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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 1 of 1875.

The Bombay Revenue Officers' and Land Revenue Code Bill.

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	Section.	Clause.		Section.	Clause.
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A Bill to consolidate and amend the Law relating to Revenue Officers, and the Land Revenue in the Presidency of Bombay.

Whereas it is expedient to consolidate and amend the law relating to Revenue Officers, and to the assessment and recovery of Land Revenue, and to claims for exemption from the said Revenue, and to other matters connected with the Land Revenue Administration, it is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

Section I.—This Act may be cited as “The Bombay Revenue Officers’ and Land Revenue Code, 1875.”

Short Title.

Section II.—The Regulations and Acts mentioned in the Schedule A. hereto annexed are repealed to the extent specified in the third column thereof.

All references made in any Act or Regulation, to any enactment hereby repealed, shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under any such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, issued, and published hereunder.

And all proceedings now pending, which have been commenced under any enactment hereby repealed, shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

Section III.—In this Act, unless there be something repugnant in the subject or context,

Interpretation Section.

(1). The words “Head of the Department” shall mean in their respective departments, the Collector, the Superintendent of Survey, the Alienation Settlement Officer, and the Conservator of Forests, provided that the subordination of the Collector and of the Conservator of Forests to the Revenue Commissioner and of the Superintendent of Survey to the Commissioner of Survey is not hereby intended to be in any way affected.

(2). “Revenue Officer” shall mean every officer of any rank whatsoever employed in or about the business of the land revenue, or of the surveys, assessment, accounts, or records connected therewith.

(3). “Hereditary Officer” shall mean any person legally holding an hereditary office.

(4). “Hereditary Office” means every office held hereditarily for the performance of duties connected with the administration or collection of the public revenue or with the village police, or with the settlement of boundaries, or other matters of civil administration. The expression includes such office even where the services originally appertaining to it have ceased to be remanded.

(5). “Officiator,” in an hereditary office, means the person actually performing the duties of the office for the time being, whether he be a representative watarand or a deputy or a substitute appointed under any of the provisions of this Act.

(6). “Stipendiary Revenue Officer” shall mean every Revenue Officer other than an Hereditary Revenue Officer.

(7). “Survey Officer” means an officer appointed under, or in the manner provided by, Section XVII. of this Act.

(8) The word “Collector” shall mean the Collector of the District.

(9). The word “Lands” shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory.

(10). “Estate” means any interest in lands and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same.

(11). “Political Tenure” is tenure dependent upon political considerations, the existence of which is determinable by Government.

(12). The phrase “lands held for service” shall include lands specially granted, or held or continued nominally for the performance of service, whether that service be actually performed or not, and lands granted, held, or continued, partly in consideration of past service and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only; and the decision of Government as to whether or not any lands are lands held for service shall be conclusive.

(13). “Land Revenue” signifies all sums and payments in money or in kind, received, or legally claimable by or on behalf of Government, from any person on account of any land, or interest in, or right exercisable over land, held by, or vested in him, or of any benefit derived by him from land or the rents or profits thereof, whether directly or mediately.

- (14). "Survey" signifies "Revenue Survey," which includes, as to all villages and lands to which it extends the measurement of such lands, their distribution into portions of convenient size defined by boundary marks, and the delineation of such portions in maps, wherein they are severally distinguished by numbers, the classification of the soil contained in each portion, and the assessment of the sum estimated to be properly and reasonably payable on account of each such portion according to its soil, situation, and any other circumstances appreciably affecting its capacity to furnish a larger or smaller fiscal contribution.
- "Survey."
- (15). "Survey Number" means a portion of land of which the area and other particulars are separately entered, under an indicative number, in the Survey Register and map of the village, town, or city in which it is situated.
- "Survey Number."
- (16). "Recognized share of a Survey Number" means any sub-division of a survey number legally demarcated, assessed, and registered in order to its being held on the terms, and dealt with according to the rules, applicable to an entire Survey Number.
- "Recognized share of a Survey Number."
- (17). "Building Site" means a portion of land set apart for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon.
- "Building Site."
- (18). "Boundary Mark" means any erection whether of earth, stone, or other material, and also any hedge, vacant strip of ground, or other object, whether natural or artificial, setup, employed, or specified by a Survey Officer, or other Revenue Officer having authority in that behalf, in order to designate the boundary of any division of land.
- "Boundary Mark."
- (19). "To hold" means to have been and to be legally invested by the Government, or by a person, or a court having a sufficient right or authority in that behalf, with a right to the possession and enjoyment or disposal of lands either immediate, or at the termination of tenancies legally subsisting.
- "To hold."
- (20). The word "holder" signifies the person in whom a right to hold is vested whether solely on his own account, or wholly or partly in trust for another person, or for a class of persons, or for the public. It includes a mortgagee vested with a right to possession as intended in the last preceding clause.
- "Holder."
- (21). The word "holding" signifies lands over which such right extends.
- "Holding."
- (22). "Superior holder" signifies a holder entitled, by a right derived or held immediately from the Government, to receive from other holders rent or land revenue on account of lands held by them, whether he be accountable or not for the same, or any part thereof, to the Government.
- "Superior holder."
- (23). "Inferior holder" signifies a holder liable to pay the rent or land revenue to a superior holder whether on account of such superior holder or Government.
- "Inferior holder."
- (24). "Tenant" signifies a person who holds by a right derived from another holder, called his landlord, or from his landlord's predecessor in title, either for a term shorter than that to which the landlord's right extends or subject to the payment of rent, or other rendering of service, to the landlord.
- "Tenant."
- (25). "Occupant" signifies a holder from Government in occupation of land, or a person dealt with by the Collector as so in occupation, whether in person, or by his co-owner, tenant, agent, servant, or other legal representative.
- "Occupant."
- (26). "Survey occupant" signifies a person who being deemed by the Superintendent of Survey or other Survey Officer duly authorized, the occupant or the principal of several occupants of lands included in a Survey Number, or a recognized share of a Survey Number, is entered by him in the Survey Register as occupant of the same, and any successor to such person in the said Register by an entry therein made according to law.
- "Survey occupant."
- (27). "Occupancy" signifies the sum of the rights vested in an occupant (whether a Survey occupant or not) as such.
- "Occupancy."
- (28). "Transfer" means a change absolute or defeasible of ownership, or estate legally effected from one to another of two persons or parties, having the requisite capacity in that behalf.
- "Transfer."
- (29). "Alienated" means transferred in so far as the rights of Government to payment of the rent or land-revenue are concerned, wholly or partially, to the ownership of any persons.
- "Alienated."
- (30). "Resumed" signifies as to rights in or over lands, revenues, or rents that such rights are re-exercised by Government after a possession or enjoyment by any persons in derogation or infringement of such rights, or upon titles deemed to be no longer operative.
- "Resumed."
- (31). "Continued" signifies as to such right that they are recognized by Government as vested in any person either temporarily or permanently according to their exercise or supposed exercise by him or his predecessors in title in time past.
- "Continued."
- (32). "Resumable" signifies liable to be resumed by an order of Government constituting a resumption.
- "Resumable."

(33). "Continuable" signifies capable of being continued to any person according to the law in force, whether subject or not to the exercise of the discretion of Government.

(34). The words "New Provinces" shall include all the territories under the Government of the Governor of Bombay to which Act XI. of 1852 was applicable.

(35). The words "Old Provinces" shall include all territories under the Government of the Governor of Bombay other than those included in the "New Provinces."

(36). The words "Village, Town, or City" include all lands belonging to any village, town, or city.

(37). The words "Revenue year" or "Year" mean the period from, and exclusive of, the 31st July of one calendar year until, and inclusive of, the 31st July in the next calendar year.

(38). A "formal inquiry" is one of a judicial nature in which, for the purposes of a complete investigation, evidence is to be taken, arguments heard, adjournments granted, and a decision recorded in such detailed manner as is hereinafter prescribed for the proper determination of the matters in issue.

(39). A "summary inquiry" is one of a judicial nature in which the evidence available at a convenient time and place fixed for the purpose is taken by the officer conducting the inquiry as the ground for an immediate decision.

(40). An "inquiry" which is neither formal nor summary signifies an administrative inquiry, the Officer making which is at liberty to seek and accept such information in such manner as he may deem fit, or as may be directed by Government or his superior officer, and thereupon to ground such decision, recommendation, or report as to him shall seem proper and reasonable, without reference to laws of procedure.

(41). "Watan property" means the moveable or immoveable property held, acquired, or assigned for providing remuneration for the performance of the duty appertaining to an Hereditary Office.

It includes :

(a) a right to levy customary fees or perquisites in money or in kind, whether at fixed times or otherwise ;

(b) cash payments made voluntarily by Government in addition to the original Watan property and subject periodically to modification or withdrawal.

(42). The Watan property, if any, and the hereditary office, and the rights and privileges attached to them, together, constitute "the Watan."

(43). "Watan" means a person having an hereditary interest in a Watan.

It includes :

(a) a person holding Watan property acquired by him before the introduction of the British Government into the locality of the Watan, or legally acquired subsequent to such introduction ;

(b) a person holding such property from him by inheritance ;

(c) a person adopted by an owner of a Watan or part of a Watan, subject to the conditions hereinafter specified in Sections 76 to 78 of this Act.

(44). "Family" includes each of the branches of the family descended from an original Watan-dar: Provided that no sub-division shall be recognized except as hereinafter provided in Section 45 of this Act.

(45). "Head of a family" includes the chief representative of each branch of a family.

(46). "Representative Watan" means a Watan registered by the Collector of the District under the provisions of Chapter III. of this Act as having a right to perform the duties of a hereditary office.

(47). "Guardian" means a relation or other person to whom the care, nurture, or custody of any child falls by natural right or recognized usage, or who has accepted or assumed directly care, nurture, or custody of any child, or in case of dispute the holder of a certificate of guardianship from a competent court.

CHAPTER II.—CONSTITUTION AND POWERS OF STIPENDIARY REVENUE OFFICERS.

Section IV.—The chief controlling authority in all matters connected with the land revenue is vested in the Revenue Commissioners subject to the Governor in Council.

There shall be one or more Revenue Commissioners as the Governor in Council, subject to the orders of the Government of India, may direct ; and the Governor in Council shall prescribe, what territories are to be under the control of each, and may from time to time alter the limits of such territories, all orders made on this behalf being duly notified.

The territories under each Revenue Commissioner shall form, and be called a division.

The present divisions shall continue as they are for the purposes of this Act, until altered by the Governor in Council.

Section V.—The Revenue Commissioners shall be appointed by the Governor in Council, and shall exercise the powers and discharge the duties conferred and imposed on a Revenue Commissioner under this Act, or under any other law for the time being in force, and so far as is consistent therewith all such other powers or duties of appeal, superintendence, and control within their respective divisions, and over the officers subordinate to them, as may from time to time be prescribed by Government.

Section VI.—Each Revenue Commissioner shall have such number of Assistants to Revenue Commissioners. Assistants to Revenue Commissioners. Assistants as the Governor in Council may from time to time sanction, their appointment being made by the Governor in Council.

Section VII.—Each division, under the control of the Revenue Commissioner, shall be divided into such number of districts with such limits as may from time to time be prescribed by a duly published order of the Governor in Council.

And each such district shall consist of such number of talukas, and each taluka shall consist of such number of villages, as may from time to time be prescribed in a duly published order of the Governor in Council.

The present zillas shall form districts, and the present talukas shall remain as they are, for the purposes of this Act, until altered by the Governor in Council.

Section VIII.—The Governor in Council shall appoint in each district an officer who shall be the Collector of the District, and who shall be subordinate to the Revenue Commissioner of his division and may exercise, throughout his district, all the powers, and discharge all the duties conferred and imposed on a Collector or an Assistant or Deputy Collector by this Act or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of Government.

Section IX.—The Governor in Council may appoint to each district so many Assistant Collectors and so many Deputy Collectors as he may deem expedient; the Assistants shall be called "First," "Second," "Supernumerary," &c., as may be expressed in the order of their appointment.

All such Assistant and Deputy Collectors and all other officers employed in the revenue administration of the district shall be subordinate to the Collector.

Section X.—Subject to the general orders of Government, a Collector may place any of his Assistants or Deputies in charge of the revenue administration of one or more of the talukas

in his district, or may himself retain charge thereof.

Any Assistant or Deputy Collector thus placed in charge shall, subject to the provisions of Chapter XIV. of this Act, perform all the duties and exercise all the powers conferred upon a Collector of a district, by this Act or any other law at the time being in force, so far as regards the taluka or talukas in his charge.

