GRAMA TERIGE: Village cess; a fine levied on the raiyats who have left their own villages and settled in others

- GAM THAN** : Village site
- GENI OHIT OR CHEETI** : Lease deed
- GHAUT** (*Hindustani*) : (i) A landing place
(ii) A path of descent to a river
(iii) A path of descent from a mountain : a mountain pass
- GIDA PATRIKA** (*also called Jhar Patrik*) : Tree statement. This is one of the most important Survey Settlement Accounts. It contains a description of trees, standing on the lands of a village, with remarks as to whom they belong to.
- GOLLAR** : Originally, an official of the inferior service who keeps the key of the Treasury. (*Notes*.— The Sheristedar had the account and the Amildar used to affix his seal. The Treasury was not ordinarily opened except in the presence of these three persons.) Now, it means an official in inferior service, assistant to the Shroff
- GOMAL or GOBHUMI** : Land set apart for grazing purposes ; pasture land
- GOSHWAR** : An abstract or summary
- GOWDA** : The Headman or Patel of a village
- GUDASTA** : Immediately preceding
- GUMASTA** : A clerk ; also a substitute or officiator as, in Shanbhog
Gumasta
- GUNJAYISHI** : This word is generally used in Kannada official correspondence, in connection with sale proceedings. It means out-bidding another.
- GUNTA** : (i) A well or pond
(ii) $\frac{1}{80}$ th of an acre ; or 121 square yards
- GUTTA** : Lease amount
- GUTTIGEDAR** : One who executes a lease ; a contractor
- HADNAMA** : Boundary
- HADYA*** : Land covered with low brush-wood and small trees from which firewood, leaves, etc., for manuring the fields, are taken.
- HAKKU** : A right
- HALI** : At present
- HAMSAYA** : The rate of assessment paid in neighbouring lands taken as the standard in assessing lands newly cultivated.
- HANGAMI** : Temporary
- HANKALU*** : A reaped field
- HARKAT** : Obstacle, obstruction
- HARAE** : Action
- HASTA** : A rain commencing between 24th September and 7th October millet and gingeli oil seeds are sown at this time.
- HATLAGAVADU TANK** : Tank constructed by one's own cost
- HEGGADE** : Headman of a village

* *Vide* also page 44 of Volume II for fuller explanation of these words.

- HIKKALU** : An outlet for water to drain from one garden to another.
- HINGARU MALE** : The latter rains from July to November, the North East monsoon
- HISSE** : Share, partition
- HISSEDAR** : Sharer
- HITTALU** : Backyard attached to buildings
- HOBLI** : The sub-division of a taluk. This term was also introduced into Malabar by the Mahomedan Government. As in Mysore, the word includes sub division of a taluk, comprehending several villages. It corresponds with "*magani*" in Kanara.
- HUKUM** : An order
- HULBANNI** : Pasturage of unoccupied Government lands. The term is also applied to the Government income, realised from the sale of grass or fees recovered from the raiyats for allowing their cattle to graze on such lands
- HULLUGAVALU** : Pasturage, grazing ground
- HUZUR** : Higher or supreme authorities
- HUTTUVALI** : The produce of a garden or field; the amount of an assessment, rent, income or revenue
- INAM** : This term generally means a gift from a superior to an inferior holder (*Danam*). So, it means a grant of land for religious or charitable purpose, made by Government, sometimes free, and sometimes with light quit-rent or jodi. Inam is same as *manyam*. Technically, a major Inam is a whole village or more than a village; and a minor Inam is something less than a vilage. In most cases minor Inams are merely blocks of lands
(*Vide* also page 219 of this Manual)
- INAMDAR** : The holder of a rent-free grant
- INAM KASAR** : Excess in Inams
- IRSAL PATTI** : List of remittance of cash sent to the treasury; an invoice
- ISAM** : Individual
- ISAMWAR** : Individually
- ISTI HAR** : A notification or notice
- JADTHI** : Search or examination of an account
- JAMAKHARCH** : Receipts and expenditure
- JAMABANDI** : The annual settlement made under the raiyatwari system. *Dittam Jamabandi* is the preliminary Jamabandi conducted by the taluk officer. *Huzur Jamabandi* is the final settlement made by the Divisional Assistant Commissioner or Deputy Commissioner
- JAMEEN** : Security or surety
- JAMIN** : Agricultural land
- JANWAR** : Cattle, Sheep and other beasts of pasture
- JAFTI** : Attachment of property; confiscation
- JAHAGIR or JAGIR** : An estate, held free of payment to Government in the shape of land revenue; rent-free lands or villages granted for services rendered to Government.

JAHAGIRDAR : Holder of a revenue-free grant

JAHIRNAMA : A notice or summons

JARI INAM : A grant of land or other endowment still in force, and not resumed

JARUR : Urgent

JESHTA : Third lunar month corresponding to June and July. An asterism : a rain commencing between 30th November and 12th December. Paddy is sown during this time.

JHADE : An account showing the number of houses, shops, cattle, population, looms, ploughs, etc., of which a town or village consists; final settlement. Hence *Sal Jhade* means Accounts of annual income and expenditure.

JHAR PATRIKA : Statement showing the number and description of trees in each survey number

JIRAYATI : Cultivation of an untilled land; farming; cultivation

JODI : Favourable rent or light assessment, the proportion of which to the full rates varies; quit-rent; grant of land or village on lighter assessment than the proper revenue

JODIDAB : A person holding an Inam village on jodi or quit-rent

JUNARDAR : An inferior official performing the duties of a Vernacular clerk

JURIMANE : A fine

JAVAB : An answer

KABULATI : (i) An account showing the decrease of revenue on account of lands given up by the holders, the increase by new application for lands, the estimated value of batayi cultivation. The account is to be sent by the Amildars once in 10 or 12 days commencing from April till the end of July.

(ii) An agreement or engagement in writing

KABULIYAT BANJAR : Land left waste by the occupant

KACHERI (CUTCHERRY) : An office; A court

KAMMI JASTI PATTI : Statement showing increase and decrease

KAMSHARA : Reduction to a lower grade

KANDACHAR (Spelt also Candachar) : An ancient establishment of peons under the direction of a separate department which partook both of Civil and Military functions, in its relation to the Police Office and the Army. These men trained from their infancy, according to their measure of discipline, to Military exercises were most of them also cultivators of the soil (*vide* Selections from the Records of the Chief Commissioner's Office).

KANDAYAM : Land tax or assessment

KANS : (i) A species of grass destructive to cultivation

(ii) Extensive tracts of green forests which are preserved for the sake of the wild pepper vines, bag and palms, gum trees, etc. The holders of these kans are allowed the privilege of (a) enjoying the said produce; (b) clearing and making use of the undergrowth; and (c) clipping trees for the growth of pepper-tree and for purposes of manure.

KANTHIRAI PAGODA or *Varaha*: A coin named after Kanthirava Raya, worth 10 gold fanams.

KARAR: Agreement

KARTIKA FASAL: November paddy crop. That for April and May is *Vaisakhi fasal*.

KASABA: The chief town of a district or division

KATTE: (i) Anikat or dam in a river or stream. (ii) A pond. (iii) A custom house or place where sayar duties on certain articles were being levied.

KAVAL: Ground reserved for pasturing cattle

KAYAMGUTTA TENURE: "This term, in its literal sense, describes a permanent village settlement; and it probably owes its origin to a time when many villages were depopulated and when the Government found it advantageous to rent out such on a fixed but very moderate lease, the renter undertaking to restore them to their former prosperous condition. These tenures were also largely added to, during the former Maharaja's direct administration of the country, when in several cases flourishing villages were given to favourites at Court. The Kayamgutta lands comprise some of the most valuable inam lands in the Province." (*Vide Mysore Gazetteer, 1897 edition, Vol. I, page 690*).

KAZI: A Mahomedan judge, an officer formerly appointed by the Government to administer both civil and criminal law, chiefly in towns, according to the principles of the Koran; under the British authorities, the judicial functions of the Kazis in that capacity ceased, and, with the exception of their employment as the legal advisors of the Courts in cases of Mahomedan law, the duties of those stationed in the cities or districts were confined to the preparation and attestation of deeds of conveyance and other legal instruments, and the general superintendence and legalisation of the ceremonies of marriage, funerals, and other domestic occurrences among the Mahomedans. (H. H. Wilson's Glossary)

KHALSAT: Assessment on the excess portion of an inam

KHANDI or **KHANDAGA**: Land measure—20 kudus or 10,000 square yards for wet and garden land; and 20 kudus or 64,000 square yards for dry land. Grain measure—120 kudus or 4 bushels, 12'8 pts.

KHANESHUMARI: Census

KHARAB: Land unfit for cultivation

KHARCHU: Expense

KHARITA: The envelope of a letter, especially the ornamental or silk covering of a letter addressed to, or by, a native of rank. Hence the letter itself, particularly one passing between a Native Prince and the Governor-General.

KHATA: Ledger of receipts and disbursements. It consists of firstly the Government account in which the *amounts for recovery* under the heads of [i] Land Revenue, [ii] Local Funds, [iii] Takavi, [iv] Amara, [v] Pasture, etc., are *credited* and remittances from the village to the Taluk Treasury of cash

recovered are debited; and secondly of raiyats' accounts in which each raiyat is debited with his *liabilities* and *collections* of revenue are credited, whenever they take place.

KHATEDAR: Occupant of a Government land

KHAYAM: Permanent

KHETWAR: Register of lands. This Register is the foundation of all revenue accounts.

KHIST OR KIST: Instalments by which the assessment is to be paid by holders of lands to Government.

KHIST-BANDI: A document given to a land-holder showing the instalments payable by him

KHUSHKI: A term applied to unirrigated land

KHUSHKI SAGUVALI: Dry cultivation

KODI: The weir of a tank or reservoir

KODIGI INAMS: Lands granted free of tax, or on a light assessment, in consideration of services rendered in the construction or restoration of tanks, on condition of their being maintained in good repair. But as the repair of such tanks was almost universally neglected by the Inamdars, they have been relieved of the duty, and rules given on pages 248 and 249 of this Manual adopted for enfranchisement of the inams, the quit-rent being credited to the irrigation fund for up-keep of the tanks. (*Vide* Mysore Gazetteer, Vol. I, 1897 edition, page 691)

KODAGIDAR: Holder of a Kodagi Inam

KOLAGA: One-twentieth of a *khandaga*

KOLEROGA: A rot or disease which attacks areca palms

KOTWAL: An official whose principal duty is to furnish supplies to travellers.

KUDU: Land measure—16 padies or pailis or 500 square yards for wet and garden land, and 16 padis or pailis or 3,200 square yards for dry lands. Grain measure—8 acres or 13'44 pints

KULAVADI: A menial among the village servants; a deputy talari who is employed to watch the crops from the growing crops to the granary

KULAVAR: A term applied to accounts and returns, made out with reference to the cultivators, as distinguished from accounts prepared according to the holdings

KULVAR JAMABANDI: Individual Settlement

KULVAR PATTI: A detailed account of the land cultivated by each holder

KUDUS or (KOLAGAS): Old units of measurement of fields

KULA (कुल): A raiyat; holder of a land

KUMRI CULTIVATION: A system of cultivation almost peculiar to certain Malnad hill tribes. A process consisting of burning away the jungly tracts and sowing castor oil seeds, ragi and other dry grains on the ground thus cleared up.

- LAMBANI** : A tribe resembling gipsies, who wander about and earn a livelihood as carriers; sometimes called Brinjaries.
- LASCAR** (*Persian word*) : Same as *Khalasi*. A tent pitcher. In Military Department the word is used to denote an inferior class of artillery men
- LAVAJAMA** : Establishment of a department, drawing pay
- LAVANI FAISAL PATRIKA** : Record of the final settlement of each survey number in the village
- MAGANI** : Sub-Division of a taluk, corresponding to a Hobli or Nad; also portion of a land.
- MAGHA** : An asterism; a rain commencing between 14th and 27th August. (Tobacco and wheat are sown at this time.)
- MAHAZAR** : Award of a Panchayet; a statement made by a number of respectable persons regarding certain facts or events.
- MAJAKURU** : The said, aforesaid, contents
- MALKI** : Value of trees contained in an agricultural land
- MAMOOL** : (n) Ancient precedent; (adj) longstanding
- MANEGAR** : (i) An agent; an accountant;
(ii) An overseer; one who regulates the distribution of water from a tank or other reservoir
- MANYAM** : Privileged land exempt from taxes or imposts; a grant
- MARKUM** : Dated
- MIRASI** : (1) An allowance or perquisite, sometimes paid in money and some times in kind, generally applied to grain, etc., given to village officials or headman by the raiyats.
(2) In the Madras Presidency, this word (spelt also as *Meeras*) is used to devote the hereditary right of cultivation or the right of a tenant and his heirs, to occupy a certain ground, so long as they continue to pay a customary rent of the district.
- MOHATARFA** : Taxes which are not to be included in land-tax or assessment
- MRIGASIRA** : An asterism; a rain commencing between 5th and 18th June. (Paddy, cotton etc., are sown at this season.)
- MAFI or MUFAT** : Free of payment; gratis
- MULA** : An asterism; a rain commencing between the 12th and 25th December. Cummin, coriander, tobacco and other seeds are sown at this time.
- MUNGAR** : Early showers of rain of a year, falling in March or April, being as it were, the fore-runners of the ensuing monsoons.
- MUSAFIRKHANA** : A rest house for Indian Travellers
- MUTCHALIKA** : A deed of agreement binding a person or persons to abide by the conditions and stipulations therein specified.
- MUZRAI** : (i) (*Derived from the Persian word "Mujra" which means deduction or allowance.*) Hence, the word is used to signify grants made for religious or charitable purposes and the upkeep of religious and charitable institutions.
(ii) The Muzrai Department is entrusted with the administration of revenues of religious and charitable institutions

belonging to the Hindus and Mahomedans, such as, temples and chatrams, or feeding houses; Mutt Darogas, Mazjids, etc., enjoying land and money Inams and interest from certain deposits of money lodged by votaries for the fulfilment of certain vows