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

To such Assistant or Deputy Collector as it may not be possible or expedient to place in charge of talukas, the Collector shall, under the general orders of Government, assign such particular duties and powers as he may from time to time see fit.

Section XI.—If the Collector dies, or is disabled from performing his duties, or for any reason vacates his office, or leaves his district, the Assistant of highest rank in the district shall, unless other provision has been made by Government, succeed temporarily to his office, and shall be held to be the Collector of the district under this Act until the Governor in Council appoints a successor to the former Collector, and such successor takes charge of his appointment.

Section XII.—The chief officer entrusted with the local revenue administration of a taluka shall be called a Mamlatdar. He shall be appointed by the Revenue Commissioner of the division in which his taluka is situated.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Act, or by any other law for the time being in force, or as may be imposed upon, or delegated to, him by the Collector under the general or special orders of Government. He shall continue to perform the duties and exercise the powers at present performed and exercised by him after the passing of this Act, until such time as he is otherwise directed by competent authority.

It shall be competent to him, subject to such orders as may from time to time be passed by the Revenue Commissioner, or by the Collector to depute any portion of his administrative functions to a subordinate.

Section XIII.—Whenever it may appear necessary to the Governor in Council, the Collector may appoint a Mahalkari to be in charge of a defined portion of a taluka; and subject to the orders of Government and of the Revenue Commissioner, the Collector may assign to him within his local limits such of the duties and powers of a Mamlatdar as he may from time

to time see fit, and may also direct whether the Mahalkari's immediate superior shall, for the purposes of Section CCLXXXIII. of this Act, be deemed to be the Mamlatdar or the Assistant or Deputy Collector or the Collector in charge of the taluka.

The portion of a taluka in charge of a Mahalkari to be called a Mahal. The portion of a taluka in the charge of a Mahalkari shall be called a Mahal.

Section XIV.—If a Mamlatdar or Mahalkari dies, Mamlatdar or Mahalkari or is disabled from performing his duties, or for any reason vacates his office, or leaves his taluka or mahal, such subordinate as may be designated by orders to be issued from time to time on this behalf by the Collector, shall succeed temporarily to the said Mamlatdar's or Mahalkari's office, and shall be held to be the Mamlatdar or Mahalkari under this Act until such time as a successor is duly appointed and takes charge of his appointment.

Section XV.—In villages where no hereditary Stipendiary Patel and Talati to be appointed where no Hereditary Patel or Kulkarni exists. Patel or Kulkarni exists, it shall be lawful for the Collector under the general orders of Government and of the Revenue Commissioner to appoint a stipendiary Patel or a Talati, who shall perform respectively all the duties of hereditary Patels or Kulkarnis as hereinafter prescribed in this Act or in any other law for the time being in force, and shall hold their situation under the rules in force with regard to subordinate stipendiary revenue officers.

Section XVI.—For the purpose of providing for the management and preservation of forests, jungles and trees wherein rights are vested in Government, it shall be lawful for the Governor in Council to appoint one or more Conservators of Forests and Deputy, and Assistant Conservators, and to impose upon them in certain districts such duties as may from time to time seem fit.

The Conservators of Forests shall be subordinate to whom subordinate. Revenue Commissioners in their respective Divisions; and all Forest Officers of lower rank than a Conservator shall be subordinate to the Collector of the District in which they are employed.

Section XVII.—For the purposes of Chapters VIII., IX., and X. of this Act, the Governor in Council may appoint such public servants as may from time to time appear necessary. Such officers shall be designated "Commissioner of Survey," "Superintendent of Survey," "Survey Settlement Officer," and "Assistant," or otherwise as may seem requisite, and shall be subordinate the one to the other in such order as the Governor in Council may direct.

Subject to the orders of the Governor in Council Their duties and powers. the officers so appointed are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and

perform all such duties as may be prescribed by this or any other law for the time being in force.

Section XVIII.—For the purposes of the Alienation Settlement Officer. inquiries provided for in Chapter VII. of this Act in the New Provinces, it shall be lawful for the Governor in Council to appoint an officer with the title of Alienation Settlement Officer and to impose upon him such other duties as may from time to time seem fit.

Section XIX.—It shall be lawful for the Governor in Council to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter (Chapter II.) or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

Section XX.—The appointment of all officers mentioned in Sections IV. to XIII. and XVI. to XIX. shall be duly notified. * Certain officers' appointments to be notified.

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

Section XXI.—Subject to such rules as to Establishments. numbers, qualification or otherwise, as the Governor in Council may from time to time sanction, the appointment of all subordinate members of the establishments of the undermentioned officers shall be made by those officers respectively, viz. :—

The Revenue Commissioners,
 ,, Collectors,
 ,, Commissioner of Survey,
 ,, Superintendent of Survey,
 ,, Survey Settlement Officer,
 ,, Alienation Settlement Officer,
 ,, Conservator of Forests.

The appointment of all subordinate members of the establishments of all other officers shall be made in their respective departments by the Heads of Departments, provided that it shall be lawful for them to delegate such portion of this power as they may deem fit to any subordinate officer, but subject to the retention of a right of revision at any time of the appointments that may be made by such subordinate officers.

Section XXII.—The Governor in Council shall from time to time by notification prescribe what Revenue Officers shall use a seal, and what size and description of seal shall be used by each of such officers.

Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them.

CHAPTER III.—OF HEREDITARY OFFICES, AND THE PROPERTY APPERTAINING THERETO; AND OF THE APPOINTMENT, RIGHTS AND DUTIES OF HEREDITARY OFFICERS.

PART I.—*Creation, Lapse and Combination of Watans.*

Section XXIII.—When no Watan exists, it shall be lawful for Government to create one, and in so doing to assign, subject to such sanction as may be required by any law, or order of the Governor General of India in Council, for the time being in force, such property of Government as to Government may seem fit.

Such Watan shall be subject to all the provisions of this Act applicable to already existing Watans, and the Watandars shall exercise the powers and perform the duties conferred and imposed by this Chapter (Chapter III.) or any other law for the time being in force.

When a Watan, or part of a Watan, has lapsed or has been confiscated or otherwise lawfully resumed by Government, or when the right of any particular family to hold a Watan does not exist, or is not established, it shall be lawful for Government, subject to the sanction mentioned in the first clause of this Section, to assign such Watan, or part of a Watan, to such person or persons as to Government may seem fit.

Section XXIV.—It shall be lawful for the Collector, for reasons to be stated in writing, to combine two or more Watans held for the performance of similar services in the same village or parts of the same village.

Any such combination made before the date of this Act coming into force shall have the same force as if made under this Act.

PART II.—*Watan Property and the Profits thereof.*

Section XXV.—No Watandar shall, without the sanction of Government, sell, mortgage, or otherwise alienate or assign any Watan or part thereof or interest therein to any person not a Watandar of the same Watan.

Watan property assigned under Section XXXVIII. of this Act as the remuneration of an officiator, and the profits of Watan property so assigned shall not be alienated or assigned to any person whatever without the sanction of Government.

Section XXVI.—Watan property assigned as remuneration of an officiator under Section XXXVIII. of this Act, and the profits of such Watan property shall not be liable to process of any Civil Court.

On receipt of a certificate under the hand and seal of the Collector, to the effect that certain property designated therein is Watan property so assigned, the Court shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such property, or the profits thereof

Section XXVII.—Whenever any Watan, or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has, or have before the date of this Act coming into force, passed by virtue of, or in execution of, a decree or order of any British Court into the ownership or beneficial possession of any person other than the officiator for the time being;

Or has or have before such date passed otherwise than by virtue of, or in execution of a decree or order of any British Court into the ownership or beneficial possession of a Watandar other than such officiator;

Or when any Watan or part or profits thereof, not being assigned as remuneration of an officiator has, after the date of this Act coming into force, passed by virtue of, or in execution of, a decree or order of any British Court or otherwise, into the ownership or beneficial possession of a Watandar other than such officiator;

Such Watan, or any part thereof, or any of the profits thereof, shall be liable under the orders of the Collector, which shall be passed after a summary inquiry, to contribution for the remuneration of such officiator in like manner and to the like extent as if no such decree or order had been passed or no such transfer had taken place.

Section XXVIII.—Whenever any Watan, or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have before the date of this Act coming into force, passed otherwise than by virtue of, or in execution of, a decree or order of any British Court and without the consent of the Collector and transfer of ownership in the Revenue records, into the ownership or beneficial possession of any person not a Watandar of the same Watan, the Collector may, after summary inquiry, declare such alienation to be null and void, and order that such Watan, or any part thereof, or any of the profits thereof, shall from the date of such order belong to the Watandar previously entitled thereto, and may recover and pay to such Watandar any profits thereof accordingly.

If such part of a Watan be land, it shall be lawful for the Collector, instead of transferring the possession of the land, to demand and recover the full rent ordinarily paid by tenants of land of similar description in the same locality, and the amount so recovered shall be considered as the profits. The decision of the Collector as to what is the full rent shall be final.

Section XXIX.—When it shall appear to the

Civil Court shall, on receipt of Collector's certificate, remove any attachment placed on Watan property after the passing of this Act.

Collector that by virtue of, or in execution of, a decree or order of any British Court any Watan, or any part thereof, or any of the profits thereof, recorded as such in the Revenue records or registered under this Act, and assigned under Section XXXVIII. of this Act, as remuneration of an officiator, has or have, after the date of this Act coming into force, passed or may pass without the sanction of Government into the ownership or beneficial possession of any person other than the officiator for the time being;

Or that any such Watan, or any part thereof or any of the profits thereof, not so assigned, has or have so passed or may pass into the ownership or beneficial possession of any person not a Watan and of the same Watan;

The Court shall, on receipt of a certificate under the hand and seal of the Collector stating that the property to which the decree or order relates is a Watan or part of a Watan, or that such property constitutes the profits or part of the profits of a Watan, or is assigned as the remuneration of an officiator, and is therefore inalienable, remove any attachment or other process then pending against the said Watan, or any part thereof or any of the profits thereof, and set aside any sale or order of sale or transfer thereof, and shall cancel the decree or order complained of so far as it concerns the said Watan, or any part thereof, or any of the profits thereof.

Section XXX.—When any alienation of the

Collector may declare null and void alienation of Watan property made after passing of this Act otherwise than by decree or order of Court.

nature described in Section XXIX. of this Act shall have taken place otherwise than by virtue of, or in execution of, a decree or order of any British Court, the Collector shall, after summary inquiry, declare such alienation to be null and void, and shall either summarily resume possession of such property, or assess it at the rate prescribed in the second clause of Section XXVIII. of this Act, as he may think fit, and it shall thenceforward revert to the Watan.

Section XXXI.—It shall be lawful for the

Power of Collector to carry out provisions of Sections 27, 28 and 30.

Collector whenever it may be necessary, in carrying out the provisions of Sections 27, 28, and 30 of this Act:

(a) to summarily evict any person wrongfully in possession of any land, or

(b) to levy any rent due by any person in the manner prescribed in this Act or in any other law for the time being in force for the levy of a revenue demand.

Section XXXII.—In any case in which it shall

Collector may institute legal proceedings for the protection of a Watan.

appear to the Collector that the institution of legal proceedings is requisite or desirable with respect to any Watan, or the estate, property,

funds, or affairs thereof, the Collector shall certify such case in writing under his hand to the Revenue Commissioner, together with such statements and particulars as in his opinion may be requisite or proper for the explanation of such case, and thereupon the said Revenue Commissioner, if upon consideration of the circumstances he thinks fit, shall authorize the Collector to institute and prosecute, in the name of the Collector, such legal proceedings as may appear requisite or proper for the protection of the Watan, its estates, property, funds, or affairs, by suit or petition in any Civil Court having jurisdiction in the matter. The cost of such proceedings, unless recovered from the opposite party, shall be paid out of the funds of the Watan.

The Collector may, if he thinks fit, proceed as provided in Sections 26, 27, 28, 29, or 30 of this Act in lieu of instituting or prosecuting legal proceedings under this Section.

Section XXXIII.—When all or any of the pro-

Assessment of amount of payments in alienated villages.

perty of a Watan consists of payments of whatever description, whether in money or kind, made by Jagirdars, Inamdars, Mevasi Chiefs, or others holding or occupying alienated lands, the Collector may, from time to time, determine the amount of such payments recoverable; provided that no larger demand shall be made than one equivalent to the amount that would be payable under the scale in force for the time being in the case of Government villages.

Section XXXIV.—When all or any of the pro-

Appointment of Panchayet to define rights and duties of certain classes of Watandars.

perty of a village Watan of lower degree than that of Patel or Kulkarni consists of a right to levy in money or kind directly from individuals, it shall be lawful for the Collector, on the application of any person interested, to cause the nature and extent of such right, and of the duties to be performed, and the persons, families, or classes liable to make payment and to perform the duties, to be defined in writing by a Panchayet of five persons, whereof two shall be appointed by the villagers, two by the Watandars, and one, who shall be Sir Punch, by the Collector.