- NAD** : A district ; a sub-division of a taluk corresponding to a Hobli
- NADIGA** : Village Accountant. The office is hereditary in common with those of all the other village officials. In some places they hold land free of rent, and in others on light assessment.
- NAGADIYAT** : Relating to cash transactions or accounts connected with treasury
- NALA** : A stream or ravine, a channel
- NIRGANTI** : Regulator and distributor of water of a tank or other irrigational work
- NIRSARDI** : Water rate fixed for the use of Government water for cultivation purposes
- NEEMTHAN** : Verification
- NIRAVARI** : Irrigation facility
- NIRUPA** : An order from a supreme authority
- OMEDWAR** (*Hindustani*) : Volunteer ; a candidate for employment
- PAIMAYISH** : Measurement of land
- PAIVASTE** : A year or a month before the last
- PANCHAYAT** : A native Court of Arbitration, usually consisting of five persons
- PAHANI** : Inspection by sight ; estimate from mere inspection without actual measurement or survey.
- PAHANI SUD** : A survey statement showing old and new survey numbers, names of fields, description of tenure, names of occupants.
- PPERIST** : An index ; a list
- PHOD** : Sub-dividing fields
- PHUTKAL PATRAK** : A detailed statement of occupancies, when two or more are included in one and the same revenue survey number, with area and assessment of each.
- PARAMBOKU** : Uncultivated land
- PAKKHAVANE** : Paying into the treasury the revenue collected by village officers
- PURWANNA** or **PARVANA** (*Hindustani*) : An order ; a grant or letter under royal seal ; a letter of authority from an official to his subordinate.
- PATEL** : Headman of a village, the head of village police, in some parts of the State, rent free lands are assigned for their support.
- POTGI** : Yearly remuneration of Patels and Shanbhogs
- POT PAHANI** : An inspection statement like *Pahani Sud*
- PUBBA** : An asterism ; the rain falling between 28th August and 10th September
- PODUVAT** : Investments, generally of money, made by persons for the up-keep and maintenance of temples and other charitable institutions

- PURVABHADRA**: A *star*; the rain falling between 2nd and 14th March
- PURVASHADA**: Also a *star*; the rain falling between 26th December and 7th January. (Cummin, coriander, tobacco and other seeds are sown at this time.)
- PUSHYA**: Also a *star*; the rain falling between 17th and 30th July. (Gram and mangoes are sown at this time)
- RAHADARI**: A permit; passport
- RAIYAT**: A farmer or an agriculturist
- RAITWARI**: A term applied to tracts in which the revenue settlement is made by Government officers with each actual cultivator, without the intervention of a third party
- RAJINAMA**: (i) A compromise
(ii) Resignation or relinquishment
- RASU**: Agricultural cattle
- REVATI**: A *star*. Rain in some places falling between 28th March and 11th April. (The land is ploughed at this time.)
- RIVAZ**: Ancient rate of assessment on each particular field; rate
- ROHINI**: A *star*, rain falling between 22nd May and 24th June. (Paddy, cotton, etc., are sown during this rain.)
- ROOB-ROOB**; Personally; in person
- SADILWAR**: Contingent expenses, usually applied to money allowed for the purchase of stationery.
- SAGU or SAGUVALI**: Cultivation
- SAGUVALI CHIT**: Written permission for the occupation of Government land for purposes of cultivation
- SAGUVALI KATTES**: Bunds (mostly made use of in the Chitaldrug District) intended to intercept and retain the surface drainage of fields, and thus to allow the soil to retain some moisture
- SAGUVALI PATRIK**: Rent roll (Village Account No. 5)
- SALBASAL**: Year after year
- SALJHADE**: Annual Accounts
- SAMSTHANA**: A district or territory belonging to a ruling chief, or a temple; a State
- SANNAD**: A certificate or title deed
- SARVAMANYA**: Villages or lands, held free of all demands, including sayer, mohatarfa, etc.
- SAVAL**: (i) Bidding at an auction sale
(ii) Question
- SERVEGAR**: A chief headman in the Amrit Mahal Department
- SHIKMI**: As a revenue term, it applies to a subordinate tenure in which the holder pays his revenue, or his share of it, through some other person to the Government.
- SHIKMIDAR**: The individual cultivating the land on the above terms; a subordinate cultivator
- SHIKAST** (*Hindustani*): Impaired; requiring repairs
- SHIST (SISTU)**: The fixed standard rate of land, exclusive of other imposts, assessment or tax. (Sthala-rivaz = the ancient rate of assessment on each particular field)

- SISHT-BAKI**: A balance of revenue uncollected from the person from whom due, in contradistinction to *Dast-baki*, a balance collected but not brought to the account of Government
- SHRAYA** (*spelt also Sraya*): Improvement of land by cultivation. A tenure on progressive rental; [waste lands are granted originally at a nominal assessment, the full assessment being charged when the waste land is brought to a good condition.] Waste land granted to raiyats undertaking to reclaim it from jungle and bring it under cultivation, upon leases with progressive increasing rents
- SHROFF**: An official of the Treasury Department who examines the coins received on account of the revenue, affixes his seal to the bags of Treasure despatched to the District or Huzur Treasury and is responsible for all deficiencies in the quality of the coin.*
- SHROTRIYADAR**: The holder of a village, or a certain extent of land granted on easy rent in perpetuity; or for a limited number of lives (generally as a reward for public service) to Brahmins only.
- SIBBANDI**: An establishment
- SILSILA BANJAR**: Immemorial waste land
- SOPPINĀ BETTAS**: Lands held free by raiyats to enable them to use the leaves and rotten wood therein for purposes of manure for their garden and rice lands
- SRIMUKHA**: A communication received from heads of *Matts*
- SULAVANI**: The hearing of a case; personally explaining a case
- SUPARI**: Arecanut
- TABEDARI**: Subordinate service
- TAKARAR**: Disputed; contested case
- TAKAVI**: Advance of money made by Government to (i) land owners or cultivators for the improvement of their land, or (ii) poor cultivators by way of assistance to carry on their cultivation. Recoverable advances made to raiyats to enable them to cultivate.
- TAKHIT** (*also Takid*): An order or direction issued to subordinates
- TAKHTA**: An abstract Statement; a summary or total
- TALAR** (*also Talavara*): Village watchman and Scout, whose duty is to give information to officers, etc., to guide travellers, etc., his only remuneration being the grant of a small extent of rent-free land. In some villages where there is no Talari, the duties are performed by the Toti, his deputy.
- TALAV**: Tank
- TALAV AMANI**: Tank not belonging to any particular village
- TARADUD**: Adoption of prompt measures
- TASDIK**: The annual allowances made by Government to temples
- TĀSAVIZ**: Endeavour, effort
- TOTI**: A menial among the village servants; a deputy Talari, who is employed to watch the crops from the growing crop to the granary.

- UTAR PATRIKA** : A survey record or account, showing whether a particular land is entitled to irrigation from a tank or other source.
- UTTARA** : Remission of land-rent, on account of imperfectly ripened crops from inclemency of season and failure of rain. In Nagar, it is used for Inamti.
- UMBLI LANDS** : Inam lands given to persons from whom generally some service real or nominal, is expected (as indeed was originally the case with nearly every description of Inam).
- VAISAKHI CROP or PHASAL** : The first crop which is generally reaped in May or June, the rice being sown in December or January.
- VAKALATNAMA** : Power of attorney
- VARAM TENURE** : A tenure under which an equal division of produce is made between the land lord and the tenant, the former paying the assessment of the land to the Government.
- VARGA** : A Ledger; the literal meaning of this word is "account"
- VARAS** : Holding or raiyats in the Malnad or hilly taluks of the Nagar Division, situated in the plateau of Western Ghats.
- VARGADAR** : A lease holder, transferee : corresponds to Khatedar.
- VARGAVARGI** : Transfer
- VARAGARAINAMA** : Relinquishment of land in favour of another
- WASUL BAKI** : Statement showing full particulars of each occupant's entire holdings under the old and new systems.
- YADASHT** : A memorandum
- ZAMINDARI** : A term applied to tracts in which the land is held by Zamindars
- ZAMINDAR** : A land owner.
- ZIRATI** (*also spelt Jirayati*) : Agriculture, cultivation ; farming
- ZUBAN** (*also jubani*) : Oral, as opposed to written
- ZULUM** (*Hindustani*) ; Tyranny ; oppression ; extortion
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INDEX.

Subject	Paragraph	Page
A		
Abkari—		
—Revenue of Inam villages	915	266
Accounts—		
Inamdar bound to keep the—of his inam village	Statutory provisions	55
Procedure if he fails to keep the—	79 (a)	56
Imprest to Amildars for getting—of inam villages prepared	79 (b)	56
—of inam villages are public records	88	63
Registers and—regarding Loans Registers	404—note.	348
—regarding Inam villages under Government-Management	341	375
Demand, Collection and Balance—or statements	343	293
—test compulsory for certain appointments	50 (4)	86
—Rules re Village Improvement Funds	444	394
—etc., to be kept by Stamps Vendors	467	418
Acquisition—		
Powers of Revenue Commissioner in Land—proceedings	19 (16)	7
—of landed property by Revenue Officers	89 (i) & (ii)	64
Occupied lands required for communal purposes to be formally acquired under L.—Regulation	105	76
Acquisition of lands—		
Particulars to be furnished in cases of—	420	364
Awards in cases of—	421	364
Publication of the declaration statement in—	422	365
—for Railway purposes	427	367—369
Special Officer for—	426	367
Address—		
Receipt of—es by Government Officer	89 (x)	64
Forms of—es between certain Officers and Patels and Shanbhogs	63	44
Adjudication—		
—of Stamps	452 A	408—409
Administration—		
Mention of the names of Amildars in the—	46 (ii)	29
Reports and Returns dealing with Land—	516	462—463
Administrative—		
—Divisions of the State	8	9
Division of circles into separate Shanbogi charges for— purposes	57	40
Adoption—		
Illatum—among <i>Bedar</i> class to be respected	78 (ii)	55
Result of—to a different gotra	80 (iv)	57
Adopted son—		
—when to hold a village office during his life time only	80 (ii)	57
Advances—		
—to raiyats for earth-work to minor tanks	368 (10)	315
—to encumbered Inamdars	411	345
—to families settling in malnad	426 (iii)	440
Adverse possession—		
Time runs from the beginning of—in suits for hereditary offices	81 (iv)	59
Agency—		
—employed in the restoration of minor tanks	368 (13)	315
Agrahar—		
Definition of—	371 (a)	295
The terms of the grant regarding residence in—to be enforced	Note 2 under 371	295
Settlements of inams in Sringeri	Note 3-Do	295
Conditions on which—inams are granted	371 (b)	295

Subject	Paragraph	Page
Agreement—		
—by applicants for large landed estates ...	11§154 ² (17)	110
—to be executed by inamdars for the introduction of Survey and Settlement into their villages ...	195 (I)	164
—from raiyats to treat the contribution amount payable by them as a loan ...	68 (14)	916
Agricultural lands—		
Licenses to build on— within municipal limits ...	149, 21 (c)	102
Appropriation of—to non-agricultural purposes in inam villages ...	171	185
Building on—in Villages, Towns and Cities ...	214	180
Agricultural implements—		
Definition of—for purposes of the Malnad Raiyats' Special Privileges Rules ...	488, Note 2	487
Akarbands—		
Rates of assessment shown in—for entire survey numbers to be adopted when portions are darakhasted for ...	149 (8)	98
Alienation—		
Cases in which proof of grantee's power of inams—is required	262, Rule VI, notes under Rule IX. 101, 848.	222, 224—226
Particulars to be furnished in—statements submitted to Government ...	848 (iv)	297
—s not to be noticed in column 15 of the Inam Register ...	262 Note 8 Rule IX	226
—of Service Inams not to be recommended ...	67	47
—of Land Revenue to Municipalities ...	146	95
—of village service inams ...	241	244
—of religious inams ...	Notes under 274	241
Procedure in cases of unauthorized—	262	244—245
Long lease of service inams amounted to— ...	263	245
Restoration of—ed inams ...	274	240—241
Allocation—		
—of excess in Minor inams in Maidan ...	302	258—259
—of excess in Minor inams in Malnad ...	309	261
Allotment—		
Rules for the—of gomal lands ...	108	76—77
Amildars—		
Arrangements in short term leave vacancies of—	85 (vi)	23
Arrangements in long term—Do—	35 (i) & (ix)	22 to 24
—to put in at least one year's approved service and to produce equitation certificate to become eligible for confirmation ...	85 (vii)	23
Other Rules for the recruitment of—	36	22 to 25
Promotion of—	46 (1)	29
Practical Training for candidates for the post of— ...	37	24—25
Survey training to—	38 (i)	25—26
Cadre of—	40	27
Diaries of—	41, note	27
Inspection tours of—	42	28
Additional powers and duties of—	43	28
Annual transfers of—	44 (i)	29
—not competent to entertain suits for Talari or other village offices ...	78 (iv)	55
Lopping of Revenue trees vests with— ...	123 (i)	64
Power of—to grant Kharab lands not exceeding ten guntas for building purposes ...	149 21 (d)	108
Amarai—		
Government not entitled to the—produce of charitable topes	199 (i)	88
Amrit Mahal—		
Grant of—kaval lands for cultivation ...	160	119 to 121
Temporary leasing of—kavals ...	160 (4)	121
Ancient Coins—		
—discovered as hidden treasure ...	445	396
Ancient Monuments—		
Preservation of—	481	483 to 486