The decision shall be in accordance with the opinion of the majority of the Panchayet;

Provided that in case the villagers or the Watandars fail to nominate members within seven days, the Collector shall appoint such members as may be required to constitute a Panchayet of five.

Provided also that in case the Panchayet do not come to a decision within seven days from the appointment of the Sir Punch, the Collector may himself hold a summary inquiry and pass a decision.

The decision of the Panchayet or of the Collector as above provided, shall be final and binding on all persons or classes whose rights, duties, or liabilities have been submitted to such decision.

Section XXXV.—Whenever on failure of the Panchayat to come to a decision the Collector, acting under the preceding Section, passes a decision, and it appears that the profits of the Watan, or part thereof, are of fluctuating amount, or are payable in kind, it shall be lawful for the Collector to determine the amount payable and to decide whether the payment shall be in kind or money.

Section XXXVI.—Any settlement of the nature described in Sections 33, 34, or 35 of this Act made before the date of this Act coming into force by a Collector or other officer duly authorized by Government shall have the same force as if made under this Act.

Section XXXVII.—Settlements of the nature described in Sections 33, 34, and 35 of this Act made after this Act comes into force, shall be made for such periods as the Governor in Council may direct.

Section XXXVIII.—Subject to the provisions of this Act and of any other law for the time being in force regarding service inams, cash allowances, and pensions, it shall be the duty of the Collector to fix the annual emoluments of officers appointed under the provisions of this Chapter (Chapter III.), and to direct the payment thereof to the officers for the time being. It shall be lawful for the Collector for this purpose to assign Watan property, or the profits thereof, towards the emoluments of officers.

The existing assignments shall, until altered by competent authority, be taken to have been made under this section.

With the sanction of Government the Collector may, as occasion arises, alter the assignment, and may increase or diminish it in value, such increase or diminution being made rateably among the holders in proportion to the profit derived by such holders respectively from the Watan.

PART III.—*The Liability of Watandars to Service and the Commutation of Watan.*

Section XXXIX.—All Watandars of whatever denomination whose liability to serve has not been commuted are legally bound, subject to the provisions of this Chapter (Chap. III.), to render such service as has been customary or as is required by law.

Except as is otherwise provided in Section XXXIV. of this Act Government shall have power, in cases where doubt exists, to determine what duties appertain to any hereditary office.

Section XL.—Subject to the general orders of Government and of the Revenue Commissioner, the Collector shall prescribe from time to time Village Accountant to keep such records as he may be required to keep by the Collector;

What registers, accounts, and other records shall be kept by the Village Accountant; and pending the first issue of orders under this Section (Section 40), the Village Accountant shall continue to keep all such registers, accounts, and other records as he may hitherto have been required to keep.

It shall also be the duty of the Accountant to prepare, whenever called upon by the Patel of his village, or by any superior Revenue or Police Officer of the Taluka or District to do so, all writings connected with the concerns of the village which are required either for the use of Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

And to be the penman of the village.

Section XLI., *Clause 1.*—The Collector may, with the consent of the holder of a Watan given in writing, relieve him and his heirs and successors in perpetuity of their liability to perform service upon such conditions, whether consistent with the provisions of this Act or not as may be agreed upon by the Collector and such holder.

Clause 2.—Any settlement made for this purpose before the date of passing of this Act coming into same force as those made under this Act, or other officer acting on behalf of Government with the holder of any Watan shall have the same force as if made under this Act.

Clause 3.—Every settlement made or confirmed under this Section shall be binding upon both Government and the holder of the Watan and his heirs and successors.

Clause 4.—The word “holder” for the purposes of this Section includee Who is a “Holder?” of any sole owner, or the whole number of joint owners, or any person dealt with as representative of the persons beneficially interested, or entered as such in the Government records at the time of the settlement.

Section XLII.—Nothing in the last preceding Section shall be held to affect any rights of individuals or village communities to exact such service as may be customary from village servants whose Watan were originally granted, or are now held for the performance of such service, but who have been relieved by Government of liability to perform such service to the State.

PART IV.—*Representative Watandars.*

XLIII.—The duties appertaining to any hereditary office shall be performed by the representative Watandars or by deputies, or by substitutes as hereinafter provided, and by no other persons.

Provided that in hereditary offices not inferior to that of Patel or Kulkarni every head of family shall have the privilege of signing the abstract of village land and revenues, or other village papers which it may be customary for him to sign.

Section XLIV.—It shall be the duty of the Collector to determine, as hereinafter provided, after a summary inquiry, the custom of the Watan as to service and what persons shall be recognized as representative Watandars for the purpose of this Act, and to register their names.

Section XLV.—In determining what heads of families shall be recognized as representative Watandars and what is the custom of the Watan as to service, the Collector shall inquire into and take into consideration the practice heretofore observed from the earliest period for which there are records or other evidence available; provided that he shall not be bound to recognize appointments or subdivisions which have been made subsequently to the introduction of Act XI. of 1843, and which he considers to be contrary to the custom of the Watan.

Section XLVI.—If it shall appear to the Collector that the custom has been to appoint a member of one family only to serve, the Collector shall register the name of the head of such family only as the representative Watandar and no other person.

Section XLVII.—If it shall appear to the Collector that the custom has been for a member of each of several families to perform the duties either contemporaneously or for successive periods, the Collector shall register the name of the head of each of such families as representative Watandars and no other persons, and where the practice of service in successive periods is proved to exist, he shall decide the order in which the representative Watandars shall officiate.

Section XLVIII.—Where the practice of service in successive periods appears to have existed, but is not proved to the satisfaction of the Collector to have existed at the date of the introduction of Act XI. of 1843, or when the practice of selection by the Collector from several families prevails, he shall determine who is the head of the eldest family descended from the original Watandar, and shall register his name as sole representative Watandar.

In cases where such several families are not descended from a common ancestor, the Collector shall register as representative Watandars the heads of such families, and establish the practice of service in successive periods.

Section XLIX.—But if in any case described in the last preceding Section the heads of families at any time before the completion of the Register prescribed by Section LXXIV. of this Act agree unanimously in writing, or have in writing agreed during the inquiry made in the preparation of the existing Registers, as to who are the representative Watandars, and as to the order of service, then the Register prescribed in this Act shall be prepared in accordance with such agreement.

Section L.—When the practice of service in successive periods has been introduced under the British rule in consequence of the reduction in the number of sharers or the amalgamation of Watan by Government, the head of each family that formerly officiated shall be separately entered as a representative Watandar.

Section LI.—When the hereditary right to perform the duties of an hereditary office as deputies of the original Watandar is vested in a family distinct from that of the original Watandar, the custom shall be recognized and the heads of the family entitled to perform the duties shall be registered and treated as representative Watandars.

Section LII.—When Watan property or profits have been voluntarily relinquished without abandonment of right of service, such right of service shall be dealt with as if the Watandars were still in receipt of such emoluments.

Section LIII.—When any representative Watandar dies it shall be the duty of the Patel and Village Accountant to report the fact to the Collector, and the Collector shall, if satisfied of the truth of the report, register the name of the eldest son or other person appearing to be nearest heir of such Watandar as representative Watandar in place of the Watandar so deceased. A certificate of heirship by, or a decree of a competent Court determining the right of heirship shall, until revoked or set aside, be conclusive proof of the facts stated in such certificate or decree.

PART V.—*Periods of Service.*

Section LIV.—The periods during which a representative Watandar shall perform the duties shall be as follows:—

In Watans registered under Section 46, the first clause of Section 48, and Section 49 of this Act the period of service shall be for life.

In Watans registered under Section 47, the second clause of Section 48 and Section 50 of this Act the period of service, if contemporaneous, shall be for life, and if in successive periods the period shall be fixed at the discretion of the Collector, but for a Patel shall be not less than ten years, and for a Kulkarni not less than five years.

Section LV.—In the event of the officiating Watandar dying before the expiration of his fixed period of service, his heir shall, subject to the provisions of Part VI. of this Chapter (Chapter III.) be entitled to officiate for the remainder of that period.

PART VI.—*Officiating Watandars and Deputies.*

Section LVI.—The Collector shall determine the number of officiators required for the proper performance of the duties of any office from time to time, and for this requirement may call upon the representative Watandar whose duty it is to officiate, to appoint a sufficient number of fit and proper persons as Deputies, or may direct service in successive periods by representative Watandars who have hitherto served or are serving contemporaneously.

Section LVII., Clause 1.—In the case of a Watan in which the representative Watandars are entitled to perform the duties in successive periods, the Collector shall, on the occurrence of the turn of any such representative Watandar to perform the duties, issue a notice to the whole body of registered representative Watandars, calling upon them to appear before him at a certain time and place to elect an officiator, or such number of officiators as may be required by the Collector under the provisions of Section 56 of this Act.

Clause 2.—If not less than three-fourths, including the Watandar whose turn it is to officiate, of the representative Watandars appear at the appointed time and place and unanimously nominate a fit and proper person or persons being a Watandar or Watandars of the same Watan, the person or persons so nominated shall be entitled to officiate in the place and for the period of service of the representative Watandar whose turn it is to perform the duties.

Clause 3.—If the person or persons so nominated be other than the representative Watandar whose turn it is to perform the duties, he or they shall for all the purposes of this Act be deemed to be the duly appointed deputy or deputies of the said representative Watandar.

Clause 4.—If the representative Watandars shall not appear at the time and place appointed under the provisions of the first clause of this section, or shall fail to nominate an officiator, or the requisite number of officiators unanimously, then the next following provisions of this Chapter (Chapter III.) as to service by the representative Watandar entitled to officiate and as to appointment of deputies shall apply.

Section LVIII.—Every representative Watandar whose duty it is to officiate shall, except in the case provided for in Section 57 of this Act, if a fit and proper person, perform the duties of the hereditary office himself on being so required by the Collector but may be permitted by the Collector to appoint a deputy.

Section LIX.—The Collector may refuse to accept the service of any representative Watandar whose duty it is to officiate, or of any deputy nominated by him, if the Collector has good reason to believe after inquiry that such Watandar or deputy is of known bad character, or is unfit by reason of physical or mental inability, or by reason of other employment or calling, to perform efficiently the duties of the office.

When a representative Watandar has been rejected as being of known bad character, or removed on account of grave misconduct under the provisions of Section 102 of this Act, the Collector may himself nominate and appoint a deputy.

Section LX.—In the event of any representative Watandar whose duty it is to officiate being or becoming unfit by reason of other employment or calling or physical incompetency, the Collector shall call upon him to appoint a deputy, and in case of his mental incompetency shall himself appoint a deputy. In the event of a deputy so becoming unfit, the representative Watandar, unless himself mentally incompetent, shall be called upon to appoint another deputy in his place.

Section LXI.—If any requisition of the Collector under Sections 56, 58, 60, or 63 of this Act is not complied with within two months from the date thereof, the Collector of the District may himself appoint a deputy or deputies.

Section LXII.—Whenever a representative Watandar whose duty it is to officiate ceases to be disqualified under the provisions of Sections 59 and 60 of this Act, he shall become entitled, if otherwise fit, to serve in person, or to appoint a deputy, in supersession of any deputy appointed by the Collector.

Section LXIII.—In the case of any nomination of a deputy the Collector shall allow a second nomination to be made in case of his rejecting the first nomination, and if he shall reject the second nomination, he shall himself appoint a deputy.

Provided always that the representative Watan-dar whose duty it is to officiate, may himself, if otherwise fit, perform the duties in place of any deputy removed or rejected by the Collector or deceased.

Section LXIV.—No female shall perform in person the duties of any hereditary office; but if a representative Watan-dar, or the guardian of a representative Watan-dar, she may appoint a deputy.

Section LXV.—During the suspension of an officiating representative Watan-dar or deputy, and during any vacancy, the duties shall temporarily be performed by a substitute, whether a Watan-dar or not, appointed by the Collector.

Section LXVI.—In all other cases none but a Watan-dar shall be appointed as deputy, whether by the Collector of the District or by any representative Watan-dar if there be a Watan-dar of the same Watan fit and willing to serve; and in the event of the representative Watan-dar declining to appoint a Watan-dar as his deputy the Collector shall himself appoint one.

But when the Collector himself appoints a deputy under the provisions of Section 59 of this Act, he may, if Government so direct, appoint other than a Watan-dar.

Section LXVII.—When the Collector appoints a deputy, it shall be for a term not exceeding five years.