Subject	Paragraph	Page
Arrears of revenue—		
Recovery of—due by Government servants ...	222 (vii)	186
Prompt recovery and scrutiny of— ...	222 (ix)	187
Coercive measures not to be adopted for recovery of trifling amount of— ...	227 (iii)	192
Proceeding against property other than the land on which—is due ...	229	194
Assessment—		
Remission of—		
—in cases of unauthorized cultivation ...	168 (i)	183
Revision of—on well-irrigated gardens during re-survey ...	182	149
Limits of increase of—permissible during re-survey and settlement ...	192 (iii)	160-161
—on additional lands brought under wet cultivation below private enterprise tanks, during the currency of the settlement ...	272	220
Sanction of Government necessary for granting remissions of— ...	285 (iv)	197
Levy of—on plantations outside defined village sites ...	145	40
Procedure in fixing the—of lands ...	180	148
Payment of—of lands acquired for a Municipality or a Company ...	424	365-366
Assistant Commissioners—		
Revenue Powers of—in charge of Taluks ...	25	17
Tours and inspection of— ...	26	18-19
Memorandum of important matters to be kept by— ...	27	19
Monthly diaries of— ...	28	19
Powers of—to sanction loans for agricultural purposes	25 (2) (i)	17
Diaries of— ...	28	19
Conduct of jamabandi by— ...	30	20
Annual report of— ...	31 (i)	20
Designation of—in District charge ...		
Duties of— ...	22	17
—as Personal Assistants to Deputy Commissioners ...	33	21
—should have undergone training in Treasury work before they are placed in charge of Treasuries ...	32	20
Matters to be paid attention to by—during their tours	26	18
Senior—to be in charge of the District during casual leave of Deputy Commissioners ...	19 (iii)	18
Powers of—and Amildars in Stamping instruments ...	454	411
Assignment—		
—of land revenue to Municipalities ...	146	95
Aali village—		
Right to the Pateli of an—absorbed in the Dakhla village ...	56 (iii)	40
Attachment—		
—of crops ...	227	192
—of estates or villages ...	232	195
Avenue Trees—		
Inspection of— ...	123	84-85
Rules for the settlement of excess in inams granted for the planting of— ...	310	262-263
Protection of— ...	124	85
Cutting of leaves from—for Palace elephants ...	125	85
Awards—		
Modification of—for lands acquired for the Krishnaraja Sagara works ...	425	366
B		
Backward Communities—		
Appointment of men belonging to— ...	51 (ii)	36
Bandhs—		
Substitution of dressed stone for earthen— ...	203	171
Identification of— ...	204	171-172
Maintenance of—in settled inam villages ...	205	172
—Pahini Rules ...	206	172-173
Bateyi—		
—system explained ...	2	1
	Foot-note	219

Subject	Paragraph	Page
Batayi—		
—lands in Inam villages not exempted from Miras payment	71	49
Barabaluti—		
service—	84	81
Form of—Register	88	80
Exemption of—hakdars from house tax	884 (8) (b)	268
Bechirak Villages—		
—made available for large landed estates	154 (a) (c)	108
Grant of new inams to village officers in—	278	289
Birth—		
Priority of—not a preferential claim for successions to a village office	80 (vii)	57
Bill—		
Form of—for commission payable to holders of whole inam villages for collecting quit-rent on excluded minor inams	296 (b)	255
Books—		
Supply of Raiyats' receipt—	75	50
Return of—Do—after examination	858	299
Boundary Marks—		
Inspection of field and frontier—by Assistant Commissioners	209 (b) and 857	175 302
Ignorance of—no excuse for encroachment	96 (vi)	69
Deputy Commissioner responsible for the maintenance of—in settled inam villages	205	172
Tabulated cases of Frontier—Disputes	210	175—176
Brokers—		
Liability of—to shop tax	887 (v)	286
Building sites—		
Levy of the tax on vacant—in villages	888	287
Applications for—exempt from stamp fee	149	(21)
Conversion of agricultural lands in towns and cities into—	214	180
Burial Grounds—		
Selection of lands for—	108	75
Brahmin—		
Appointment of— for the pateli and shanbhogi offices of the same village not generally desirable	77	4
Breeding Bulls—		
Supply of—	485	440—441
Bunds—		
Instructions for removal of grass growing on the—of tanks and chaupals	114	82
C		
Cadre—		
—of Amildars	40	27
Candidates—		
Rules for the selection of—for appointments of Amildars and Deputy Amildars	85	22 to 24
Survey training to—Do—	88	25—26
Departments from which these are chosen	35 (ii)	22
Capitalists—		
Concessions to local—willing to construct quarters for Government officials	484	439
Cardamom Cultivation—	168 (i)	126
Preliminary action to be taken before recommending the grant of gomal lands for—	168 (2)	126
Cart tax—		
System of—	(Intro. note)	264
Rates of—	835	264
Exemption from—	"	265
Casual Leave—		
Officers to state the amount of—at credit, when applying for such leave	34	21
—to Deputy Commissioners	19	18

Subject	Paragraph	Page
Powers of Deputy Commissioners to grant—to Assistant Commissioners, etc.	20	14
Cattle—		
Statement of—mortality	508	452
Quinquennial—Census	504	452 to 454
Branding of—	387	441
Intimation of—Diseases	488	442
Cattle pounds—		
Proceeds of—in inam villages		
Conditions on which Inamdars may open—in their villages	316	267
Cauvery channels—		
Levy of water-rates and contribution on lands commanded by the new—	140	92
Cess—		
Levy of a—in lieu of labour for maintenance work	329	276
Procedure when the majority of raiyats are agreeable to the payment of the—	368 (17)	318
Challan Ferme—		
—for noting re-payments of loans	404	342
Channel—		
—offences	366	311
Rules regarding irrigation by lift along river—	387	331
Arrangements for opening and closing river—s for the hot weather supply	386	380—331
Charge—		
Constitution of Shanbhogs'—s	56	40
Procedure in cases of readjustment of—Do—	57	40
Partition of—Do—	58	41
Shanbhog ordinarily to reside within his—	66	46
Character Rolls—		
Maintaining—for Ministerial officers	54 (iv)	88
Charge—		
—of forts and similar buildings	92	67
Charge of District Treasury—		
Assistant Commissioners to undergo training before holding—	82	20
Chattrams—		
Rules for the settlement of excess in inams granted to etc.	310	262—268
Chavadies—		
Construction of—in villages	432	377—378
Cheating—		
Punishment of village officers in cases of—	65	46
	(ix) to (xii)	
Circles—		
Division of Shanbhogi—into separate charges	57	40
Chowtayi Tanke—		
Levy of local and irrigation cess on lands below—	324	273
Cinchona—		
—Remission of wet assessment Cultivation... ..	162 (i)	123
On lands under	236	199
Cholera—		
Spread of—and preventive methods	442 (1)	369
Adoption of precautionary measures when—is apprehended.	442 (iii) to (xii)	390—391
Claims—		
—of sons for village offices preferred to those of paternal uncles	80 (xi)	58
—of women for Pateli and Shanbhogi offices preferred before 1st July 1909 to be recognised	80 (xii)	59
Classes—		
Special—of Patels	77 (6)	52
Survey—for training Shanbhogs	60	42
Classification—		
—of lands into dry, wet and garden	4	2
—Do—for determining their intrinsic value	185	151—153
Clubbing—		
—of villages holds good in the case of Shanbhogs but not Patels	77 (i)	51

Subject	Paragraph	Page
Code— The Mysore Land Revenue—is the law on Revenue matters	6	8
Coffee— Revenue Commissioner competent to grant relinquished lands for cultivation	12 (ii)	7
General conditions of disposal of lands not applicable to—lands	149 (6)	98
Treatment of forfeited—holdings	223 (v)	198
Relinquishment of—lands	162 (4)	124
—Rules not applicable to maiden parts	162 (5)	
Returned—lands to remain as assessed waste	162 (6)	
Issue of—Title-deeds	162 (7)	
Collaterals— —to come in the absence of lenial descendants of the last holder of village offices	80 (i)	57
Collection— —of public subscriptions by Government servants	90	(i) to (iv)
—of Revenue	221	185
—to be made by the Patal himself	(i) and (ii)	
Commission— —to Inamdars for collection of water-rates on behalf of Government	142	98
Issue of—s to Inamdars	178	144
Form of bill for—payable to holders of whole inam villages for collecting quit-rent on excluded minor inams	296	255
—to Stamps vendors	458	418—414
Communal— Acquisition of lands for—purposes	105	76
Communications— —be forwarded to Government through the Revenue Commissioner	12 (23-II)	10
Companies— Connection of Government officers with the management of—prohibited	89 (iv)	64
Compensation— —of acquired lands to be settled promptly...	428	365
Determination of the—amount in respect of lands acquired for Railways	427	369
	(5) and (6)	
Concessions— —to holders of lands newly taken up under the Vani Vilasa Sagara	189	91
—for the creation of large landed estates	154	109
	(11) and (12)	
—for lands overgrown with lantana	159	116 to 119
Grant of fuel for jaggery-boiling at—rates	438	378
Grant of timber for house-building in malnad at—rates	435	378
—to local capitalists willing to construct quarters for Government officials	494	439
—to Settlers in malnad	485	440
Condonation of delay— —in paying purchase money of coffee or cinchona lands	19	(13)
—in presentation of appeals	...	...
Conduct— Public Service—Rules	89	64
Confidential Reports— —of Assistant Commissioners, Amildars and Deputy Amildars	511 (ii) and (iii)	461
—of District Forest officers	21 (d) (ii)	16
—of officials drawing Rs. 70 and above	54	38
	511 (iv)	461
Confirmation— —of Amildars	85	98—94
	(viii) and (x)	...
Copies— Rules for the grant of—of Government records	477	430—431
Rules regarding the grant of—of inam decisions	316 A.	267

Subject	Paragraph	Page
Copying—		
Stamped—sheets	459	414
Conditions—		
—on which Agrahar Inams are granted	271 (b)	296
Conservancy—		
—of topes	180, 181 and 182	87—88
—of tank bunds and tank-beds	882 to 885	827 to 830
Costs—		
Recovery of—in Government suits	478	432
Construction—		
—of saguvali Kattes	876	823—828
—of Anes	837	328
—of chavadies in villages	432	877—878
—of quarters for Taluk officials	464	489
—and repair of Government Buildings	489	443
Contributions—		
Levy of—on lands commanded by the new Cauvery channels	140	92
Rules regarding the levy of acreage—in the case of irrigation works costing more than Rs. 25,000	879 (4) to (5)	825
Levy of—in the case of irrigation works costing less than Rs. 25,000	880	826
Procedure when raiyats liable to pay acreage—refuse to pay it	879 foot-note	826
Recovery of acreage—in inam villages	881	826—827
Controlling authority—		
—in Revenue matters is the Revenue Commissioner subject to Government	11	5
—in Forest Administration is the Conservator	21 (i) (b)	15
Correspondence—		
Control of official—	12 (28)	9
—on personal or private matters prohibited between Amildars and Deputy Commissioners and their Assistants	45	39
—between Amildars and Deputy Commissioners to pass through Sub-Division Officers	29	19
—matters relating to Forest matters	12 (2 S II)	10
—Do—Education	482	436—437
Cotton—		
—Forests	498	449—450
Monthly Returns of—Goods	518	462
Annual Statement of—mills	514	462
Cultivation—		
Rules for grant of lands for Eksal—	155	111
—Do—Gram—	152	106
—Do—coffee or Cinchona—	162	123—125
—Do—cardamom—	168	125—126
—Do—Rubber	164	126
—Do—Tea	165	127—130
Conversion—		
—into acres the areas of minor inam lands entered in old accounts	301	267—268
Co-occupants—		
Consent of the registered occupant unnecessary for the registry of—under Rule 75 of the L. B. Rules	226 (a) (ii)	191—192
Cooly Huts—		
—in coffee estates are exempt from house tax	384 (8), note 2	288
Court Fee—		
Exemption of applications for building sites from—s	149 (21), note	101
Crop Experiments—		
Supervision of—by Assistant Commissioners	26 (k)	19
Cultivation—		
Expansion of—under the Vani-Vilas Sagara channels	157	113—115
Remission of assessment in case of unauthorized—	168 (i)	139
Person in possession of an occupancy and not Khatedar liable to fine in cases of unauthorized—	168 (ii)	139
—within 50 yards margin of jungle streams	168 (3)	126
Grazing and—in date groves	161	131
—of Sisal Hemp	167	132—133

Subject	Paragraph	Page
Grant of tank-beds for—	158	115—116
—of lands over-grown with lantann, etc.	159	116—119
Grant of Amritmahal Kaval lands for—	160	119—120
—Do—lands containing date trees for—	161	121—123
Unauthorized—of Government lands	168	188
D		
Dacoities—		
Complicity in—not a ground to deprive the hak altogether from the family of the offender	65 (vii)	45
Dakhla village—		
Different Patels for Asli and—s not necessary when these do not form separate circles	77 (2) (iii)	52
Patel's right to a—ceases after its amalgamation in the Asli village	56 (iii)	40
Darkhasts—		
Directions for the speedy disposal of—	149	97 to 108
—for occupancy rights in Amrut Mahal kavals	160 (3)	120
—for lands included in dste reserves	161 (2)	122
Procedure on receipt of—	149 (2) & (8)	96
—for lands subject to the prescribed minima	149 (4)	98
—to be presented to Shekdar in the first instance	149 (18)	99
—for building sites, <i>kanas</i> and <i>hulhittals</i>	149 (21) (a)	101
Darakhast—		
Sales	169	188—185
Date Groves—		
Disposal of lands situated in—	149 (16)	100
Grasing and outivation in—	161 (1)	121
Date Trees—		
standing on lands given out for cultivation not to be reserved	150 (2)	104
How lands containing—should be dealt with during re-survey	190	159
Default—		
in payment of arrears of revenue not to affect the hereditary <i>hak</i> of village officers	65 (ii)	44
Dauhitrās—		
In cases of succession to village offices—to be preferred to agnates	80 (x)	58
Deputy Amildars—		
Powers of Special—Krishnaraja Sagara Works	41	27
Deputy Commissioners—		
General description of the manifold functions of—	9	3—4
Memoir of important matters to be kept by—	13	10
Tour statements of—	14	11
Relation of—with Forest Officers	21	15
—not to leave jurisdiction without previous sanction of Government	18	18
Powers of—to grant casual leave to Assistant Commissioners and Amildars	20	14
—to sanction estimates regarding maintenance and restoration of tanks	268 (7)	814
—to incur expenditure, within certain limits for the prevention and suppression of epidemics	441 (11)	339
Powers of—and Sub-Division Officers to check the Diaries of Amildars	42 (5)	23
—to conduct jamabandi of one or two taluks	367	303
—are authorized to grant <i>sannads</i> of appointments to Patels	77 (5)	53
—not competent to revise an order passed by his predecessor	83 (1)	60
—may enforce production of accounts of Inam villages.	83	63
—to be in charge of all forts and similar buildings	92	67
—may dispose of lands not required for the purpose for which they were acquired	93	67
—not competent to fix temporary water rates	134 (1)	30
Deamukh Inams—		
Treatment of—	278	248
Devadya—		
Resumption of—inams for failure of service	275	241

Subject	Paragraph	Page
Devadya—		
Restoration of alienated—inams	274	240—241
Treatment of excess in—inams	302 to 309	268 to 262
Remission of Khalsat on—inams	311	264
Resignations of— inams by Archaks not valid	276	242
Decision—		
No suit lies against a—of Government finally adjudicating the claim to a village office	82 (ii)	60
Defaulter—		
Land in the possession of actual—to be proceeded against for arrears	216	182
Demand Notice—		
Non-issue of—to the Khatedar is a serious omission	215 (ii)	182
—to be correctly prepared	222 (viii)	187
—to be served on the interested persons whose names are registered in the Special Notice Register	175 & 226	140 191
Demarcation—		
—of survey numbers	188	150
Deprivation—		
Offences relating to Government property by village officers entail—of family hak	65 (vi)	45
Designation—		
—of Assistant Commissioner in District charge	22	17
Destruction—		
—of rates in the off-plague season	443—V— (viii)	393
Diaries—		
—of Assistant Commissioners	28	19
—of Amildars ... ..	...	27
—of Shekdars ... ..	...	34
Deputy Commissioners and Sub-Division officers to check the—of Amildars and Deputy Amildars	42 (5)	28
Diluvion—		
Portions of agricultural lands lost by—	158 (iii)	107
Disinfectants—		
Custody and issue of—and medicine	441 (7)	387
Discount—		
Rates of—allowed to licensed stamp vendors	458	414
Dismissal—		
—of village officers unwarranted for non-payment of arrears	65 (ii)	44
Procedure to be followed in case of—of officials	91 (d)	66
Disposal—		
—of lands not required for purposes for which they were acquired	93	67—68
—of minor forest produce	127	66
Speedy—of darkhasts	149	97 to 103
Restrict—		
Revenue Commissioner's powers to declare by what officers—of defaulter's property could be made	12 (12)	7
Excise officials not to be invested with powers of—	230	194
District Officers—		
—to keep a memoir of all important matters	18	10—11
Dismissal—		
—from village offices and deprivation of haks thereto... ..	65	44 to 46
Disputes—		
—relating to boundaries of villages	207 & 208	173 & 74
Irrigation—	308	331
District Sheristedar—		
Tests to be passed by—	50 (4)—5	86
Diversion—		
—of hallas	96 (ix)	70
Division—		
Administrative—s of the State	7 & 8	8
—of shanbhogi circles into separate charges	57 (i)	40
—of lands into fields	184	150—151
Documents—		
Impounding— ... ..	...	410
Duty—		
Who has to bear Stamp—on Security Bonds	85	82

Subject	Paragraph	Page
Duties—		
Powers and—of Revenue Commissioner	12	5 to 10
Do—of Deputy Commissioners	20	14—15
—of Assistant Commissioners	17	18
—of Personal Assistants to Deputy Commissioners ..	38	21
—of Amildars	42 & 43	26
—of Shekdars .....	...	34
E		
Ek-sal—		
Rules for the grant of assessed waste lands for—cul- tivation	155	111
Efficiency—		
—of Shekdars	48 (5) to (9)	81-82
—of village officers	80, 62	42
Elephants—		
Cutting of leaves from Avenue trees for Palace— ..	125	85
Eligibility list—		
Rules to be observed in the preparation of the—of candidates for Amildari and Deputy Amildari	85 (iii)	22-23
Preparation of the—of officials for appointments of Rs. 50 and more	53	37
Embezzled money—		
Recovery of—	65 (iv)	45
Emoluments—		
—of village officers	67	47
Suit for the recovery of—of a village office not to pre- cede the establishment of the claim thereto—	70	48
Encroachment—		
Obstructing a pathway not recognised by the Survey Department is no—	96 (iv)	69
Ignorance of boundary marks is not a valid excuse for— ..	.. (vi)	69
Mere ploughing of the pathway is no— .....	.. (v)	69
Procedure in dealing with—s .....	.. (vii)	69
Endorsements—		
—granted to petitioners should be full	479	432
Enfranchisement—		
—of inams	262	222
Refusal of—Do—	VI (b) & (c)	232
Transfers of enfranchised inams	Foot-note	232
—	293	232
—	269	232
Epidemics—		
Definition of—	441 (1)	386
Rules for combating—	441	385 to 389
Outbreak of—to be promptly reported	441 (3)	386
Preliminary action to be taken on the occurrence of— ..	441 (4)	386
Procedure when—other than cholera, small-pox or plague occur	443A	394
Earth-salt—		
Rules for the manufacture of—	341	268 to 290
—manufactured in houses not liable to the tax	341 (b)	269
Exportation of—into the Madras Presidency prohibited ..	.. (a) VI	268
Erosion—		
—from flowing water caused to the lands of an Inam village	153	107
Equitation—		
—Certificate to be produced by Amildars and Deputy Amildars before confirmation	35 (viii)	28
Establishment—		
Irresponsible and unpaid men not to assist the paid— ..	32	37
Scale of Taluk—s	55	36
Rules for recruitment of Revenue—	50	35-36
Estates—		
—of minors to be looked after by Revenue Officers	452	208
Evacuation—		
—of plague infected houses	443	393
	V (iv) & (v)	

Subject	Paragraph	Page
Exchange—		
Mutual—of Shanbhogi Baravards of duly constituted firkas	78	60
Extension—		
—of villages	102	75
Examinations—		
—to be passed by Amildars and Deputy Amildars and officials of the Revenue Department	50 (4)	86
Excess—		
Old system of measurement of lands for the treatment of—in minor inams all descriptions of	801	257
—in whole inam villages	804	259
—in excluded minor inams	805	260
Allocation of—in minor inams	806	260
Treatment of—in minor inams in settled maidan taluks	802	258
Allocation of the—in mainad inams	809	261
Rules regarding the settlement of—in inams granted to chattrams, musafirhanas, topes and avenue trees	810	262-268
Treatment of—in temple inams	689	...
Excise Revenue—		
Rules for the settlement of claims to—in inam villages	815	256
Exemption—		
Cases of —from payment of house-tax	384	262
F		
Facilities—		
—to villagers	492 to 496	377 to 379
Faisal Patrik—		
—to be referred to in supplying omissions in Khetwar Patrik	149 (ii)	99
Famine Administration—		
Powers of the Revenue Commissioner <i>re</i>—	...	...
Famine Commissioner—	12	8
Revenue Commissioner to exercise the powers of the— in the absence of a specially appointed—	(26)	...
Fields—		
Advantages of the—system	184 Note	151
Fine—		
Powers of Amildars and Deputy Amildars to—village officers	48 (v)	26
Person in possession of an occupancy and not khatedar liable to—in case of unauthorised cultivation	168 (ii)	138
Fining—		
—of Taluk Sheristaders	91 (a)	65
Forecasts—		
—of crops	494	477
—of cotton crops	493	449-450
—of wheat crops	499	470
Preliminary—of Sugar-cane	496	449
Formal enquiry—		
A—should invariably be held in dealing with encroach- ments on public roads	96 (vii)	69
Form—		
—of addressing Patels and Shanbhogs by other than Revenue Officers	63	44
Supply of khirdi and patta—s to Shanbhogs	75	50
—of security bonds	87	58
Forest Lands—		
How—are dealt with during re-survey	189	158-159
Forfeited Occupancies—		
Arrears of revenue generally remitted when—fail to realize the same	228 (iv)	198
Restoration of—or alienated holdings apply to coffee lands	.. (v)	199
Forfeiture—		
—of the hak of a village officer's family not warranted for petty faults; nor the cases of complicity of dacoities	65 (vii) & (viii)	54

Subject	Paragraph	Page
Declaration of—	228 (i)	192
Amildars not competent to delegate to their Sheristadars the power of—	228 (ii)	192
—not a proper remedy for recovery of excise revenue or mohatarfa	228 (iii)	198
Power of—not to be exercised by an Amildar, if it is not delegated to him	228 (vi)	198
Forest produce—		
Disposal of minor—	127	86
Forest Settlement—		
Instructions for—	446	899 to 402
Relation of the Special—Officers with Deputy Commissioners and Revenue Commissioner	448	408—404
Forest Officers—		
Powers and duties of District—	21	15
Forest Settlement—		
Revision of the—made by an Assistant Commissioner...	449	404
Forts—		
—and similar buildings to be in charge of Deputy Commissioners	92	67
Disposal of—stones	92	67
Fractions—		
Elimination of—in the calculation of survey assessment, quit-rent or combined jodi and quit-rent	262	228
	Inam Rule XVI	
Fraudulent Inam—		
—to be fully assessed	Do VII	228
Fruit Trees—		
Rules for the grant of waste lands for planting timber and—	499 (ii)	884
Free Grants—		
Lands excepted from the operation of the Rule of—	149 (10)	99
—of wood for the construction of chavadies	482 (ii)	878
—of thorns and prickly shrubs from Amrut Mahal kavals	434	368
—of suitable sites for the construction of quarters for Taluk officials	494 (2) (i)	489
Fuel—		
—for jaggory boiling at concession rates	433	378
Furniture—		
Powers of Deputy Commissioners to sanction purchase of—	90	14
G		
Garden—		
Regulation of water-supply to—s under tanks	135 (iii)	90
Revision of assessment on well irrigated—s during re-survey and settlement	182	149—150
Powers of Revenue Commissioner to grant lands for—cultivation	12 (7)	6
—s irrigated from well	Note under 185 (b)	152
Assessment not leviable on— lands within village sites.	145	95
Gears—		
Oiling and clearing sluice—of restored tanks	362	308
Gida Patrika—		
A mere entry in—does not create a claim to trees	116	83
Golf Club—		
Lands in the possession of—Bangalore	213	178—179
Gomal lands—		
Demarcation of—bordering on Amrut Mahal Kavals	113	81
Allotment of—in Government villages	108, 109	76—77
—Do —Inam villages	197	166
Village and sketch maps to be submitted along with applications for—	...	...
Particulars to be furnished to Government when— or Soppinabetta lands in Malnad are to be granted for wet cultivation	106	76

Subject	Paragraph	Page
Gomal lands—		
Appropriation of—in alienated villages for cultivation purposes	104	75—76
Providing fresh—in villages with insufficient gomal	109 (i)	77
Rules for the temporary grant of—for gram cultivation	152 (1) to (8)	108—107
Effect of according sanction to the appropriation of—for cultivation	151 (vii)	105
Grant of—for cultivation in Malnad	151 (vi)	105
Rules governing the disposal of—and other reserved lands	149 (15) and 151	104—105
Treatment of—during Re-Survey	151 (ix)	106
Grant of—for cardamom cultivation	163 (2)	125
Rules for encouraging improvement of—	110	77 to 79
Grazing—		
Right of—cattle in free pasturage lands of a village...	111	80
—and cultivation in date groves	161	121
—in the <i>hulbanni</i> lands of another village permissible, if mutually agreed to by the residents of both the villages	118	81
Government Officers—		
Receipt of addresses by—	89 (x)	64
Acceptance of presents by—	89 (ix)	
Collection of public subscriptions by—	90	65
When—may act as arbitrators	89 (xiv)	65
Gram Cultivation—		
Rules for the temporary grant of gomal lands for—	152	106—107
Grass—		
Disposal of—growing on the rear slopes of bunds of tanks and channels	114	82
Guardians—		
Definition of—	Foot-note	407
Object of the—and Wards Regulation	Entry-note	407
Gumasta—		
Appointment of— for minor shanbhogs and patels...	62	48
H		
Hak—		
Deprivation of—to village offices from the family of the offender	65	44—45
Hakdars—		
—not allowed to do Shanbhogi duties by rotation	72	50
Long-standing possession and enjoyment of a village office by—not to be disturbed in favour of other—	778 (iv)	52
Hallas—		
Diversion of—	96 (ix)	70
Headquarters—		
—of Revenue Sub-Division Officers	24	17
Heirs—		
Right of the—of the Patel of a <i>Dakhla</i> village	56	40
Heritable—		
Right to officiate in a village office not to be regarded as—	80 (vi)	57
Hikkals—		
Marking of—and foot-paths, etc., in village maps	207	169
Hisedars—		
Removal of—unauthorizedly alienating Service inams	67	47
Horses—		
Deputy Commissioners, Assistant Commissioners and Amildars to maintain suitable—	16, 39	12, 26
Return of—and saddlery	39 (iv) & (v)	25
Honge Leaves—		
—for manure	128	87
Leasing of—and seeds	129	
Hot Weather—		
Arrangements for the—supply of water for lands under river channels	386 (9)	381