When a Watan-dar entitled to officiate appoints a deputy, it shall be for a term of not less than five years or for life.

The term of appointment of a deputy shall cease and determine on the right of his principal ceasing, or on the death of his principal, and any appointment of a deputy on behalf of a representative Watan-dar under the age of eighteen years shall terminate on the attainment by such representative Watan-dar of that age.

Section LXVIII.—In the event of temporary absence or illness, an officiator may arrange with any fit person for the temporary conduct of the

duties, but shall be liable in the penalties prescribed by Sections 101 to 104 of this Act for the acts of the substitute.

Section LXIX.—All deputies appointed under this Chapter (Chapter III.) shall be subject to the same rules in the performance of the duties of their offices and to the same penalties, except as may be otherwise provided, as the representative Watan-dars themselves are subject to when officiating.

PART VII.—*Inferior Village Hereditary Officers.*

Section LXX.—Nothing in Parts IV., V., and VI. of this Chapter (Chapter III.) or in Sections 101 to 105 of this Act shall apply to hereditary offices of lower degree than Patel or Kul-karni, nor to Watan-dars appertaining to such offices.

Section LXXI.—In the case of all such hereditary offices the Collector is empowered, subject to the general control of Government,

(a) To register the name of individual Watan-dars as holders of the office, or to register it as held by the whole body of Watan-dars.

(b) To determine, when individual names are so registered, the rights, duties, and responsibilities among themselves of the persons so registered, and the mode in which they shall be selected to perform the duties, whether by selection by the Collector or by defined rotation or by election by the Watan-dars or otherwise as may be expedient.

(c) To require, in cases where the registration is made in the name of the whole body of Watan-dars, that they appoint so many fit persons as may be necessary to perform the duties which the Collector may assign to them severally and jointly; such appointment to be made within a reasonable time to be previously fixed and notified to them by the Collector. In default of such appointment being made the Collector may himself appoint.

(d) To provide for and enforce the joint responsibility of the whole body for the neglect of duty or misconduct of any of their number or their representatives; and in cases where the crime of cattle poisoning is prevalent, with the sanction of Government to attach, during the pleasure of Government, the Watan-dars of the persons whom he may have reason to believe to have been guilty of, or to have connived at, the commission of the crime.

(e) To pass orders in regard to appointment, remuneration, periods of service, suspension, fining, and dismissal of persons officiating, the grant of leave of absence and other matters of discipline not expressly provided for by this or any other law for the time being in force,

PART VIII.—*The Registers.*

Section LXXII.—The Collector shall prepare and keep all Registers necessary for the purposes of this Chapter (Chapter III.) in such forms as Government may from time to time prescribe. There shall be one Register of lands and allowances in consideration whereof liability to perform service exists and another of lands and allowances in respect of which no such liability exists.

Section LXXIII.—In the Register of lands and allowances the holders whereof are exempt from service the Collector shall specify,

Non-Service Register what to contain.

(a) The area of the lands, the Survey numbers and assessment, the quit-rent leviable, and the net revenue alienated by Government.

(b) The amount and nature of the cash or other allowances, and the source from which they are payable.

(c) The terms of the settlement under which the exemption is enjoyed.

(d) The names of the parties to such settlement with Government as indicated in the Sanads issued to them.

(e) Such other particulars as Government may from time to time order to be recorded.

Section LXXIV.—In the Register of lands and allowances, in consideration whereof liability to serve still exists, the Collector shall specify,

Service Register what to contain.

(a) The area of the lands, the names of the occupants, the Survey number and assessment, the quit-rent, if any, leviable, and the net revenue alienated by Government, the amount and nature of the cash or other allowances, the source from which they are payable, and the land and allowances assigned for the remuneration of officers.

(b) The names of the heads of families and of the representative Watandars.

(c) Whether the service is performed by one representative Watandar or otherwise: if by several in successive periods, the order in which they are to succeed each other.

(d) The proportional share of the Watan possessed by each head of family which may be expressed in annas or fractions of a rupee.

(e) The number of officers required to perform the duties.

(f) The nature of the settlement of inferior village Watans referred to in Part VII. of this Chapter (Chapter III.)

(g) Such other particulars as Government may from time to time order to be recorded:

Section LXXV.—The Registers kept under this Chapter (Chap. III.) shall be corrected or added to on the occasion of any change being made in accordance with the provisions of this Chapter in the particulars above specified.

Registers to be corrected.

Section LXXVI.—In any case in which, before the coming of this Act into force, any registered representative Watandar, or his widow, shall have adopted an heir, notice of adoption if heir has been adopted prior to the passing of this Act, into force, shall be given by or on behalf of such adopted heir to the Collector who shall register the name of such heir accordingly. But if such adoption shall be shown to have been, or shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the Register.

Section LXXVII.—In any case in which, after the coming of this Act into force, any registered representative Watandar shall adopt an heir, report of such adoption shall within three months be made to the Collector by such Watandar, or by his widow, or in case of their death then by such adopted heir or by the guardian of the latter, and the Collector shall register the name of such heir accordingly. But if such adoption shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the Register.

Notice of adoption when heir is adopted after the passing of this Act.

Section LXXVIII.—In any case in which report of such adoption shall not be made as herein directed, the Collector shall not recognize the same without the production of a certificate of heirship or of a final decree of a competent Court establishing the validity of such adoption.

Procedure if notice of adoption is not duly given.

PART IX.—*Inquiry.*

Section LXXIX., Clause 1.—Except as is hereinafter provided in Clause 2 of this section no order under Part II. of this Chapter assigning the remuneration of officers, or under Part III. of this Chapter directing commutation of a Watan under Part IV. of this Chapter determining the custom of the Watan as to service and what persons should be registered as heads of families or representative Watandars, or under Part V. of this Chapter determining the periods of service, shall be passed, unless after a summary inquiry into all claims and objections.

Orders under Parts II., III., IV., and V. to be passed after investigation recorded in writing.

Clause 2.—Unless the Governor in Council shall otherwise direct, decisions passed subsequently to the year 1866 after an investigation recorded in writing, and after a proper opportunity had been afforded for the hearing of claims and the production of evidence, and which are recorded with the reasons therefor, in the hand-writing of a Collector or his Assistant or Deputy, shall be accepted, in so far as they may not be inconsistent with the provisions of this Act in lieu of fresh investigation and decision under this Act for the purpose of framing the Register required in Section 74 thereof. If any details necessary for the said Register have not been recorded in any decision of the nature described above, but are forthcoming from the evidence taken in connection with such decision, they may be supplied from such evidence in lieu of fresh investigation for the completion of the Register. Such details as may not be forthcoming shall be obtained by such further investigation as the Collector may deem necessary.

Section LXXX.—The Collector may require any investigation under Part VII. of this Chapter (Chap. III.) to be made by a Mamlatdar or Mahalkari, but the decision thereon shall be made by the Collector.

Section LXXXI.—Service of any notice given under this Chapter (Chapter III.) shall be deemed to have been made by the notice being affixed in writing to the wall of the village Chowri or other public place in the village not less than seven days before action is required to be taken by any person thereon.

PART X.—Miscellaneous.

Section LXXXII.—When any head of a family or representative Watan-
dar is under the age of eighteen years, his guardian may, subject to the provisions of Section 64 of this Act, exercise all powers and perform all duties conferred and imposed by this Chapter.

Section LXXXIII.—All records which have been or may be prepared by any Watan-
dar in pursuance of the duties of the office, or by order of his superior or of the present or former Government, are hereby declared to be the property of Government, and the Collector is hereby empowered to enforce their production under the provisions of Sections 88 and 89 of this Act.

Section LXXXIV.—The provisions of this Chapter (Chapter III.) shall apply to all villages, whether alienated or otherwise, so far as they shall not conflict with the terms on which any such alienated village may have been secured to the holder thereof as alienee.

Section LXXXV.—Nothing in this Chapter (Chapter III.) shall affect the provisions of this Chapter not to affect (Bombay) Act VIII of 1867 or any other law for the time being in force, defining the duties and powers of village officers or imposing penalties for misconduct, and all references in such laws to Act XI. of 1843 shall be taken as made to this Act.

And nothing in this Chapter (Chapter III.) shall affect the power of Government to deal with any Watan or parts of Watans, or with the profits thereof respectively under the provisions of Chapter VII. of this Act, or of any other law at present in force with respect thereto.

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

Section LXXXVI.—It shall be lawful for Government to direct that all Revenue Officers of certain denominations shall, previous to entering upon their office, furnish security to such amount as Government may in each case deem expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell, or in the form contained in Schedule B. to this Act.

The amount for which such security shall be furnished may be varied, from time to time, by order of Government, which shall also determine the number of sureties to be required when security is taken in the form of Schedule B.

Provided that any security bond in force, at the passing of this Act, shall continue in force as if this Act had not been passed, and no fresh security shall be demanded by reason merely of the passing of this Act.

Section LXXXVII.—The Head of a Department may, at any time after security has been given, if it appear to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and in case of the officer failing to give such security within one month after its being required of him may suspend or dismiss him, provided always that no greater security shall be demanded than is required by the orders of Government under the last preceding Section.

Section LXXXVIII.—The Head of a Department in all cases in which he may have a claim on any Revenue Officer in his department or district

Demands for money, papers, &c., to be made known in writing to the officer concerned.

for public money or papers or other Government property, shall by writing under his official seal, if he use one, and signature, require the money, or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

If the officer shall not discharge the money, or deliver up the papers or property as directed, he may cause him to be apprehended and may send him with a warrant in the form of Schedule C to be confined in the Civil Jail till he discharges the sum or delivers up the papers or property demanded from him.

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

Section LXXXIX.—The Collector of his own motion, if the officer be serving in his department and district, and upon the application of the Head

of the Department, if he be serving in any other department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Act for the recovery of arrears of land revenue from defaulters ; and for the purpose of recovering public papers or other property appertain-

ing to Government may issue a Search Warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter 27, of the Criminal Procedure Code (Act X. of 1872.)

It shall be the duty of all persons in possession of such public moneys, papers or other property

appertaining to Government to make over the same forth-bound to give them up. with to the Collector and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

Section XC.—The surety or sureties of such officer as is aforesaid, who may enter into a bond in the form of Schedule B, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against.

Provided always that in any case of failure to discharge or make good
Extent of liability. any sum of money due to

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

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

Section XCI.—If an officer, or his surety or sureties against whom a demand is made, shall give sufficient security in the form of Schedule D

that he will either institute a suit in the District Court in fifteen (15) days against the Collector to contest the justice of the demand, and will, in the event of decree being passed against him, fulfil the same and pay all amounts, including costs and interests, that may be due by him or that, in case of his failing so to institute such suit, he will, when required, pay the amount demanded or deliver up the papers or other property required of him, the Collector of the District shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner.

Section XCII.—The liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under Section LXXXVI. of this Act, and until his bond is cancelled.

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

Section XCIII.—Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on

his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw ; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning moneys, papers, or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period even though the facts establishing such liability may not be discovered till afterwards.

CHAPTER V.—OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS, AND OF THEIR PUNISHMENT FOR MISCONDUCT.

Section XCIV.—No stipendiary Revenue Officer shall :—

(1). engage in trade, or be in any way concerned, directly or indirectly, either as principal or agent, in any commercial transaction whatever ;

(2). purchase or bid either in person or by agent, or in his own name or in the name of another, or jointly or in shares with others, for any property which may under the provisions of this Act or of any other law for the time being in force be sold by order of any Revenue or Judicial authority in the District in which such officer is at the time employed ;

(3). hold directly or indirectly any farm or be in any way concerned on his private account in the collection or payment of revenue of any kind in the district in which he is at the time employed, except with the express permission of the Head of his Department ;

(4). employ any public servants in his private business, or any private servants in his public duties ;

And no stipendiary or Hereditary Revenue Officer shall :—

(5). derive either for himself or for any other individual any profit or advantage beyond his lawful salary or emolument from any public money or property with the collection or charge of which he is entrusted or connected ;

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

Section XCV.—The power of fining, reducing, suspending, or dismissing any stipendiary Revenue Officer for any such offence as is described in the last preceding section or for any breach of departmental rules or discipline, or for carelessness, unfitness, or neglect of duty, or other misconduct, shall vest in the authority by whom such officer is appointed and may be delegated by the Head of a Department, in whole or in part, to any subordinate officer on the same condition that the power of appointment may be delegated under Section XXI. of this Act.

Section XCVI.—When any Revenue Officer passes an order for fining, reducing, suspending, or dismissing any

stipendiary subordinate officer, he shall record such order together with the reasons therefor in writing in the language of the district or in English.

And the subordinate officer so fined, reduced, suspended, or dismissed shall, subject to the provisions hereinafter contained as to appeals, have a right of appeal against such order.

Section XCVII.—No fine inflicted under the foregoing provisions shall in any case exceed the amount of two months' pay of the office held by the offender at the time of the commission of the offence.

All fines inflicted under this chapter may be recovered from the officer's pay, or, if necessary, may be realized in the same way as arrears of land revenue are recoverable under this Act.

Section XCVIII.—Whenever the Head of a Department suspends, reduces, or dismisses a stipendiary officer who is in receipt of a monthly salary amounting to Rupees 30 or upwards, he shall report the case for the sanction of Government, and the Governor in Council may confirm, mitigate, or annul such punishment, and when the dismissal is confirmed may declare the officer incapacitated from again serving the Government in any capacity.

Provided that no such report shall be necessary when an officer is reduced otherwise than by way of punishment.

Section XCIX.—No stipendiary Revenue officer whose monthly salary exceeds Rs. 250 shall be fined, reduced, or dismissed except by order of the Governor in Council.

If the Head of a Department suspend any such officer he shall make an immediate report of the circumstances for the orders of Government.

Section C.—It shall be lawful for the Collector to suspend any officiator in an Hereditary office during inquiry into alleged misconduct, and to punish any such officiator for misconduct or neglect of duty by suspension from office for a period not exceeding six months, or by fine not exceeding the fourth part of the annual emolument provided for the officiator. The order of the Collector shall be final in such cases, except when the penalty is inflicted on an hereditary district officer.

Government may authorize the delegation to any Mamlatdar or Mahalkari of the power to fine hereditary village officers in sums not exceeding two rupees.

Section CI.—It shall be lawful for the Collector, with the previous sanction of Government, in case of fraud, the wilful framing of incorrect records, habitual neglect of duty, or other grave

misconduct on the part of an officiator in an Hereditary office to remove him from office.

In any such case it shall be lawful for Government to direct the forfeiture of the life interest in the Watan of the representative Watandar entitled to officiate, whether the officiator guilty of misconduct be such representative Watandar himself or a deputy appointed by him.

Section CII.—Whoever is removed from office under the last preceding section shall be ineligible for re-employment or continuance in any hereditary office, except with the sanction of Government, and in case he be a representative Watandar and his period of performing the duties recurs, the appointment of a deputy under the provisions of Chapter III. of this Act shall on the recurrence of such period be made by the Collector and not by him.

Section CIII.—When any representative Watandar or any deputy or substitute appointed by him is convicted by any Court of Session of any offence in the discharge of his official duties, it shall be lawful for Government to direct the forfeiture of the whole or any part of the Watan, or of the profits thereof.

Section CIV.—No order shall be passed by the Collector or other officer under any of the four last preceding sections except after a summary inquiry or under the provisions of the next following Section (Section CV).

Section CV.—Nothing in this chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced, or dismissed, by any competent authority, whether he have been found guilty or not.

CHAPTER VI.—OF THE LAND, AND THE RIGHTS AND LIABILITIES OF THE STATE, OF SUPERIOR HOLDERS, AND OF OTHERS IN RESPECT THEREOF.

Section CVI.—All public roads, lanes and paths, the bridges, ditches, dikes and fences on, or beside the same, the bed of the sea and of harbours and creeks below high water mark, all rivers, streams nullahs and water-courses, and all lands wherever situated, not shown to be the property of individuals, or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established in or over the same shall be deemed, with all rights in or over the same, or appertaining thereto, to be the property of Government; and it shall be lawful for the Collector, subject to the orders

of the Revenue Commissioner, to dispose of them in such manner as he may deem fit, or as may be authorized by general rules sanctioned by Government, subject always to the rights of way, and all other rights of the public, or of individuals legally subsisting.

Section CVII.—Land gained from the sea, or a river, or creek by the gradual accretion of particles, or by the water gradually receding, shall be held to belong to the holder of the adjoining estate, if the said estate be alienated, and shall be liable to the payment of land revenue only to the same extent as the said estate, and shall be subject to the same conditions and restrictions as are applicable thereto. If such land adjoin an unalienated estate, it shall vest in Government and shall be liable to the payment of land-revenue according to the ordinary rules applicable to Government land.

If a river, or creek, forsakes its usual channel and flows in another direction, the old bed of the river, or creek shall vest in Government, and in the holder of any adjoining alienated estate in proportion to the extent to which the unalienated lands of Government and any such holder's alienated estate respectively adjoin the banks; and shall be liable to the payment of land-revenue under the same rules as are laid down in the last clause in the case of land gained by accretion.

If an island is formed by the gradual accretion of particles in the sea or in a river not shown to be the property of individuals, or of any aggregate of persons capable of holding property, it shall vest in Government.

Provided that if, in consequence of an inundation, or other natural cause, a portion of land capable of identification is forcibly severed from one estate and added to another, the land so severed shall remain the property of the original owner.

Section CVIII.—Any land proved on formal inquiry before the Collector to be an encroachment on any public road, street, or thoroughfare may be taken possession of by the Collector, unless such land is shown to have been held for a period of not less than 12 years. It shall be lawful for the Collector to clear such land by the removal of any buildings or other obstructions in the event of the owner or other person interested, after written notice of not less than one month shall have been served upon him, or upon the person in occupation, failing to do so himself.

When the person in occupation is a tenant or co-owner of another person, and in every case in which another person is, to the knowledge of person in occupation, interested in the property to

which such notice relates, it shall be the duty of the person in occupation to give such notice, or a copy thereof, or intimation thereof, to such other person, and for any failure in such duty causing injustice he shall be responsible in damages.

Section CIX.—When land is taken possession of under the last preceding section in any town or city to which (Bombay)

Compensation for removal of buildings.

Act I. of 1865 or IV. of 1868 has been applied, reasonable compensation shall be given to the owner, or other person interested, in respect of all buildings, if such buildings are proved to have been erected previous to the application of such Act, and in any village or in any town or city to which the said Acts have not been applied, such compensation shall be given if the buildings are proved to have been erected previous to the passing of this Act: Provided always that it

Proviso.

shall not be necessary to give compensation in respect of the removal of door-steps, benches, or other similar projections of whatever material; and provided also that in the case of the owner not accepting the sum tendered as reasonable compensation by the Collector, compensation shall be fixed under the provisions of Part III., Act X. of 1870.

Section CX.—It shall be the duty of the Survey Officers whilst survey operations are proceeding under Chapter VIII. of this Act, and at any other time of the Collector under such rules

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

as may from time to time be laid down by the Governor in Council, to set apart lands, the property of Government and not in the lawful occupation of any person or aggregate of persons, in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for any other public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Revenue Commissioner; and in the disposal of land under Section CVI. of this Act due regard shall be had to all such special assignments.

Section CXI.—Any person who shall unauthorisedly cultivate or otherwise appropriate any portion of land so assigned shall be liable

Penalty for appropriation of land assigned for special purposes.

of pay for each year of occupation not exceeding ten times the ordinary assessment for similar land. In determining the amount to be paid occupation for an incomplete portion of a year shall be counted as for a whole year.

The person so cultivating or appropriating any portion of land so assigned may be summarily evicted by the Collector, and shall also be liable to the forfeiture of any crop he may have raised on the said land, which crop shall be disposed of as the Collector may direct.

Person appropriating the same to be liable to be evicted and to forfeiture of his crop, if any.

Section CXII.—Any person desirous of taking up unoccupied land must, previously to entering upon occupation, obtain the permission in writing of the Mamlatdar or

Written permission of Mamlatdar or Mahalkari required previous to taking up unoccupied land.

Mahalkari; and in the event of his cultivating, or otherwise taking possession of any land without his application having been thus allowed, it shall be lawful for the

Penalty for taking possession without permission.

Collector to levy from the said person for each year of occupation a sum not exceeding five times the assessment ordinarily chargeable on the entire survey number, if the land form portion of a survey number, and not exceeding ten times the assessment of the same extent of similar land in any other case. In determining the amount to be paid possession for an incomplete portion of a year shall be counted as for a whole year.

The person so cultivating or taking possession of any land without permission may be summarily evicted by the Collector and shall also be liable to the forfeiture of any crop he may have raised on the said land, and of any building or other construction which he may have erected thereon. Such crop, building or other construction shall be disposed of as the Collector may direct.

Person taking possession may be evicted, and his crop, if any, may be forfeited.

Section CXIII.—It shall be lawful for the Collector under such general rules as may from time to time be sanctioned by the Governor in Council, to require the payment of a certain price for the occupancy, or to sell that right by auction, and to annex such conditions to the occupancy as may seem fit, before permission to occupy is granted under the last preceding section.

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

Section CXIV.—The permission to occupy land shall, in all cases in which the same has been granted since the passing of (Bombay) Act I. of 1865, and in all future cases, include the concession of the right of Government to all trees growing on that land, which may not have been, or which shall not hereafter be, specially reserved at the time of granting such permission.

Permission to occupy land includes the concession of right to trees not specially reserved.

A general reservation by proclamation, made and published at, or subsequent to the time of the introduction of a survey settlement into a village, or taluka, shall be deemed sufficient for the purposes of this section.

Proviso.

Section CXV.—The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood or jungle, growing on land set apart for forest reserves under Section XXXII. of Bombay Act I. of 1865, or Section CX. of this Act, and to all trees, brushwood, or jungle in lands not wholly exempt from land-revenue, except in so far as the same may be shown to be the property of individuals or of aggregates of individuals capable of holding property, whether by

Government trees and forests.

virtue of express grant from Government or otherwise, vests in Government; and such trees, brushwood or jungle, shall be preserved or disposed of in such manner as Government may from time to time direct.

Section CXVI.—No timber shall be removed from within the limits of any unalienated village in any district in which the Governor in Council shall from time to time so direct, without a pass signed by a Forest Officer, and no timber shall be removed from within the limits of any alienated village in any such district without a pass signed by the alienee, or his agent, and countersigned by a Forest Officer.

It shall be lawful for Government:

(a). to forbid the landing or loading of timber at certain ports, and to declare from time to time, by an order duly published, the ports at which only it shall be permitted to land or load timber;

(b). to prescribe by what roads and passes timber shall be allowed to be conveyed from the village in which it was felled to the port or other place to which it is to be taken.

Any Revenue or Police Officer shall be entitled at such landing places or other spots as the Governor in Council shall from time to time prescribe on this behalf to demand and inspect the pass under which any timber is being removed or conveyed, and may seize and detain any timber which he may have reason to believe is being removed or conveyed contrary to any of the provisions of this section.

Section CXVII.—All trees, growing within half a chain, or 16½ feet, of the outer edge of the gutters or drain, on either side of any public thoroughfare, shall be deemed to be road-side trees.

(a). All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, Government, or at the expense of the Local Funds, in unoccupied lands, and all such trees which are not shown to be the property of any other person, vest in Government.

(b). All road-side trees in occupied land, which have been planted and reared by, or under the orders of, or at the expense of, Government, or at the expense of Local Funds, or which have been specially reserved as being useful for shade, or ornamental, vest in Government. But in the event of such trees dying, or being blown down, or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct of such trees shall also vest in the said holder.

(c). All road-side trees in occupied land which have been planted and reared by private individuals, or which have not been specially reserved by Government, and all road-side trees in unoccupied land which are proved to be the property of any person, vest in the person in whose lawful possession they may be. But it shall not be lawful for such person to cut and remove any such tree without first obtaining the written permission of the Mamlatdar or Mahalkari. The Collector may either grant or refuse such permission; but if he refuse it, he shall at once proceed to take measures for acquiring the tree under the provisions of the *Land Acquisition Act* (Act X. of 1870), and the tree shall thenceforward vest in Government.

Any person felling or removing any road-side tree without first obtaining the written permission of the Mamlatdar or Mahalkari, and any person injuring or mutilating any road-side tree shall be liable, on conviction after summary inquiry before the Mamlatdar or Mahalkari in whose charge the place where the tree is situated may be, to the forfeiture of any rights he may have in such tree, and to a fine not exceeding Rs. 100.

Section CXVIII.—All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of Land Revenue to Government according to the rules hereinafter enacted, except such as may be wholly or partially exempted under the provisions of Chapter VII. of this Act, or of any other law for the time being in force.

Provided that nothing in this Act shall be deemed to affect the power of the Legislature to direct the levy of revenue on all lands under whatever title they may be held whenever and so long as the exigencies of the State may render such levy necessary.

Section CXIX.—The land-revenue leviable under the provisions of this Act shall be chargeable:

(a). upon land appropriated for purposes of agriculture;

(b). upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;

(c). upon land appropriated for building sites.