Subject	Paragraph	Page
House Tax—		
Not more than one—to be levied on a house	884 (2)	238
Exemption of Barabalnti hakdars from—	884 (8) Note 2 (b)	238
Houses of khatedars situated in the village in which they reside and in which they hold lands are exempted from—	884 (8) Note 2 (c)	
Hulbanni—		
Rules for the sale of—	112	80—81
Reservation of kans from—sales	112 note 2	81
Sub-sales of—rights not to be interfered with	112 note 1	81
House building—		
Timber for—in Malnad	435	378
—on agricultural lands in villages	170	135
Localities in Bangalore City where—is prohibited	211	177—178
Hulgalval tenure—		
Conditions on which—is granted and held	148	97
I		
Impounding—		
—documents	Statutory provisions	410
Imprests—		
—to Amildars for tank maintenance work	395	337
—for expenditure under epidemic charges	411 (3)	389
—to Amildars to get the accounts of inam villages prepared	79 (b)	56
Improvement—		
Village—	Intr. note	377
Various directions in which—of existing villages may be effected	445 (e)	336
Rules for encouraging—of gomal lands	110	77 to 79
am—		
Interpretation of the term—	1st para of intry-note & 262—XIX	238 219
Classification of—s	Para 8 of intry-note 262—IV	220 221
—Settlement Rules	262	221 to 220
Kodagi—s	237, 263 & 269	247 to 250
Treatment of religious and charitable—s	262—V	221
Resumptions of charitable—s for failure of service	275	241
Alienation of Village Service—	281 282 & 285	244—245
Alienation not to be noticed in column 15 of the— Register	262 notes & 266	246
Treatment of—granted to artisans in case of non-performance of service by them	260	243—244
Nature of—not changed by imposition of full assessment	264	246
Nature of malnad—s	Intr. note	236
Settlement of malnad—s	273	237 to 239
Conditions on which Agrahar—s are granted	271 (b)	235 to 236
Umblis—s	277	242
Desamukhs—s	278	243
Recognition of Pateli Umblis—s in the Manjarabad Taluk	279	243
Settlement of Agrahar—s in Sringeri	271—note 3	236
Conversion into acres the areas of minor—lands entered in old accounts	301	257
Excess in excluded minor—	305	260
Excess in whole—villages	304	259
Treatment of excess in minor—in settled maidan taluka	311	254
Treatment of excess in temple—s	303	259—269
Rules for the settlement of excess in—s granted to chartrams, musafirkans, topes and avenue trees	310	269—263
Resignations of portions of—s when permissible	264 & 303— note 230	259

Subject	Paragraph	Page
Inam--		
Resignation of temple—s by Archaks not valid ...	276	242
Grant of fresh—s in lieu of those rendered unfit for cultivation not permissible ...	267	281—292
Resignation of whole—s ...	268	292
Grant of—s to village officers in Bechirak and new villages ...	278	299
Rules regarding the grant of copies of—decisions ...	316 (a)	267
A brief sketch of the various descriptions of land—s in Mysore ...	Foot note	221
Register of changes of—s ...	269 (ii)	292
Loans to temple—s ...	402	342
Amalgamation of—dept. with the Survey Office ...	318	268
Inamdar--		
Issue of Commissions to—s ...	178	144—145
Powers of—s to dismiss village officers for insubordination, etc. ...	79	55
—s not entitled to proceeds of cattle pounds in Inam villages ...	316	267
Liability of minor—to pay jodi, local cess, etc., to the village Inamdar ...	...	...
—not bound to give the water of his tank for lands outside his village ...	136	91
—'s right to make nominations of village officers in his village ...	79	56
—s bound by the same Rules in respect of village officers as in unalienated villages ...	79	55
Commission payable to—s for the collection of water-rates ...	142	98
—Do—Quit-rent on excluded minor inams ...	295	255
—'s right to timber in his village ...	314	266
—Do—to Sayer and Abkari Revenue ...	315	266
Inam Settlements--		
Period for appeals against— ...	262 xxii	229
Inam tenure -		
Cancellation of—of inams of a dismissed village officer ...	65 (iv)	45
Inam Villages--		
Directions for taking—under Government management ...	428	370—371
Period of limitation applicable in suits for the recovery of arrears of revenue in—under Government management ...	Foot-notes	372—373
Inamdars not entitled to proceeds of cattle pounds in— ...	316	267
Lands in direct occupation of Inamdars liable to assessment when their—are taken under Government management ...	428 (v)	371
Procedure to be observed in introducing survey and settlement into— ...	195	168 to 166
Agreement to be executed by holders of—for settlement ...	195 I	164
—resumed for arrears of revenue not to be re-granted on the old tenure ...	79 (a)	56
Accounts of— ...	219	184
Recognised shares of—to be proceeded against for arrears ...	220	185
Resumption of— ...	171	135
Appropriation of agricultural lands in—for other purposes ...	428	370—371
Management of— ...	480	374—375
Appointment of managers for— ...	428 (vi)	372—373
Responsibility of Government in collection of revenue of—under their management ...	196	166
Survey rates in— ...	197	166
Allotment of gomal lands in— ...	429	373—374
New occupancy rights in— ...	431	375
Reports, returns, etc., connected with— ...	88	63
Village accounts of—are public records ...	317	268
Sub-division of lands in ...	...	...

Subjects	Paragraph	Page
Inoculation— —for plague	448 V-(vi)	398
Information— Official—received by officers of Government not to be communicated to the public and to the press	89 (xi) & (xii)	64
Institution fees— Recovery of—in pauper suits	20, 490	14, 444
Inspection— —duties of Assistant Commissioners	26	18—19
—duties of Amildars	49 & 48	28
—of villages in the interior	15	12
Surprise—s by Supervising Officers	26	18
Inspection Register— Village—to be maintained in each village	77 (7)	54
Instructions— —for the speedy disposal of Darkhasts	149	97 to 108
Insubordination— Removal of a shambhog or patel for gross—does not deprive his family of the hak altogether	79 (a)	56
Introduction— Procedura to be adopted for the—of survey and settlement into Inam villages	195	168 to 165
Irrigation— Rate of—cess	321	272
Rules regarding—by lift along river channels	387	331
Settlement of—disputes	388	331
Irrigation Cess— Distinction between water-rate and—	133	89
Levy of—in settled taluks	326	274
Purposes for which the—is utilised	322	278
How—is to be levied during revision settlement	323	278
Calculation of—in Inam villages	...	...
Items constituting the—Fund	326	274
—not to be collected in Inam villages the tanks of which are fed by jungle streams	...	...
—not to be levied on Khushi Bagayet and Dhruvapairu Bagayet lands irrigated entirely by private wells	...	...
Levy of—on lands below Chowtayi tanks	321	273
Rules for the administration of—Fund	327	275—276
Objects for which the—should not be used	327a	277
Itineration— Rules regulating the—of Deputy Commissioners	14	11—12
Rules regulating the—of Assistant Commissioners	26	18
Rules regulating the—of Amildars	42	28
Itinerant traders— —to pay taxes	337 (iv)	285
J		
Jabgir— Settlement of Agrahar Inams in the Sringeri—	271, note 3	236
Jamabandi— Object of—	352	299
Nature of—	354	299
Review of—reports by the Revenue Commissioner	12 (2)	6
Sub-Division Officers generally to conduct the—of the taluks included in the Sub-Division	30	90
Duties of—Officers	357	301 to 304
Examination of Village Accounts during—	356	300—301
Rajyats' receipt books called for during—	353	299
Police officers not to be deputed to—work	357 notes	303
Commencement and end of—	355	300
—officer to take his establishment along with his	358	304
Deputy Commissioners to conduct—of one or two taluks	30, 357, note 2	30, 301
—reports to be submitted after completion of the work	357	301
Enquiry regarding service inams during—	357	308

Subject	Paragraph	Page
Jamabandi—		
Notes of results and statistics to be taken by—		
Officers	80	20
—officers to see that the minor village servants are not deprived of the Miras	71 (iii)	49
—officers not competent to revise the wet and garden rates	184 (ii)	90
Jamabandi Reports—		
Revenue Commissioner to review—	12 (2)	6
Jodi—		
Lapse of— inams	272 (viii)	289
Remission of— on the relinquished portion	264 (ii)	231
Mahal— Villages	270 (2)	233
Cases of non-payment of— entered in the Jari accounts how dealt with	292 note	252
Combination of— and quit-rent	299	256
Jungle streams—		
Liability of lands irrigated by— to water-rate	135	90
Utilization of water flowing in— passing thro' private holdings	135 (iii)	90
Cultivation within 50 yards margin of—	168 (3)	126
Jurisdiction—		
Deputy Commissioners to obtain previous sanction of Government for leaving their—	18	13
Civil Courts have no— in respect of claims for recovering possession of lands sold for arrears of revenue	241 (iii)	206
Do— do— disputes relating to the use of Government water	135 (iii)	90
— of Civil Courts over suits between members of the hakdar's family for the possession of service inams	260	218
Joint offices—		
— not recognizable under the Village Offices Regulation	82 (iv)	60
K		
Kadim—		
— Tenants	2	1
Kadim tenancy—		
Effect of a revenue sale on—	226 (vii)	193
Kandayam—		
Payment of— on lands included in mining leases	98 (1)	71
— to be paid to the Patel and not to the person who serves the demand notice	221 (iii)	185
Payment of— by an occupant of the land other than the registered holder	221 (vi)	126
— paying lands	2, 3	1—2
To whom— should be paid	221 (iii)	185
Responsibility for payment of	215	181
Kans—		
— occupied and unoccupied	107	76
Reservation of— from <i>hulbanni</i> sales	112—note 2	61
Kavals—		
— not required by the Amrut Mahal Department to be resigned in favor of the Revenue Department	160 (1)	119
Darkhasts for occupancy rights in Amrut Mahal—	160 (3)	130
Kayangutta—		
Nature of— Inams	270 (1)	333
Investigation into the validity of— tenures	270 (3)	334
Khalsat—		
Remission of— on temple inams	302 (b)	269
Khaneshumari—		
— account to be kept regularly	506— Foot-note	454
Khatedar—		
Interpretation of the word—	215 (i)	181
Person in possession of an occupancy and not— liable to fine in cases of unauthorized cultivation	163 (ii)	133
Responsibility of— to pay the assessment of the entire holding	215 (ii) & (iii)	182

Subjects	Paragraph	Page
Khatedar—		
Protection of interests of persons other than—	...	216
Khetwar Patrik—		
—to contain a note of classes of lands exempt from free grant	...	149 (11)
—to be consulted in determining the disposal of land...	...	149 (12)
Lands assigned for special purpose to be entered in—	...	149 (18)
Kodagi Inams—		
Nature and settlement of—	...	289
Khirdi forms—		
Supply of—to Shanbhogs	...	75
Kodagi tanks—		
Trees on lands of enfranchised—belong to Government	...	119
Kodagidars—		
Rights and liabilities of—after settlement	...	290
Kodi—		
Water used from the—of a Government katte liable to water rate	...	137
Krishnarajassagara—		
Modification of awards for lands acquired for—	...	425
Powers of Deputy Amildars in charge of—works	...	41
Levy of water rate on lands commanded by the—channels	...	141
Rules for the grant of lands under—	...	156
Kuduvai wife—		
The hak of a wedded wife's son's son to be preferred to that—of—'s son	...	80 (v)
Kuranga Stones—		
The right to—in Inam villages vests absolutely in Government	...	100
L		
Lands—		
Disposal of—not required for the purpose for which they are acquired	...	93
Kandayam on occupied—included in a mining lease	...	98
Liability of irrigable dry—to pay wet rates...	...	181
Grant of unassessed waste—	...	149 (3)
Resumed coffee—to remain as assessed waste—	...	162 (6)
Darkhasts for—included in date reserves	...	161 (2)
When gomal—may be granted for cardamom cultivation	...	163 (3)
—in the vicinity of Railway Stations to be entered in Khetwar Register	...	149 (18)
Unauthorized interference with Government—	...	96 (xi)
Assessment on Soppinabetta—assigned for supari gardens	...	106
Pendency of darkhasts for—	...	149 (1)
Classes of—to be sold by public auction	...	149 (10)
Disposal of Amrut Mahal Kaval—and—containing Sandal trees	...	149 (17)
Disposal of—in the vicinity of Railway Stations	...	149 (16)
Disposal of—affected by large Irrigation Projects	...	149 (19)
Rules for the grant of assessed waste—for Ek-sal cultivation	...	155
—reserved for communal or other purposes not to be given for Ek-sal cultivation	...	155 (2)
Disposal of—commanded by Krishnaraja Sagara	...	156
—in the possession of Race Course Committee, Bangalore City	...	212
—in the possession of Golf Club, Bangalore City	...	213
Taking possession of acquired—	...	222 A.
Compensation to be settled promptly for—acquired	...	223
Payment of assessment on—acquired for a Municipality or a Company	...	224
Land Administration—		
Returns dealing with—	...	216

Subjects	Paragraph	Page
Landed Estates—		
Rules for the grant of large—	154	108 to 110
Land Revenue—		
—on agricultural lands within the Municipal limits not assignable to Municipalities	146	95
Recovery of—	219 to 222	188 to 195
The purchaser is liable for all instalments of—becoming due subsequently to the date of sale	229	204
Land Revenue Code—		
Introduction of—	6	8
Lantana—		
Concessions for lands over-grown with—	159	116 to 119
Leave—		
Powers of the Revenue Commissioner to grant privilege—to Assistant Commissioners, Amildars, and District Sheristadars	12 (26)	8
Utilization of casual—by Deputy Commissioners	19	18
Powers of Deputy Commissioners to grant casual—to Assistant Commissioners and Amildars and other ministerial officers	20	14
Lease—		
Grant of mining—s	97	71
—of minor forest produce	127	86
—of Honge leaves and seeds	126, 129	87
Leaves—		
Cutting—from avenue trees for Palace Elephants	125	85
Lending—		
—of Taluk Office Records to Shanbhogs	74	50
Levy—		
Instructions for—of water rates	188	99
—of water rate on lands commanded by Krishnaraja Sagara Channels	141	92
—of acreage contributions	379, 860 & 381	824 to 827
—of Railway Cess	381	281
—of tolls	342	290 to 292
Liability—		
—to pay Kandayam on occupied lands included in a mining lease	98	71
—of Co-occupants for payment of assessment of the entire holding	217	192
Licenses—		
Scope of Prospecting—	98 (iv)	71
Grant of— for lime stone	99	72-78
—to Stamp Vendors	457	413
—to build on agricultural lands within Municipal limits	149 (21) (c)	102
Lift—		
" Garden " includes land irrigable by—	182—note 2	150
Irrigation by—along river channels	337	331
Lime Kilns—		
Tax on—	336	285
Limitation—		
Questions of—in suits relating to village offices	81	59-60
Period of—for the recovery of arrears of revenue in Inam villages under Government management	Foot-notes	372-378
Limestone—		
Grant of Licenses for—	99	72-78
List—		
—of candidates eligible for Amildari	35 (ii)	23
—of officials eligible for posts of Rs. 50 and upwards	58	37
—of lands available under the Large Landed Estates Scheme	154 (3)	108
—of lands reserved as date groves	161 (3) (c) & (c)	122, 123
Local Cess—		
Incidence of—	319	269-270
Items on which—is levied	320	270 to 272
Explanation of " Forest produce " for purposes of the levy of—	319-note 1	270
Village officers not exempted from the payment of—	319-note 2	270