And the assessment fixed under the provisions of this Act upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate, when such land is appropriated for

any other purpose. And any land allowed by Government to be held free of assessment on condition of its being appropriated to one purpose shall become liable to assessment if at any time it is devoted to any other purpose.

It shall also be lawful for the Collector or for a Survey Officer, subject to such rules as may from time to time be prescribed in this behalf by Government, to prohibit the appropriation of any land liable to the payment of land-revenue for certain purposes, and to summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

Section CXX.—On all lands not wholly exempt from payment of land-revenue, the assessment of the amount to be paid as land-revenue shall, when a Survey Settlement has not been extended there to under the provisions of Chapter VIII. or Chapter X. of this Act, be fixed at the discretion of the Collector subject to such rules as may from time to time be prescribed on this behalf by Government.

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

Section CXXI.—The settlement of the assessment of each portion of land, or survey number, to the land-revenue shall be made with the person holding the same from Government if such portion of land or survey number be held directly from Government, otherwise with the superior holder.

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

Section CXXII.—Every Revenue Officer and every superior holder authorized to receive payments of land-revenue shall give receipts for all such payments made to them respectively, and such receipts shall be countersigned by the Kulkarni or Talati, or other person performing the duties of Village Accountant.

Section CXXIII.—Any person convicted of a breach of the provision of the last preceding section after summary inquiry before the Collector shall be liable to a fine not exceeding three times the amount received for which a receipt was not duly granted, such fine to be levied as an arrear of land-revenue and one-half thereof to be paid to the informer, if any. Such inquiry

may at any time be instituted by the Collector of his own motion without any complaint being preferred to him.

Section CXXIV.—A holder from Government of land for purposes of agriculture is entitled by himself, his servants, tenants, agents, or other legal representatives to erect farm-buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land, or its more convenient occupation for the purposes aforesaid.

But if such holder wishes to appropriate his holding or any part thereof to any other purpose, he shall in the first place apply to the Collector for permission. The Collector shall at once furnish the applicant with a written acknowledgment of the receipt of his application and after inquiry may either grant or refuse the application, but if the applicant receive no answer within two months from the date of the said acknowledgment he shall be at liberty to proceed with his purpose as if the Collector's permission had been granted.

Provided that no such application shall be recognized unless it be made by the holder from Government himself.

When land is thus appropriated to any purpose unconnected with agriculture, it shall be lawful for the Collector, subject to the general orders of Government, to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of Sections CXIX. and CXX. of this Act.

If any land be so appropriated without the permission of the Collector being first obtained, or before the expiry of two months from the date of the aforesaid acknowledgment, the holder, or any tenant or other person holding under, or through him, shall be liable to be summarily evicted by the Collector from the land so appropriated and from the entire field or survey number of which it may form a part, and to pay in addition to the new assessment such increased fine as the Collector may, subject to the general orders of Government, direct.

Provided that nothing in this section shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between Government and the holder.

Section CXXV.—The occupant of land is entitled to the occupation of the land for which a settlement of the assessment has been concluded with him for the term to which such settlement extends, conditionally on his paying the amounts due on account of the land-revenue for the same

at the time and in the manner prescribed by the Collector according to law and on his fulfilling any other terms lawfully annexed to his occupancy.

Section CXXVI.—The survey occupant of land is entitled to the occupation of such land in perpetuity, conditionally on his paying according to the provisions of Chapter VIII. of this Act or of the rules made under that chapter, or of any other law for the time being in force, the sums due on account of the assessment fixed on the survey numbers of which he is survey occupant and on his fulfilling any other terms lawfully annexed to his occupancy.

Section CXXVII.—If by a decree or order of a competent Court, it shall be adjudged that the occupant is a tenant or holder from, or under another

Decrees or order of competent courts as to transfers to be respected.

person, or that the right of occupation is vested in another person, not as a tenant or holder from, or under the occupant, or if in the execution of such a decree or order the interest of the occupant in the land have been transferred by sale or otherwise to another person, such other person, on producing a certified copy of the decree or order, or the Court's certificate of the sale, or other transfer, shall, on application to the Collector, be entitled to be registered as occupant of the land or of the survey number, and shall thereafter be deemed the occupant and dealt with accordingly.

Section CXXVIII.—On the death of an occupant the Collector shall cause his nearest heir to be registered as occupant in his stead, and the said heir shall thereafter be deemed the occupant and shall be dealt with accordingly, subject to the provisions of the last preceding section.

Name of heir to be registered when occupant dies.

Section CXXIX.—Arrears of land-revenue due on account of land by any occupant shall be a paramount charge on the occupancy or holding, and failure in payment of which shall make the holding liable to forfeiture, whereupon the Collector may levy all sums in arrear by sale of the occupancy or holding, freed from all tenures, incumbrances and rights created by the holder or occupant, or any of his predecessors in title, or in anywise subsisting as against such holder or occupant, or may otherwise dispose of such occupancy or holding under rules or orders of the Governor in Council made generally, or specially, in that behalf.

Land revenue to be a paramount charge on the land.

every part thereof, failure in payment of which shall make the holding liable to forfeiture, whereupon the Collector may levy all sums in arrear by sale of the occupancy or holding, freed from all tenures, incumbrances and rights created by the holder or occupant, or any of his predecessors in title, or in anywise subsisting as against such holder or occupant, or may otherwise dispose of such occupancy or holding under rules or orders of the Governor in Council made generally, or specially, in that behalf.

It shall be lawful for the Collector, in the event of the forfeiture of a holding or occupancy through any default in payment or failure in

Forfeited holdings may be taken possession of and otherwise disposed.

service occasioning such forfeiture under this section or any law for the time being in force, to take immediate possession of the land embraced within such holding or occupancy, and to dispose of the same by placing it in the possession of the purchaser or other person duly constituted a holder or occupant according to the provisions of this Act or any other law for the time being in force.

Section CXXX.—The right of occupancy shall be deemed an heritable and transferable property subject to the provisions

in the last section contained or otherwise prescribed by law, and shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector or by the Mamlatdar or Mahalkari and whose name shall accordingly be registered as occupant.

Section CXXXI.—A holder from Government or an occupant may relinquish his holding or occupancy.

his occupancy from the close of the current year, either absolutely, or in favour of a specified person, who simultaneously agrees to become the holder or occupant; provided that such relinquishment apply to the whole of such holding or occupancy, or to a portion thereof comprising whole survey numbers or recognized shares of survey numbers, and that a written notice thereof be presented to the Mamlatdar or Mahalkari before the 31st March in such year, or before such other date as may be from time to time prescribed in this behalf for each district by the Governor in Council.

The holder, or occupant, whose name is registered as such in the Revenue records shall continue liable for the land-revenue due on his holding, or occupancy, and for all other lawful demands of Government in respect of the same, until such time as the holding, or occupancy is relinquished, or transferred, under the provisions of this section, or of Section 127 of this Act, to the name of any other person; and the Collector shall not be bound in any case to recognize any person to whom the said holder or occupant may assign his interest in any portion of his holding, or occupancy, unless the said portion thereof have been legally transferred in the Revenue records to such person's name.

But shall continue liable for all demands until the holding or occupancy is so relinquished or transferred to another person's name.

Revenue records shall continue liable for the land-revenue due on his holding, or occupancy, and for all other lawful demands of Government in respect of the same, until such time as the holding, or occupancy is relinquished, or transferred, under the provisions of this section, or of Section 127 of this Act, to the name of any other person; and the Collector shall not be bound in any case to recognize any person to whom the said holder or occupant may assign his interest in any portion of his holding, or occupancy, unless the said portion thereof have been legally transferred in the Revenue records to such person's name.

In villages held on the Nurwa and Bhagdari or other similar tenure, the provisions of this section shall not relieve any sharer from his liability for the assessment of all lands for which he may be, according to law or the custom of the village, responsible jointly with the other sharers.

Sharers in Nurwa and Bhagdari villages not to be relieved of certain liabilities.

any sharer from his liability for the assessment of all lands for which he may be, according to law or the custom of the village, responsible jointly with the other sharers.

Section CXXXII.—In order to prevent the

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

forfeiture of an occupancy through non-payment of the land-revenue due on account thereof under the provisions of Section CXXIX. of this Act, or of any other law for the time being in force, it shall be lawful for any co-owner, tenant, mortgagee or other person interested in the continuance of the occupant's estate to pay on behalf of such occupant all sums due on account of land-revenue, and for the Collector or Mamlatdar to receive the same. And in any such case the Collector, if such a proceeding shall seem just and reasonable, may give to the person who has paid the land

Collector may assist such persons in recovering the revenue from other parties liable therefor.

revenue as aforesaid such aid for the recovery of the proportional amounts properly payable by other persons in occupation of parts of a field or survey number as he might legally have given, had the person so paying been the occupant.

Provided that nothing authorized or done under

Proviso.

the provisions of this section shall affect the right of the parties interested as the same may be established in any suit between such parties in a court of competent jurisdiction.

Section CXXXIII.—If it shall appear to the

Collector may in certain cases transfer occupancy to co-owner or other person instead of selling it for realization of land-revenue.

Collector that an occupant has failed to pay land-revenue and has thus incurred forfeiture with a view to injure or defraud his co-owners, or other persons interested in the continuance of the occupancy, or that a sale of the occupancy will operate unfairly to the prejudice of such co-owners, or other persons, it shall be lawful for him, instead of selling the occupancy, to transfer it to any such co-owner, or other person, on his payment of all sums due on account of land-revenue for the survey number or the holding; and such person, so becoming a superior holder, shall have the rights and remedies with respect to all other persons in occupation provided for by Section CXXXVIII. of this Act.

The rights and liabilities of Superior Holders and Occupants and their Tenants inter se.

Section CXXXIV.—A person placed, as tenant,

Amount of rent payable by tenant.

in possession of land by another, or, in that capacity, holding, taking, or retaining possession of land permissively from or by sufferance of another, shall be regarded as holding the same at the rent, or for the services agreed upon between them, or in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all of the circumstances of the case, shall be just and reasonable.

And where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it may, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him.

Duration of tenancy.

Nothing contained in this section shall affect

Saving clause.

the right of the landlord, (if he have the same either by virtue of agreement, usage, or otherwise,) to enhance the rent, payable or services renderable by the tenant, or to evict the tenant for non-payment of the rent or non- rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

Section CXXXV.—An annual tenancy shall,

Annual tenancy terminates on the 31st May.

in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st May.

An annual tenancy shall require for its termination a notice given in writing

Six months' notice of termination of tenancy to be given by landlord to tenant, or vice versa.

by the landlord to the tenant, or by the tenant to the landlord, at least six months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E, or to the like effect.

Section CXXXVI.—In any village in which

Superior holder's dues to be collected by hereditary village officers and not direct.

there exist an hereditary Patel and Kulkarni it shall be incumbent on a superior holder to receive his dues from inferior holders through them and to cause the usual village-accounts to be kept by them, and any payment of rent or revenue alleged to have been made otherwise than through the village officers shall not be recognized in any Civil Court or by any Revenue Officer.

Section CXXXVII.—Occupants and other

Superior holders and occupants entitled to assistance in recovery of dues from inferior holders, &c.

superior holders shall, upon written application to the Collector or the Mamlatdar, be entitled to assistance in the recovery of sums payable to them by inferior holders, including sharers in their holdings not entered in the revenue register, under the same rules and in the same manner as prescribed in Chapter XII. of this Act for the realization of land revenue by Government.

Provided that such application be made within the revenue year or within the year of tenancy in which the said sums became payable.

But application must be made within the revenue year or within the year of tenancy.

Section CXXXVIII.—Where lands have been assessed under the provisions of Chapter VIII. of this Act to the land revenue, whether such revenue be in fact levied thereon or not, the assistance to be given under the last preceding section shall not extend to the levy in any case of a sum exceeding double the amount of such assessment for the period for which such payment to the superior holder may be due.

Assistance to be given only to the extent of double the amount of Survey Assessment.

Section CXXXIX.—On application being made under Section 137 to the Collector he shall cause a written notice thereof to be served on the tenant, fixing a day for inquiry into the case. On the day so fixed he shall hold a summary inquiry and shall give such directions as the case may seem to him to require.

The Collector how to proceed on such application being made.

Section CXL.—It shall be lawful for the Governor in Council, if he thinks fit, to grant to any Jagirdar, Surinjamdar, Inamdar, or other person being a holder of alienated lands a commission conferring upon him authority for the collection of such revenue by the powers mentioned in Sections CCXXV. and CCXXXV. to CCXXXVII. of this Act, or such of them as shall be specified in the commission, in addition to any other powers exercisable by him under this Act or any other law for the time being in force.