Subjects	Paragraph	Page
Local Cess—		
Items exempted from the levy of—	820-note 4	272
Rules for the valuation of whole inam villages for levying quit-rent and—	294	252 to 254
—to be levied on the full assessment on lands below private enterprise tanks	824	278
Lopping—		
Instructions for—avenue trees	128 (i) & (ii)	84—85
Loans—		
Security for—	899	899
Powers of Revenue Commissioner in the administration of—under the Land Improvement—Regulation	12 (20) to (24)	8
Powers of Assistant Commissioners to sanction—for agricultural purposes	25 (2)	17
Powers of Amildars —Do—	49 (ii)	28
Objects for which—may be granted	Statutory provisions & 418	889
Re-payment of—	408 (9)	848
Applicability of—Rules to Inam lands	402	842
Challan for noting repayments of—	404	842
—of cocoonut cultivation	406	848
—for irrigation wells	408	848
Responsibility of officers sanctioning—	409	844
—for construction of Saguvali Kattes	410	844
—for fruit cultivation	412	845 to 847
—for Sericulture	413	847 to 849
Registration of—orders	401	841
—to fruit and flower gardens	414	849
Registers and Returns regarding recovery of	404-note	848
—for Agricultural and Industrial Operations and purchase of Machinery	416	851 to 857
—for Dairy Farms	417	857 to 859
—for Rural and Cottage Industries	418	859—860
Lopping—		
—of Avenue trees	128	84—85
M		
Marches—		
—should be slow for the inspection work to be useful...	96	18
Mahal Jodi—		
Treatment of—villages	270 (3)	233
Maidan—		
Coffee rules not applicable to—parts	162 (5)	124
Maintenance—		
Tank—Rules	860	806 to 808
Details of tank—work	Foot-note	806—807
—of channels under the Vani Vilasa Sagara	363	809
Raiyats' liability regarding cumulative neglect of annual—of tanks	361	806
Rules for the—of inam tanks	389	833
Inamdars responsible for the proper—of inam tanks	390	833
—of tanks not brought up to standard	375	821
Imprests to Amildars for tank—work	395	837
Malnad—		
—Raiyats' special privilege rules	436	360 to 362
Concessions to Settlers in—	435	440
Malnad Inams—		
Nature of	Intr. note	295
Settlement of—	273	257
Allocation of the excess in—	308, 309	251
Measurement—		
—and demarcation of lauds	183	150
Managers—		
Appointment of—in inam villages	430	374—375

Subjects	Paragraph	Page
Mannrs—		
Honge leaves for—	128	87
Memoir—		
Every Deputy Commissioner to keep a—of important matters connected with the administration of the district	18	11
Memorials		
Submission of—	69 (xvi)	65
Memorandum—		
—of important matters to be kept by Assistant Commissioners	27	19
—of the Sanitary Commissioner on Village Planning and Sanitation	445	894 to 897
Mills—		
Annual statement of Cotton—	514	462
Annual statement of Wollen—	515	462
Mining—		
Classes of lands included in a—block	98 (ii)	71
Mining Lease—		
Revised Rules for the grant of—s	97	71
Kandayam on occupied lands included in a—	98 (i) & (ii)	71
Mining Operations—		
Further sanction of Government unnecessary for— in agricultural lands included in the lease	98 (iii)	72
Minimum—		
—period to be spent by Amildars and Deputy Amildars in touring	42 (i)	26
Minor Inams—		
Conversion into acres the acres of—lands entered in old accounts	301	257—258
Excess in excluded—in inam villages	305	260
Allocation of excess in—	306	261
Treatment of excess in—in settled maidan taluks	302	258
Rules for the valuation of excluded—for levying local cess	295	254
Liability of included—to pay jodi, local cess, etc.	297	255
Liability of—to pay jodi, local cess, etc., to the village Inamdar	297 (b)	256
Minor tanks—		
—Restoration Rules	368	313 to 318
Advances to raiyats for earthwork to—	368 (10)	315
Agency employed in the restoration of—	368 (13)	315
Mohatrafa Tax—		
Principles of—action	332	292
Items on which the—is levied	333	292
Rates of—	334 (1)	292
Memo of questions raised on the subject of the— together with answers thereto	333 note	292
Cases of exemption from the	334 (3)	293
Levy of—inam villages	334 (4)	293
Mortgages—		
—of inams	262, IX Note 2	225—226
Minor village Servants—		
Appointments of and succession to—to be dealt with miras on their merits	78 (i)	54
Remuneration of—	71	48—49
—to Toties, Salaries and Niraganties	71	48—49
Mohatarfa tax payers not bound to pay miras to—	71-note 2	49
Miras—		
Batayi lands not exempt from payment of—	71-last para	49
Miscellaneous petitions—		
—to cure the defects caused by the Law of Limitation not generally entertainable	81 (i)	59
Misconduct—		
Punishment of public servants for—	91	65
Mojani—		
—class in District Headquarters	60	42
Mounts—		
All Revenue Officers to maintain suitable—	39	26

Subjects	Paragraph	Page
Municipalities— Agricultural lands acquired by—for building sites ...	Note under 214	180
Mussafir Khanas— Rules for treatment of excess in inams granted for —chatrams, etc. ...	310	262-268
Mutahalika— Form of—to be taken from applicants for large-landed estates ...	165 (17)	110
Works may be started in special cases if raiyats execute a—agreeing to pay contribution ...	368 (14), note 2	316
Muzrai Institutions— Inspection of—by Assistant Commissioners ...	26 (i)	19
N		
Natives— Only—of Mysore or men domiciled in Mysore to be entertained in State Service ...	51, (iv)a	87
New Villages— Appointments of Village Officers for—to be made by Government ...	59	42
Formation of— ...	102	75
Non-Mysoreans— Sanction of Government required for the employment of—in the State Service ...	51, (iv) (b)	87
Nirganti— Duties of—	Para 1 of staty pro- visions.	54
A—not entitled to transfer his office in favour of a third person to the prejudice of his own brothers ...	78 (iii)	55
Notice— Remission of—fees ...	225	191
Presence of parties to be secured at Jamabandi by giving them written - - ...	249	212
Service of—s under the Income-Tax Regulation ...	253	213
Prompt service of—s in Revenue Appeal cases issued from the Revenue Secretariat ...	266	217
Notification— Form of—for announcing the Revision Settlement ...	198	161-162
Additional particulars which a sale—of Amara Minor Forest produce should contain ...	320 note 3	272
Form of—for land acquisition ...	422	365
Nurseries— Establishment of—in Districts ...	489 (v)	365
O		
Occupancy— Person in possession of an—and not khatedar liable to fine in cases of unauthorized cultivation ...	168 (ii)	133
Occupancy Rights— Darkhasts for—in Amrut Mahal Kavals ...	160 (3)	120-121
No—rights should be created in tank-beds ...	...	...
Occupants— Rights of—of Government lands ...	3	2
Official Quarters Trees in—not to be interfered with by occupants ...	122	84
Officials— The right to—in an office is not heritable ...	80 (vi)	57
Remuneration is the exclusive perquisite of the—or ...	Foot-note	48
Organisation— —of preventive Medical Staff when an epidemic is imminent ...	441 (3)	333

Subjects	Paragraph	Page
P		
Pahani—		
Instructions regarding—work during Jamabandi ...	857—State-ment, item 8	801
Instructions re the entries to be made in the— <i>takhta</i> ...	} 495	448—449
—inspection for ascertaining the cut-turn of crops ...		
—“Sud” ...	198 (1)	187
Pot—Book ...	198 (2)	187
Panchayet—		
Constitution of tank—s ...	870	819
Funds of the Tank ...	869	819
Powers of a tank— ...	Intry. note	819
Partition—		
—of Shanbhogi <i>Firkas</i> by <i>Hakdars</i> ...	58	41
Pasturage—		
—lands assigned to a village by the Survey Department to be generally utilised by the residents of that village only ...	111	80
Rules for the sale of—right ...	112	80-81
Surplus—of a village rests with Government ...	113	81
Pasturage Assessment		
System of—not countenanced under the Survey Settlement ...	148 (iii)	97
Patel—		
One— for each village ...	77 (1)	51
Shanbhogs and—s not to be appointed from the members of the same family for the same village ...	77 (3) (iv)	52
Duties of—	77 (7)	54
Qualifications for the office of—	Para 1 of Staty. prove	51
Appointment of—	77 (8)	52
Sannads to—s	77 (15)	58
Brahmin—s	77 (4)	52
Appointment of a pauper as—undesirable ...	85 (ii)	44
Special classes of —s	77 (6)	58
—is the custodian of Village Inspection Register ...	77 (7)	54
Rights of the legal heir of a hereditary—of an Inam village ...	79 (b)	56
Appointment of—s and shanbhogs in alienated villages vests in the Inamdar generally ...	79	55-56
When different—s for <i>Asis</i> and <i>Dakula</i> villages are not admissible ...	72 (2) (iii)	52
Pateli—		
Dismissal by Government of a—claim settled out of Court renders the matter <i>res-judicata</i> ...	82 (iii)	82
Division of the—of a village and its hamlet when permissible ...	82 (iv)	80
Splitting up the— of a small village for Revenue and Police duties not desirable ...	772 (ii)	51
Acquisition of the—right by purchase prior to framing rules prohibiting alienations ...	77 3 (iii)	52
Equal rights of two or more <i>hakdars</i> for—how to be dealt with ...	77 3 (iii)	52
Pathway—		
Disputes regarding—s in occupied lands not to be taken cognizance of by Revenue Officers ...	96 (ii)	69
Obstructing a— not recognized by the Survey Department is no encroachment; nor the ploughing of—s ...	(iv)	69
	96 (v)	69
Pattas—		
Suply of— to shanbhogs ...	75	50
Enquiries on transfers of—	178 (iii) & (iv)	186
Name of the person who pays the <i>kandayam</i> to be entered in—	178 (iv)	187
Joint— should not be issued ...	178 (vi)	187
In whose names the—of temple lands to be issued ...	187 (v)	187
Duplicate copies of— not to be issued to persons other than the Registered <i>Khatedar</i> ...	147	95

Subjects	Paragraph	Page
Pauper—		
A—cannot be retained in the Patali office	65 (ii)	44
Recovery of Institution fees in—suits	490	444
Pay bill—		
—of Amildars to bear a certificate about the maintenance of horses by them	39 (xi)	27
Perfunctory—		
Notice of—work of Amildars	46 (i)	29
Personal—		
Prohibition of correspondence between Deputy Commissioners, and Amildars on—matters	45	29
Petitions—		
Receipt and disposal of—	480	492
Phut Kharab—		
Upset price to be levied on—in coffee lands	450 (5)	104
Phut Pahani Book—		
Explanation of the—	198 (8)	167
Phutkal Patrak—		
Explanation of—	198 (7)	168
Pleaders—		
Employment of—and other legal practitioners in Revenue Courts	258	212—218
Plague—		
Measures to be adopted for the prevention and suppression of—	443 (v)	392—398
Plans—		
Points deserving attention in preparing—for individual houses in villages	445 (c)	396
Preparation of—and estimates for the restoration of minor tanks	368 (4) to (8)	313—314
Planting—		
—of trees in villages	439	384—385
Police Officers—		
—not to be deputed for jamabandi work	357—N. B.	308
Potgi—		
Perquisites other than— not recognized	68 (i)	48
Division of— inadmissible	68 (iii)	48
Decennial revision of—	69	48
Potgi—		
Revenue Commissioner's power to sanction disbursement of—as per decennial revision	12 (14)	7
Bills for arrears of—	350	298
—and duties of Revenue Commissioner	12 (1) to (27)	5 to 10
Pounds—		
Opening of cattle—in Inam villages	316	267
Possession—		
Undisturbed—of a Srikar waste land for a long time to be recognized in spite of an adverse in the Village Registers	26 (i)	68
Powers—		
—of Deputy Commissioners	20	14—15
—of Assistant Commissioners	26 to 33	17 to 21
—of Amildars	43, 43	26
—of District Forest Officers	21	15
Prefixing Mr—		
—to the names of certain officials	54 (i)	36
Presents—		
Acceptance of—by Government Officers prohibited	89 (ix)	64
Preservation—		
—of buildings and other monuments of historical interest	92, 491	67, 423 to 426
Primogeniture—		
In successions to village offices the rule of—not always enforceable	80 (vii)	57
Private Sites—		
Right to trees standing on—	121	34
Probationers—		
Principles governing the appointment of Revenue—	47	30