Governor in Council may grant certain superior holders commissions to collect this revenue by the powers mentioned in Chapter XI.

Section CXLI.—Such commission, which shall be drawn out according to the form of the annexed Schedule F, shall be liable to be withdrawn at the pleasure of Government; and it may, if the Governor in Council see fit, be issued to one or more agents of such holder of alienated revenue, as well as to the holder in person.

Such commissions to be in form of Schedule F and to be granted and revoked at pleasure.

Section CXLII.—If the holder of any such commission distrain a defaulter's moveable property, he shall make an immediate report to the Collector of the District of his having done so, and should he wish to sell a defaulter's occupancy or his interest in his tenancy or other immoveable property, he shall also make a report to the Collector. Should the demand on account of which the distraint has been made, or the sale is desired, appear to the

Collector to be just, he shall give orders for the sale, and the sale shall be conducted agreeably to the provisions of Sections CCXXXIX. to CCLVI. of this Act.

Provided that if the holder of the commission shall be a Jagirdar, Surinjamdar, or Inamdar, vested by Regulation XIII. of 1830 with civil jurisdiction and with power to execute his own decrees or his agent's, the sale shall be conducted by him, and not by the Collector of the District and his subordinate Revenue Officers.

Proviso.

Section CXLIII.—All compulsory process shall cease:

When compulsory process shall cease.

on the defaulter's paying or tendering the amount demanded of him subject to protest according to the provision of Section CCXXXVIII. of this Act;

or on his furnishing either to the holder of the commission or his agent or agents, or to the Collector, satisfactory security in the form of Schedule D, or to similar effect, that he will fulfil any decree or order that may be passed against him in a suit to be instituted by him or by the holder of the commission as the Collector may direct within fifteen days from the date of furnishing such security.

And any holder of any such commission as aforesaid, by himself or his agents, proceeding with any compulsory process after payment made or tendered as aforesaid or after the furnishing of such security as aforesaid, or after the due tender thereof, shall, on conviction in a summary inquiry before the Collector, forfeit to Government three times the amount of the revenue sought to be recovered by such compulsory process.

Penalty for continuing compulsory process.

Section CXLIV.—The power conferred by such commission shall extend to the enforcement of the payment of the revenue or rent of the current year and of the year next immediately preceding, and not to that of former years.

Power under commission to extend to current and previous year's arrears.

Section CXLV.—Nothing in the foregoing sections shall be held to authorize the holder of a commission to enforce a demand for revenue or rent in excess of what any ryot or tenant has hitherto paid, or of what he may have contracted in writing to pay; and in the event of dispute the Collector shall hold a summary inquiry and decide what is just, and the holder of a commission shall not in any disputed case enforce a demand for more than what is so decided to be just unless by suit in a Civil Court.

Holder of commission is not hereby authorized to enforce any unusual or excessive demand.

The person against whom any such demand shall have been enforced shall be entitled to recover, on conviction of the holder of the commission in a summary inquiry before the Collector of the District, three times the amount of any such excessive demand by way of damages.

Provided, however, that nothing herein contained shall prevent a holder of alienated lands from instituting a suit in any Court of competent jurisdiction for the purpose of establishing his claim to re-assess the lands or re-settle the revenue of any inferior holder paying less than the full sum to payment of which he deems him to be justly liable, or from levying the sum ascertained to be due in accordance with the decree in any such suit in the manner hereinbefore mentioned.

Section CXLVI.—The penalties prescribed in Sections CXLIII. and CXLV. shall be recoverable from the holder of the commission as revenue demands.

CHAPTER VII.—OF EXEMPTION FROM PAYMENT OF LAND REVENUE.

Section CXLVII.—Lands held wholly or partially exempt from payment of land revenue under treaty shall continue to be so held according to the terms of such treaty.

Section CXLVIII.—Lands granted or held as Jagirs, or Surinjams, or on similar political tenure shall be resumable or continuable by Government in such manner and on such terms as Government on political considerations may from time to time see fit to determine.

Section CXLIX.—Lands held for service shall be resumable or continuable by Government under such general rules as Government may think proper, from time to time, to lay down.

Section CL.—All lands as to the title to which final adjudication has heretofore been made under any law at the time being in force and all lands as to the title to which a settlement, adjustment, or final decision has been made by the British Government, or by some authorized Officer thereof, or by any court of competent jurisdiction, as also all lands with respect to which any settlement, adjustment, or final decision has been heretofore made under Bombay Act II. or VII. of 1863, or Bombay Act IV. of 1868, shall continue to be held according to the terms of the adjudication, decision, settlement, or adjustment of which they may respectively have been the subject.

Section CLI.—When the holder or holders of lands other than those referred to in Sections CXLVII. to CL. of this Act, and the Collector of the District do not agree

in any of the following matters, viz. :

(1) whether the assessment hitherto levied from any such lands was full or partial, or

(2) whether any such lands have been hitherto held totally exempt from land revenue or not, or

(3) whether, according to the terms of any specific agreement, or of any alleged guarantee, or for other sufficient reason, any such lands are entitled to be held subject to special conditions or restrictions as to their liability to payment of land revenue within the meaning of the Proviso to Section CXX. of this Act or not ;

it shall be lawful for the Collector to require the said holder or holders to submit his or their claims to inquiry.

Such inquiry shall be a formal inquiry and shall be confined strictly to the points at issue, and be conducted under the same rules and conditions as are hereinafter in this Chapter (Chapter VII.) provided for inquiries demanded under Section CLVIII., and with the same liberty of appeal, should the original decision be either wholly or partially adverse to the said holder or holders of land.

When a final decision of the points in dispute has been arrived at, the Collector shall, according to the terms of such decision, proceed to deal with the said lands either as liable to full assessment or to be assessed only subject to certain special conditions or restrictions, or as having hitherto enjoyed total or partial exemption from payment of land revenue, and being therefore entitled to have the provisions of Section CLII. and following sections of this Act applied to them, as the case may be.

Summary Settlement of Claims to Exemption.

Section CLII.—When the holders of lands except such as are referred to in Sections CXLVII. to CL. of this Act, which are admitted by the Collector, or are proved under the provisions of the last preceding section to have been hitherto held either wholly or partially exempt from the payment of land revenue, shall have consented to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the Governor in Council to finally authorize and guarantee by sanad the continuance in perpetuity of the said land to the said holders, their heirs and assigns, upon the said terms, and subject to the said conditions.

Section CLIII.—When the Governor in Council shall under the last preceding section have finally authorized and guaranteed the continuance in perpetuity to the holders, their heirs and

The said lands (subject to provisions of Section CLIV.) to be the heritable and transferable property of the said holders subject to certain payments.

assigns of land wholly or partially exempt from the ordinary payment of annual land revenue, the said lands shall (subject to the enactments contained in Section CLIV. of this Act), be the heritable and transferable property of the said holders, their heirs and assigns, without restriction as to adoption, collateral succession, or transfer; and such lands shall thenceforth be continued in perpetuity, subject to, in the *New Provinces* :

1st. a fixed annual payment as Nazarana, in commutation of all claims of Government in respect of succession and transfer, which shall be calculated at the rate of one anna for each rupee of assessment;

2nd. a quit-rent equal to one-fourth of the assessment;

and in the *Old Provinces*, a fixed annual payment to Government calculated at the rate of two annas for each rupee of the assessment.

The said assessment shall be ascertained under the following rules:—

Rule 1.—The assessment of lands, other than those specified in Rule 2, shall, with respect to lands which have already been assessed by the Revenue Survey, be the assessment already imposed upon those lands by the Revenue Survey, and with respect to lands which have not yet been assessed by the Revenue Survey, shall be such assessment as shall be agreed on by the Collector or settling Officer and the owner or holder of the lands, which shall be final: and in failure of their agreement it shall be the existing rental of the lands until the Revenue Survey, shall have placed a new assessment thereon, after which the assessment so placed by the said Revenue Survey shall be understood to be the assessment.

Rule 2.—The assessment of lands of such an exceptional character as not to be assessable under the Revenue Survey Rules, shall be in the discretion of the Revenue Officers of Government, which discretion shall be guided so far as may be by the rate at which similar land in the same district belonging to Government is let, due regard being had by the said Revenue Officers to all equitable considerations affecting such lands. Shares of the revenues of villages (such as Amals) shall be assessed for the purposes of this Chapter (Chapter VII.) at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these rules.

Rule 3.—Lands for which a júdí, salámi, or other quit-rent or land-tax, under whatever denomination, is already paid to Government or may be payable to Government under Sections CLXXIV. and CLXXV. of this Act, instead of being liable to only one-fourth of the assessment in the *New Provinces* and one-eighth of the assessment in the *Old Provinces*, shall, in addition to the annual amount of such júdí, salámi, quit-rent or other tax aforesaid, be liable to a further annual quit-rent equal to one-fourth or one-eighth in the *New* and *Old Provinces* respectively of the sum by which the annual or average annual amount of such júdí, salámi or other quit-rent, or tax aforesaid may fall short of the assessment.

Rule 4.—Quit-rent and annual Nazarana imposed under this Section (Section CLIII.) and the rules hereunto annexed, shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save so far as is above in Rule 1 provided to the contrary in the case of lands which have not been already assessed by the Revenue Survey.

Rule 5.—The whole of the exempt lands found in the possession of each holder, even if in excess of the original alienation, shall be continued according to the provisions of this Section (Section CLIII.) and the rules hereunto annexed, and subject to the enactments contained in Section CLIV.

Section CLIV.—Any settlement made by the Governor in Council under the provisions of the last preceding section with any person as holder of lands shall be binding on, and so far as the rights of Government are concerned, shall be deemed to have been made with the rightful holder; but the settlement shall not otherwise affect the rights and liabilities of the said person or of the rightful holder, or of any other person in relation to the lands concerning which such settlement may have been made.

Section CLV., Clause 1.—In the *New Provinces*, when the amount of the annual Nazarana payable for any holding in accordance with Section CLIII. of this Act exceeds the sum of ten Rupees, it shall be at the option of the holder of the land on account of which the said Nazarana is declared payable, if he be not merely a mortgagee, to elect within two calendar months after service of a notice explaining the purport and effect of the rules contained in this Section (Section CLV.), which service shall be made in the same manner as is hereinafter provided for the service of the notice describe in Section CLVII. of this Act, that in lieu of the land being made subject to the payment of such annual

Section CLV., Clause 1.—In the *New Provinces*, when the amount of the annual Nazarana payable for any holding in accordance with Section CLIII. of this Act exceeds the sum of ten Rupees, it shall be at the option of the holder of the land on account of which the said Nazarana is declared payable, if he be not merely a mortgagee, to elect within two calendar months after service of a notice explaining the purport and effect of the rules contained in this Section (Section CLV.), which service shall be made in the same manner as is hereinafter provided for the service of the notice describe in Section CLVII. of this Act, that in lieu of the land being made subject to the payment of such annual

Occasional Nazarana. Nazarana, an occasional Nazarana shall be payable at each change of possession thereof, or of any part thereof, by inheritance or transfer, the amount of which Nazarana shall be—

(a). On every succession by inheritance, a Nazarana equal to one year's assessment of the alienated lands which are the subject of such succession.

(b). On every transfer of alienated lands a Nazarana equal to two years' assessment of the land transferred.

The assessment shall be, in each case, ascertainable under the rules annexed to Section CLIII. of this Act.

Provided that in the event of more than one succession or transfer occurring within twelve months, such occasional Nazarana, on succession, or transfer, shall not be leviable more than once.

Provided also that it shall be at the option of the holder of the land to pay such occasional Nazarana in one sum or by annual instalments not exceeding one-fourth of the whole Nazarana per annum.

Proviso.

Clause 2.—When, at the election of the holder, alienated lands shall have been made liable to occasional Nazarana, leviable under this Section (Section CLV.) instead of to an annual Nazarana of one anna in each rupee of the assessment as provided by Section CLIII. of this Act, the occasional Nazarana shall be levied from each person obtaining possession of the land to which it is subject, whether by inheritance or transfer; and it shall be the duty of that person, within the period of one calendar month after obtaining possession as aforesaid, to give notice in writing thereof to the Collector or other chief Revenue Officer of the Collectorate or District in which the said lands are situate; and in default of such notice, the person so obtaining possession shall forfeit, in addition to the Nazarana leviable on the occasion, a sum equal to the amount thereof.

Person obtaining possession to give notice to the Collector, &c.

Clause 3.—It shall also be the duty of the holder of any land made subject under this section to the payment of occasional Nazarana instead of to an annual

Holder of land paying occasional Nazarana to give notice to the Collector, &c., of any transfer.