Subjects	Paragraph	Page
Processes—		
Payment of arrears of revenue after the issue of— ...	218	188
Produce—		
Standard rates of—per acre of several crops ...	497	449
Private Enterprise Tanks—		
See under Tanks ...	...	...
Property—		
General description of Government— ...	Staty. provs	67
Attachment of—other than the land on which arrears is due ...	229	194
Offences relating to Government— by Village Officers... ..	65 (vi)	45
Programme—		
Touring to be done by Sub-Division Officers according to a well-considered, systematic— ...	26	18
Promotion—		
—of Amildars from one class to another ...	85 (xi)	24
—of Amildars to the grade of Assistant Commissioners ...	46 (i)	29
—as a matter of course not guaranteed ...	...	...
Prosecution—		
—of village officers necessary in serious cases of theft or misappropriation of Government property ...	65 (iii)	41
Protection—		
—of interests of persons other than khatedar ...	216	182
Public Service—		
—conduct Rules ...	89	64—65
Public Servants—		
Punishment of— for misconduct ...	91	65—66
Punishment of village officers in cases of cheating ...	65 (ix) to (xiii)	46
Explanation of Village officers to be recorded before inflicting— on them ...	64	44
Procedure to be observed in ordering the dismissal of— ...	91 (d)	66
Public Topes—		
Extent of private rights in— ...	180	87
Public Prosecutors		
Engagement of— for recovery of institution fees ...	20	14
Pymaish—		
Akshaya—account ...	Para 2 of entry. note	219
Q		
Quarters—		
Head—of Sub-Division Officers ...	24	17
Trees in the compound of Official— ...	123	84
—for Government Officials at Taluk Head-quarters ...	484	439
Quinquennial—		
—Cattle Census ...	406	452 to 454
Quit-rent—		
Definition of— ...	292	251
Calculation of— on service inams ...	299 (ii)	255
—to be an addition to the existing jodi ...	262 xiv	227
Minimum rate of— and mode of calculation ...	262 xv	228
—how to be levied ...	262 xxiv	229
Rules for the valuation of whole inam villages for the calculation of— ...	294	252—253
Valuation of excluded minor inams in inam villages for the calculation of— ...	296	254—255
Treatment of cases in which the combined— and jodi of any inam is greater than the survey assessment ...	299	256
Inamdars responsible for the collection of— on excluded minor inams in whole inam villages ...	...	...
Remuneration to inamdars for collecting— on excluded minor inams in whole inam villages ...	296	255
Procedure to be observed in collecting— due on an inam village apportioned amongst several shareholders whose respective shares have ...	219	184—185

Subjects	Paragraph	Page
R		
Race Course Committee—		
Lands in the possession of—, Bangalore City ...	212	178—179
Railways—		
Acquisition of lands for—	427	367—369
Rain gauges—		
Inspection of—by Assistant Commissioners ...	26 (n)	19
Raiyat—		
Definition of—	438—note 2	308
Malnad—s' Special Privileges Rules ...	498	380 to 383
—s to co-operate with officers in the construction and repair of boundary marks ...	206 (g)	178
Raiyatwari—		
—is the system privalling in Mysore	1	1
Rates—		
Standard—of produce per acre of several crops ...	497	449
Liability of irrigable dry lands to pay wet— ...	148	181
When sanction of Government may be dispensed with to the survey—fixed for inam villages ...	169	166
Rasinama—		
When a— in favour of another may be withdrawn ...	174 (i)	188
Notice of—to issue to persons whose names are noted in the Special Notice Register ...	174 (ii)	188
Re-adjustment—		
—of shanbhogi charges by Revenue officers not authorized	58	41
Recognised shares—		
—of Survey Numbers	179	147
—of inam villages to be proceeded against for arrears... ..	219	184
Records—		
Lending of Taluk Office—to shanbhogs	74	60
Arrangement of vernacular—	475	429
Grant of copies of Government—	477	430—431
Refunds—		
Powers of the Revenue Commissioner to sanction— of revenue	12 (8) & (9)	6
Refund Bills—		
Particulars which—should contain	345	395
Recruitment—		
Rules for—of Amildari and Deputy Amildari	35 (i)	22 to 24
—of Revenue Probationers	47	30
—of Shekdars	48	80 to 83
—of officials for the Revenue Department	50	35—36
Recovery—		
Suits for the—of miras	71	48—49
—of the cost of forms supplied to shanbhogs	75	50
Suits for the—of emoluments of a village office	70	48
—of arrears of revenue due by Government servants	222 (vii)	186
—of mohatarfa in inam villages	234	191
—of fines	69 (6)	65
Register—		
Inspection of—of births and deaths by Assistant Commissioners	26 (c)	19
—to be kept by patels for recording the remarks of inspecting officers	77 (7)	54
Barabalu—	84	61
—of changes of inams	259 (ii)	232
—s and accounts regarding loans	404, note	343
Registers and Returns—		
—pertaining to Dakhasta	149—22	108
Registration—		
—of names in the Special Notice Register	225	191—192
—of Vital Statistics	507	455
—of loan orders	401	341
Registry—		
—of co-occupants	175	139
No order affecting the—of the land to be made without notice to khatedar	173 (viii)	138

Subjects	Paragraph	Page
Relinquishment—		
Notice of—to be given to persons named in the Special Notice Register ...	174 (ii)	188
When—of lands on which arrears are due, may be accepted ...	174 (iv)	199
—of coffee lands ...	174 (iii)	188
Remission—		
—of irrecoverable arrears of revenue ...	12 (10), 20	7, 14, 296
—of notice fees ...	225	191
—of assessment ...	283 to 286	195 to 201
Submission of half-yearly return of—s ...	12 (10)	7
—of assessment in case of unauthorized cultivation ...	168 (i)	188
Rules for granting—of assessment on lands laid waste by breach of their sources of irrigation ...	284	195—196
—of assessment in times of distress ...	285 (iv)	197
Cases of—granted under rules need not to be sent to Government ...	285 (ii)	196—197
—of local cesses does not follow—of assessment ...	285 (v)	196
—of khalsat on temple inams ...	311	264
—of jodi on the relinquished portion of an inam ...	264 (ii)	281
—of assessment of lands below* private enterprise tanks ...	286	199
Remittances—		
—of a Sub-Taluk ...	222	185—186
Remuneration—		
—to patels and shanbhogs in Government villages ...	68	48
—of patels and shanbhogs in alienated villages ...	79	55
—of minor village servants ...	71	48—49
Repairs—		
Applications by private persons for undertaking—to Government tanks ...	371	321
Construction and—of Government Buildings ...	499	448
Report—		
Names of Amildars singled out for praise or blame to be mentioned in Administration ...	46 (ii)	29
Review of jamabandi—s by the Revenue Commissioner ...	12 (2)	6
Review of Revenue Administration—s of districts by the Revenue Commissioner ...	12 (1)	6
Inspection—on tanks ...	392 (5)	335
Progress—s of revenue collections to be submitted by the Sub-Division Officer ...	31 (i)	20
Annual—of work done by the Sub-Division Officer ...	31 (iii)	20
Revenue Administration— ...	521 522 31 (iii)	464, 465 20
—and returns common to all Departments ...	511	461
Jamabandi— ...	522	465
—of accidental fires ...	450	404
—re Boundary Marks ...	518	463
Season— ...	512	461—462
—re Inam villages under Government management ...	520	464
Mention should be made in the Revenue Administration—of village accounts examined by Amildars and Jamabandi Officers ...	356 (iii)	300—301
Re-sale—		
Liability of the first purchaser for loss by— ...	236	204
Residence—		
The terms of the grant regarding—in Agrahar to be enforced ...	371, note 2	286
Resignation—		
—of portions of inams when permissible ...	264 (i)	260
—of temple inams by arshaks not valid ...	276	242
Procedure in case of—whole inams ...	168	262
Restoration—		
Minor Tanks— scheme... ...	368	313 to 319
Resumption—		
—of inams to be reported to Government ...	286 (ii)	247
—of inams granted to artisans ...	280	248
—of inam villages ...	220	185
—of devadaya inams for failure of service ...	...	...

Subjects	Paragraph	Page
<i>Res-judicata</i> —		
A dispute for the Pateli Office adjusted out of Court and dismissed by Government renders it—	82 (iii)	60
Responsibility—		
—of Revenue Officers of several grades in Famine times	Intr. note	423 to 425
—of Revenue Officers of several grades in sanctioning loans	409	844
—for payment of kandyam	215	181
Resurvey—		
Objects aimed at during—and settlement	187	157—158
Assessment on well-irrigated gardens during—and settlement	182	149—150
How gomal lands should be dealt with during—	188	158
How forest lands should be dealt with during—	189	158
How lands containing date trees should be dealt with during—	190	159
Limits of increase permissible during—and settlement	192 (iii)	160
Form of notification announcing the assessment imposed during—and settlement	193 (1)	161
Form of guarantee at—and settlement	198 (2) to (7)	161—162
Time allowed for appeal against—and settlement	194	162—168
List of taluks into which—and settlement have been introduced	Foot-note	159
Revenue—		
Abkari—in inam villages	815	266
Revenue Commissioner—		
Appointment of—	11	5
Powers and duties of the—	12	5 to 10
Revenue Department—		
Rules regulating admission to and promotions in the ministerial appointments in the—	50 to 53	35 to 37
Revenue Probationers—		
Appointment of—	47	30
Royalty—		
—on road materials	94	68
Rubber cultivation—		
Grant of lands for—	164	126
Revenue—		
—receipts of Sub-taluk to be credited in Taluk Treasuries and intimation given to the Deputy Amildar	222	185
—Money Order System	222 A	187 to 190
Issue of timely orders by Sub-Division Officers for the collection of Land—	31	20
Items of Land—	343 (iii)-N.B.	294
Revenue Offence—		
Unauthorized use of Govt.-water is a—and not a channel offence	143 (ii)	94
Revenue Officer—		
—not competent to readjust Shanbhogi charges	58	41
—to see that no Government water is used surreptitiously	144	94
—to record the explanation of a village officer before punishing him	54	44
Revision—		
Decennial—of potgi	60	43
Revision Settlement—		
Guarantee at—	193	161—162
Appeals against—	194	162
Recoupment—		
—of money embezzled by a village officer	65 (iv)	45
Right—		
Rules for the disposal of the—of grazing	119	60—61
—to trees planted by private individuals	117	63
—of occupants	3	2
Rotation—		
—of village office among Holders	73	50
Rural—		
—development	432 to 445	377 to 397

Subjects	Paragraph	Page
S		
Saddlery—		
Return of horses and—to be submitted by Deputy Commissioners	39 (iv)	26
Saguvali Chite—		
Issue of—	149 (14)	100
Saguvali Khattes—		
Constructinn of	376	322—323
Grant of loans for the construction of—	410	344
Notifications relating to the—or lease of minor Forest produce	127	...
Sale—		
Sub-Division Officers competent to confirm or set aside— —a not involving more than Rs. 1,000	25	17
Decisions of Government in certain Darkhast— —a	169	183—184
—procedure	Stay. provs. & 237 to 245	201—208
30 days' rule re— Darkhast—properly held not to be set aside and— of arrears of revenue	237	208
Revenue—not affected by a previous irregular Civil Court—	169 (iv)	134
Form of intimating confirmation of— —to purchasers of land sold for arrears of revenue	242	206
Purchaser at a revenue—not entitled to alienate the property till possession is obtained	244 (v)	207
Purchaser not liable to arrears of revenue due for years previous to—	241	205
—to be confirmed as soon as possible	239 (i)	204
—to be confirmed as soon as possible	244 (iii)	207
Purchaser liable to all instalments of land revenue becoming due subsequent to the date of—	239 (ii)	204
Salt pans—		
Powers of the Revenue Commissioner in re the administration of rules re—	12 (8)	6
Issue of licenses for—	341	288
Sannads—		
—to Patals	77 (5)	53
Sandal trees—		
Payments of bonuses for	166 (a) (3)	130
Payment of bonus for—in Coffee Estates	166 (b)	132
Encouragement for the growth of—	166 (c)	132
Rules to be observed by Forest Officers in respect of— on occupied bonds	166 (2) to (9)	130—131
Sanitary Commissioner—		
Memorandum of—on Village Planning and Sanitation	445	394—397
Sanitary—		
Relation of District—Officers with Deputy Commissioners	448 A	394
—measures to be adopted in villages	notes 1 & 2 445 (D)	396—397
Sayer—		
Powers of the Revenue Commissioner in re the administration of rules re—, mohatarfa and salt-pans	12 (8)	6
Scale—		
—of Taluk Establishments	55	38
—of seigniorage payable by Malnad raiyats for wood and bamboos	438 (7)	368
Use of the word—to denote the villages formed into a Shanbhogi Circle is correct	Foot-note	40
Schools—		
Inspection of—by Assistant Commissioners	26 (j)	19
Scope—		
—of Revenue Administration Report and Jamabandi Report	522	464—465
Security—		
Powers of the Revenue Commissioner as regards— taken from Revenue Officers ... ..	...	...
—to be sufficient and in a realizable form	86 (i)	63
Form of—to be furnished by Revenue Officers	86 (ii) & (iii)	63

Subject	Paragraph	Page
Security Bonds—		
Stamp Duty on—	85	62
Forms of—	87	63
Seigniorage—		
—on Tupre leaves	440	385
Selection—		
—of a site for a new village	445—(A)	394—395
—of competent Taluk Quarters for appointments in the offices of Deputy and Assistant Commissioners	50 (1)	35
Service Inams—		
—not alienable	67	47
—of a Dismissed Village Officer how to be dealt	65 (v)	45
Settlement—		
—Officers not to deprive parties of their lands by showing them as unculturable	96 (viii)	70
Inam—rules	262	221—220
—of Kodagi inams	289	248—250
Rights and liabilities of kodagidars after—	290	250—251
—of Malnad inams	...	...
—of Agrahar in Sringeri	271, note 8	236
Shanbhog—		
Duties of—	Stay. prova.	49
Efficiency of— and Survey training to them	60	42
Appointment of gumastas for minor—	62	48
Appointment of— and patels in inam villages	79	55
Special classes of— their origin, etc.	Foot-note	224
Clubbing of villages	77 (1)	51
Supply of Khirdi and Patta forms to—	75	50
Summoning—to the Taluk Cutcherry	76	51
Allowing—to do duties by turus objectionable	73 (i)	50
—not to take records from Taluk Offices to their villages	74	50
Incompetent—and Patels to be replaced by qualified men	61	49
Shanbhogi Office—		
When—acornes to a joint-hakdar	56 (ii)	40
Hakdar to resign his hak to the—if he prefers to serve elsewhere	80 (ix)	58
Shanbhogi Baravards—		
Exchange of Shanbhogi—when permissible...	73	50
Shanbhogi Changes—		
Readjustment of—for equalising potgi not permissible.	58	41
Shanbhogi hak—		
Equitable distribution of—in Sirkar and Inam villages.	56 (iii)	40
Sheriedars—		
Fining of Taluk—	91 (a)	65
—not competent to declare forfeitures	226 (ii)	192
Sheldars—		
Scheme for improving the—service	48	80—83
Qualifications for appointment as—	46 (b) (a)	81
Sheldari School—	49	33—34
Shravs tenure—		
Right to trees in villages granted on—	115	63
Shop tax	337	285—286
Silt—		
—clearing in irrigation channels	...	...
Prevention of—in tank-beds	334	330
Clearing—from Malnad tanks	335	330
Small-pox—		
Steps to be taken when—is prevalent	445 - iv	391—392
Sites—		
Procedure to be observed in selecting—for extensions of villages	102	75
Dakhats for building—	149 (21) (a)	101
Free grant of insulated—for building purposes apart from the general village—open to objection	149 (21) (b) note.	102
Powers of Amildars re appropriation of khavas lands for building—	149 (21) (d)	102

Subject	Paragraph	Page
Sites—		
Mode of calculating the tax on vacant building—in villages	889	287
Disposal of trees standing on private building—	121	84
Soppenabette—		
Levy of assessment on—lands	106	76
Particulars to be furnished to Government when—lands are recommended to be granted for wet cultivation	151 (vi)	106
Sluice—		
Oiling and cleaning—gears of restored tanks	862	808
Special Notice Register—		
Object of the—	226 (a)	191
Fee for registry of names in the— to be paid in Court-fee Stamps	226 (b)	192
Notice of relinquishment to be given to persons named in the—	174 (ii)	188
Statistics—		
Note on—	...	446
Agricultural—	500	451
of Coffee production	501	451
Revenue business—	506	454
Registration of Vital—	507	455
Returns of Vital—	508	455
Consolidated Return of Village—	509	456
Status—		
of the family (i.e., whether divided or undivided) to be taken into account when deciding succession questions	80 (xiv)	57
Stones—		
Disposal of fort—	92	67
State Forests—		
no objection to declare unoccupied <i>kans</i> as—	107	76
Constitution of—	346—447	499—408
Streams—		
Utilization of water flowing in jungle—	185	90
Sub-Division—		
Taluk or Taluks placed under the charge of an Assistant Commissioner be designated a—	28	17
of survey numbers	Stay. provs.	147
of survey numbers in settled inam villages	317	268
of assessed survey numbers not desirable	149 (3) note 1	96
Sub-Division Officer—		
An Assistant Commissioner in charge of a Sub-Division called a—	28	17
Subscriptions—		
Collection of public—by Government servants	90	65
Succession—		
Cases relating to—to village officers	80	57—59
Suit—		
Claims to village officers to be preferred in a regular revenue—	80 (xii)	58
s for establishing claims to a village office not to be entertained by Amildars	78 (iv)	55
No—lies to a subordinate Revenue Court against a decision of Government <i>vs</i> village offices	82 (ii)	60
No—to lie against Government and procedure to be observed in against Government Officers	251	218
between members of a <i>hakdar's</i> family for possession of service inams cognizable by Civil Courts	260	218
Summoning—		
Shanbhogs to Taluk Cutcherry	78	51
Supply—		
of Khirdi and Patta forms to Shanbhogs	75	50
Survey—		
System of—settlement and its advantages	5	2
Introduction of Revenue—	Stay. provs.	146
Survey Guarantee—		
Form of the—	185	158—157
Advantage of—	5	2

Subject	Paragraph	Page
Survey training—		
—a necessary qualification for Amildars	88	26
—to Shaubhoga	60	42
Survey Settlement—		
Introduction of—into Inam Villages	195	169—166
—Records	198	157—168
Amildars to keep the—papers for each village in separate dafters	199	168
Suspensions—		
—of officials for long periods undesirable	91 (c)	66
Summons—		
—for witnesses in Revenue Courts	248	212
Supari cess—		
Object of levying—	830 (1)	279—280
Mode of levying—	830 (2)	280
Inamdar not entitled to a share in the—levied in their inam villages	830 (3)	281
Superior holders—		
Procedure on application for assistance by—	177	148
T		
Tabular statement—		
—of powers of Deputy Commissioners	20	14
—of Statistical Returns	493	446—447
—of Reports and other Returns	510	457—461
Tact—		
—and absence of party feelings essential in Amildars	86	24
Talaries—		
Appointment of—etc.	78	54
Taluk—		
Inspection of—and Sub-Division Offices by Deputy Commissioners	17	12-13
Inspection of—Offices by Assistant Commissioners	26	18
Taluk Sheristadar—		
Appointment and transfers of—s vest with Revenue Commissioners	20	14
Transfer of—s just prior or subsequent to Revision Settlement	Remarks col 44 (ii)	29
Tests to be passed by—s	50 (4)—2	36
Fining of—s	91 (a)	65
Tank—		
Powers of the Revenue Commissioner in re the main- tenance, etc., of—s	13 (15), 368 (7)	7, 314
Inamdar not bound to supply the water of his—to lands outside his village	196	91
—maintenance rules	360	306-308
Minor—s restoration rules	368	313-318
Inspection report on—s	399 (5), (6)	336
Breach of—s to be taken against precautions	364	309
Restoration of—s above railway lines or in a series	378	323-324
Stop—s	" (iii)	334
Deputy Commissioner's powers of sanction regarding maintenance and restoration of minor—s	368 (7)	314
Rules for the maintenance of—s in inam and kayam- gutta villages	369	323-333
Construction or repair of—s by private persons	371, 373	319-320
Assessment on additional lands brought under wet cul- tivation below private enterprise—s during the currency of the settlement	372	320
Remission of assessment on lands below private enter- prise—s	336	199-200
Levy of local and irrigational cesses on the assessment of the lands below private enterprise—s	324	373
Maintenance of—s not brought up to standard	375	331
Rules for the banding up of waste weirs of—s	3-3	323

Subject	Paragraph	Page
Tank—		
Regulation of water-supply to gardens under—s	185	90
Obligation of inamdars to maintain their—s	390	333
Imprests to Amildars for—maintenance work	395	337
—Panchayets	370	319
Right of fishery in Government—s	397	336
No private rights of any kind should be allowed to spring up within beds of—s in action	153 (1)	115
Tank beds—		
Measures for preventing the silting up of—	384	330
Rules for the grant of— for cultivation	158	115-116
Tank bunds—		
Right to trees on—	118	83-84
Extent of lands to be left uncultivated below—	382	327-328
Tax—		
Levy of—on vacant sites in villages	398	237
Mode of—calculating	339	237
Temple Inams—		
Loans to—	402	342
Tenures—		
Investigation into the validity of Kayamgutta—	270 (3)	234-235
Tests—		
Departmental—to be passed by Amildars, Taluk Sheristadars, etc.	50	36
Totia—		
Appointment of—etc.	78	54-55
Tigalars—		
—growing vegetables on their own lands exempted from shop-tax	337, (iv) (e)	236
Timber—		
Grant of— for house-building, etc., in Malnad	435	378
Removal of— from District Forest at concession rates	436	379
Title-deed—		
Issue of coffee—s	182 (7)	124
Grant of—when coffee estates changes hands	312 (a)	264
Ordinarily one coffee—to be issued for a single estate	812 (b) (iv)	265
Issue of <i>ad interim</i> inam—	.. (vi)	265
Inam—not liable to stamp duty	.. (vii)	265
Fresh—not to be issued each time there is a change of proprietorship	..	..
Alteration in—to be made by Government only	..	..
—to contain all items of revenue conceded to inamdars at the time of the inam settlement	..	..
The Inam Department to declare the liability of inam villages to local cesses in <i>ad interim</i> —	312 (b) (ii)	264
Toddy—		
See Abkari	..	..
Tools—		
Power of Deputy Commissioners to sanction purchase of— and furniture	20	14
Topes—		
Right of planters in	130 (3)	97
Conservancy of—	.. (3), (4)	97
Rules for the settlement of excess in inams granted for the planting of—	302	253-259
Topo—		
Right of planters for dead and fallen trees in a—	131	86
Maintenance of charitable—	132	86
Topes—		
Advantages of village—	439 (iii)	334
Training—		
—of candidates for the posts of practical Amildars and Deputy Amildars	37, (1 to 10)	24-25
Survey—to Amildars and Deputy Amildars	38	25-26
—of Assistant Commissioners	Note	16
—of Shekdars	49	33-34
Transfers—		
Annual—of Amildars and Deputy Amildars	44 (i), 523	29, 465

Subjects	Paragraph	Page
Transfers—		
—of Amildars, Deputy Amildars, Taluk Sheristadars just prior or subsequent to revision settlement of a Taluk	44 (ii)	29
Treasuries—		
Powers of the Revenue Commissioner to control and administer rules re the working of—	12, (27) (i)	9
Inspection of—by the Revenue Commissioner	" 25 (ii)	9
Inspection of taluk—by Assistant Commissioners	" 25 (a)	16
Trees—		
Right to—in villages granted on shraya tenure	115	83
Avenue—	123, 124	84-85
Right to—on tank bunds	118	88-84
—planted by private persons on Government lands	117	86
How the—standing on private building sites to be dealt with	121	84
Mere entry in <i>Gida Patrika</i> does not create a claim to—	116	88
Cutting of leaves from Avenue—for Palace Elephants. Right of a person for dead and fallen—in the tope planted by himself	125	85
Leasing out leaves and seeds of Honge—	181	88
Established private ownership of— not to be interfered with	129	87
—On bunds of <i>Kodagi</i> tanks belong to Government	120	84
Unauthorized feeling of Government	119	84
—in official quarters not to be interfered with by occupants	126	86
... ..	122	84
Tubre leaves—		
Seigniorage on—	440	865
Touring—		
—of Deputy Commissioners	14	11-12
—Assistant Commissioners	26	18-19
—of Amildars and Deputy Amildars	42	28
U		
Umblī—		
—Inams	277	242
Unauthorized—		
Enquiries in cases of—feeling of Government trees	126	86
—use of Government water	Para 3 of State provisions.	88
Upast price—		
Object of fixing the—	150 (1)	106-104
When lands may be given out for an—	149 (10)	99
—to be levied on 'phut kharb' included in coffee lands	150 (5)	104
Considerations which should not be taken into account in fixing the—	150 (3) & (4)	104
—cultivation of Government lands	163	133
Uttar Patrika—		
Proof of entry in Survey—necessary in some cases	26 (iii)	89
V		
Vacant lands—		
Care of Government—	95	68
Vacant sites—		
Building on—in Villages	149 21 (b)	102
Vani Vilas Reservoir—		
Concessions to the holders of lands under the—	139	91
Vested rights—		
—not to be interfered with by the Survey Department	26 (viii)	70
Village accounts—		
—of Inam villages are public papers or records and the property of Government	68	63

Subjects	Paragraph	Page
Village boundaries—		
Rules for settlement of disputes <i>re</i> —	207	173-174
Village officers—		
—in Alienated Villages	79	55-56
Cases relating to succession to—	80	57-59
Do limitation	81	59-60
Emoluments attached to—	87	47
Cases of cheating by—how to be dealt with...	65 (ix) to (xiii)	46
Prosecution of—necessary in serious cases	65 (iii)	44
Village officer—		
Recoupment of money embezzled by a—	65 (iv)	45
Village maps—		
Advantages of—	200	166
Supply of—to Shanbhogs	201	166-169
Marking of—hikkals, foot-paths &c., in—	202	169
Village officer—		
—'s family hak not to be deprived for petty offences	65 (vii)	45
Villager officers—		
Dismissal of—	65 (ii)	44
Village—		
Appointment of Revenue and Police Patels for a single—	77 2(i)	51
Village Forests—		
Constitution of—	487	880
Village roads—		
Contribution from State Funds for—	486 A	879
Village Register—		
Entries to be recorded by Revenue officer in the—	77 (7)	54
Volunteers—		
—not to be employed in Public Offices	52	37
Villages—		
Procedure to be observed in selecting sites for extension of—	...	...
Sanitary requirements to be attended to when new— are formed	102	75
Excess in whole inam—	304	259
Village accounts—		
—to be examined by all Taluk and District officers	356	300
W		
Waddar carts—		
—employed on public works exempted from cart tax	335 (iii)	265
Wages—		
Half-yearly returns of—	505	454
Water—		
Applications for the use of Government—to be disposed of expeditiously	143 (i)	23
All standing and flowing—the property of Government	137	91
Regulation of the supply of—for lands under river channels during hot weather	367	312
Supply of—to gardens under tanks	135 (iii) last para	90
Water rates—		
Instructions <i>re</i>	138	89
No exemption from—to be given—to an Inamdar	138	89
In respect of lands newly connected into wet	134	90
—to be fixed by the survey Department	135	90
Lands irrigated by Jungle Streams liable to—	136	89
Distinction between—and Irrigation Cess	144	94
Temporary Applications for—	137	91
Lands irrigated by the surplus <i>Kodi</i> water of a Government <i>kotte</i> liable to—	138	91
Lands commanded by a Government source of irrigation liable to pay	140, 141	92
Levy of contribution and—on wet and Garden lands commanded by the new cauvery channels and the Krishnaraja Sagara Channels	140, 141	92

Subjects	Paragraph	Page
Water rates—		
Payment of Commission to Inamdars for collecting ...	142	93
Deputy Commissioners competent to fix temporary for one year only ...	144	94
Water supply—		
Duty of Regulating—vests with Executive officers In the absence of usage Inamdar not bound to give from his tank to lands outside his village ...	185 (iii)	90
... ..	186	91
Weed—		
—clearing in irrigation channels ...	865	810
Weirs—		
Bundling up of—of tanks ...	888	829
Wet rates—		
Liability of irrigable dry lands to pay— ...	181	149
Women—		
Claims of—for the registry of Patell and Shanbhogi offices ...	60 (xv)	59
Writing—		
—off assessment by Deputy Commissioner ...	20	14
—demands made in error ...		
Y		
Yadis—		
Subordinate officers of other than Revenue Department drawing Rs. 50 and below to address Shanbhogs and Patels by means of— ...	68	44
Z		
Zamindari—		
—and big landed estates rare in the State ...	Intry. note	407

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