Nazarana of one anna in each rupee of the assessment, who shall transfer the same or any part thereof, to give to the Collector or chief Revenue Officer of the District in which the lands so transferred are situate, notice in writing of such transfer, and of the nature and extent thereof, and of the person or persons to whom the same is made, within one calendar month after such transfer has been made; and in default of such notice, the person or persons so transferring as aforesaid shall forfeit a sum equal to the amount of the Nazarana leviable on the occasion from the person to whom the transfer shall have been made.

Section CLVI.—Whenever in the Old Provinces

In the Old Provinces on proof of previous formal adjudication, holder to be exempt from said quit-rent, and from any further inquiry into title.

a holder of alienated lands on being called upon, under the rules to be hereinafter enacted, to declare if he consents to the quit-rent described in Section CLIII, shall plead that his title has already been formally adjudicated, then on proof of such adjudication, and provided the lands have not been already formally adjudicated to be not continuable hereditarily, the said holder shall be exempt both from liability to the said quit-rent, and from any further inquiry into title, provided,

Proviso.

however, that, if the said holder, for the purpose of enlarging the scope of the former adjudication, or for other reason, shall apply to have his holding brought under the Settlement described in Section CLII. and following sections of this Act, he

shall be permitted to do so; and the lands shall thenceforth be held with all the privileges conferred by the said Settlement and subject to all its conditions as if no previous adjudication had been made.

Section CLVII., Clause 1.—In order to ascertain whether a holder of lands, wholly or partially exempt from payment of land revenue desires to accept the Settlement described in Sections CLIII. and CLIV. of this Act, it

Collector or other Officer may serve a notice on holder of lands calling on him to state whether he is willing to accept Settlement aforesaid or demands formal inquiry into his title.

whether a holder of lands, wholly or partially exempt from payment of land revenue desires to accept the Settlement described in Sections CLIII. and CLIV. of this Act, it

shall be lawful for the Collector or for any other Officer duly authorized by him to serve, or to cause to be served, a notice, in writing, upon the holder of such lands, calling upon him to state whether he is willing to accept and abide by the Settlement aforesaid, or whether he demands formal inquiry into his title.

Clause 2.—The notice shall be in the prevailing language of the District in which the lands are situate, and shall explain the nature of the alternatives offered on the part of Government.

Language and form of notice.

Clause 3rd.—It shall be served upon the person holding, or registered in the Government Land Registers as holding the lands wholly or partially exempt from the land revenue as aforesaid, if he be resident within the limits of the district.

Clause 4th.—If such persons as last aforesaid be not resident within the district, the notice shall be served upon any person acting for the aforesaid in respect of the lands.

When persons not resident within the Collectorate.

Clause 5th.—When more persons than one hold jointly lands wholly or partially exempt from land revenue, service of notice upon any one of them shall in every case be sufficient.

When more persons than one holds the lands jointly.

Clause 6th.—If the holder be known to reside in another district of the Bombay Presidency, and if there be no person acting for him in the district in which the lands are situate, the notice shall be sent to the Collector of such other district and served or caused to be served by him.

When holder is known to reside in another Collectorate.

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the persons actually in occupation of the land (if any), and a copy of such notice shall be posted in the Office of the Collector and of the Mamlatdar or Mahalkari and in the Chowri, or most public place in the village where the lands are situate.

When no person acts for holder, and holder cannot be found.

Clause 8th.—If within six calendar months after

When holder makes no answer for six months, he shall be deemed to have dispensed with such inquiry.

the service of such notice in manner aforesaid the person holding the lands wholly or partially exempt from revenue as aforesaid or his legally-constituted agent shall not give an answer in writing to such notice, stating clearly in such answer that he declines the settlement, and demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands shall be dealt with under Sections CLII. and CLIII. of this Act, and the rules annexed to the said Section CLIII., and if held on behalf of religious or charitable institutions, shall be dealt with under Section CLX. of this Act. If no holder or owner can be discovered, the land shall be fully assessed to the land revenue, and shall continue to be assessed, unless some person shall, within the period allowed by the law of limitation, appear and prove his title to it.

If no holder or owner discovered, land to be fully assessed.

Clause 9th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this section, or of any such reply as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, a summary inquiry shall be held into the matter so in dispute by the Collector of the District or other Officer appointed to make inquiries under this chapter, and the decision of such Officer as aforesaid shall be final, except that in any case in which the notice has been served by the Officer making an inquiry under this section, an appeal against his decision as to the sufficiency of such notice shall lie, subject to the general rules hereinafter enacted in Chapter XIV. of this Act as to appeals, to the said Officer's immediate superior, whose decision shall be final.

When sufficiency of service of notice or of reply thereto is disputed.

reply as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, a summary inquiry shall be held into the matter so in dispute by the Collector of the District or other Officer appointed to make inquiries under this chapter, and the decision of such Officer as aforesaid shall be final, except that in any case in which the notice has been served by the Officer making an inquiry under this section, an appeal against his decision as to the sufficiency of such notice shall lie, subject to the general rules hereinafter enacted in Chapter XIV. of this Act as to appeals, to the said Officer's immediate superior, whose decision shall be final.

Section CLVIII.—In the event of the holder upon whom notice has been served as last aforesaid claiming inquiry, such inquiry shall be conducted as a formal inquiry under the rules and according to the principles hereinafter enacted.

Inquiry, when claimed, to be conducted under rules and according to principles hereinafter enacted.

If the final decision of the Collector or trying authority (including, where an appeal is allowed, the appellate authority) be in favour of the continuance of the exemption or any portion thereof, such exemption shall be admitted in terms of the decision.

But the establishment of a title to exemption shall not preclude the levy of full assessment on all land ascertained to be held in excess of that to which a title is established, and such excess shall forthwith be fully assessed.

Land held in excess of that to which a title is established, to be fully assessed.

established, and such excess shall forthwith be fully assessed.

In the New Provinces the lands shall not be

In the New Provinces lands in respect of which inquiry is demanded to be subjected thereafter to certain restrictions.

heritable in any other manner or to any further extent than the same may, on such inquiry, be adjudged to be

heritable; nor shall any adoption be recognised in any Civil Court or by any officer of Government, as creative of, or continuing a title to, claim from Government any exemption from assessment or any other privilege on account of the said lands; and no Nazarana shall be received on account of Government from the holders of such lands. And whensoever the same lands or any part thereof, either by operation of law, or by devolution, assignment, gift, sale (whether such sale be judicial, public, or private), devise, transfer deed, or other instrument, or otherwise howsoever, pass to any person, not an heir by actual descent from the person to whose heirs the lands shall be declared heritable, or, in default of such declaration, from the person who may establish his title to exemption as last aforesaid, then the said lands or such part thereof as may have so passed to any person other than the said actual descendants, shall forthwith become and be liable to payment of annual land revenue at the full assessment.

In the event, upon such inquiry as aforesaid, of

If exemption be not established full assessment to be levied.

there being a failure by the holders to establish title to exemption from payment of land revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment.

Section CLIX., Clause 1st.—When the holders of lands held wholly or

When holders demand a trial and adjudication, deposits to be made and security given.

partially exempt from the payment of land revenue, demand a trial and adjudication of their title under the provisions of Section CLVIII. of this Act, they shall be required to deposit forthwith in the Collector's Treasury, or the Treasury of the Taluka or Mahal in which the lands are situated, a sum equal to one-eighth part of the annual assessment of the land, ascertainable according to Rules 1 and 2 of Section CLIII. of this Act, and thereafter to continue to pay annually an eighth of the said assessment as it becomes due from the date of such demand for trial until the date of such adjudication, and to furnish satisfactory security for the payment of the remaining seven-eighths thereof, in case of their failure to prove the title to exemption asserted by them; and in default of their making such deposits and furnishing such satisfactory security, the full assessment of the land, which is to be the subject of inquiry, shall be levied, pending the adjudication.

Clause 2nd.—If the inquiry result in the establishment of the asserted

Refund of deposits and assessment with interest, if holder prove his title.

title, the holder, or, in the event of his decease, his heir who succeeds to possession of the said land, shall be entitled to a refund of all deposits made and assessment levied under the provisions of this section pending such inquiry as aforesaid, and to interest thereon at the rate of 5 per cent. per annum.

Clause 3rd.—If the result of the inquiry be

Full amount of Land Revenue to be levied, if holder fail to prove his title.

that the holder fail to prove his title, the full amount of land-revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or from either of them, any sums deposited or levied pending adjudication as aforesaid being taken in account of the same.

Section CLX.—Lands held on behalf of religious or charitable institutions either wholly or partially exempt from the payment of land-revenue shall be declared to be so wholly or partially exempt from such payment of land-revenue as aforesaid; subject, however, to the payment of annual quit-rent equal to one-fourth of the assessment, in the *New Provinces*, and to two annas for each rupee of assessment in the *Old Provinces*. The assessment shall be ascertainable under the rules annexed to Section CLIII. of this Act.

Lands held on behalf of religious or charitable institutions.

It is, however, declared that lands held on behalf of religious or charitable institutions, wholly or partially exempt from the payment of land-revenue, shall not be transferable from the persons who are trustees for such institutions either by assignment, sale (whether such sale be judicial, public, or private), gift, devise, or otherwise howsoever, and no Nazarana shall be leviable on account of such lands.

If the holders, managers, or trustees of such lands shall refuse to accept the terms provided by Clause 1 of this section, and shall demand a trial and adjudication of the title by which the land is held wholly or partially exempt from land-revenue, they shall be entitled to the same, on the conditions described in Section CLIX. and subject to the liabilities provided in Section CLVIII. of this Act.

INQUIRY.

Section CLXI.—When an inquiry is claimed under the provisions of Section CLVIII. of this Act, such inquiry shall be held by the Collector of the District in the *Old Provinces*, and in the *New Provinces* the Collector shall take the deposits and security required by Section CLIX. of this Act, or in default proceed to levy the full assessment pending adjudication and shall then refer the inquiry to the Alienation Settlement Officer.

Inquiries by whom to be held.

Section CLVIII. of this Act, such inquiry shall be held by the Collector of the District in the *Old Provinces*, and in the *New Provinces* the Collector shall take the deposits and security required by Section CLIX. of this Act, or in default proceed to levy the full assessment pending adjudication and shall then refer the inquiry to the Alienation Settlement Officer.

The time for the inquiry to take place shall be fixed with reasonable regard to the public convenience and to the convenience of all persons interested in, or to be engaged in, conducting the same. Due notice of the date fixed shall be given to the claimant, who shall be invited to appear in person or by duly constituted agent with all original documents, on the day appointed for hearing.

Time to be fixed.

When new evidence is produced by claimant on appeal, he shall forfeit all sums already levied from him under Clauses last aforesaid, unless sufficient cause shown why not produced before.

Section CLXII.—When any claimant shall demand an inquiry as aforesaid, he shall, within two months of notifying his intention to that effect, furnish the

deposit and security required in such cases by Section CLIX. of this Act, and forward to the Office of the Collector a written statement, setting forth in detail the grounds on which the claim to exemption is founded, accompanied by copies of the original documents, if any, which he wishes to produce in support of the claim, and a list of such other evidence, whether written or oral, as he may desire to have exhibited; and, save as is hereinafter provided in Section CLXV., no further evidence beyond such documents and witnesses as may be specifically named in the said statement or its accompaniments shall be admitted in support of such claim without reason assigned to the satisfaction of the trying authority.

If any claimant shall fail, within the time specified, to comply with the requirements of the above Clause, except from unavoidable causes, to be proved to the satisfaction of the Collector, his claim shall be finally disallowed, and his land shall be fully assessed forthwith.

On failure to comply with requirements of above Clause, claim to be finally disallowed.

the requirements of the above Clause, except from unavoidable causes, to be proved to the satisfaction of the Collector, his claim shall be finally disallowed, and his land shall be fully assessed forthwith.

On receipt of the said statement and accompaniments the Collector of the District shall file the papers for trial before himself or forward them for trial to the Alienation Settlement Officer, as the case may be.

The Collector how to proceed on receipt of statement; its accompaniments.

the papers for trial before himself or forward them for trial to the Alienation Settlement Officer, as the case may be.

Section CLXIII., *Clause 1st.*—If the decision of the trying authority be in favour of the continuance of the exemption claimed, it shall be final.

Decision to be final in claimant's favour.

Clause 2nd.—If the decision be against the right of the claimant to the exemption claimed or any portion thereof, the claimant shall be at liberty to appeal to the District Court in the *Old Provinces* and to the Governor in Council in the *New Provinces* within ninety days from the date of that decision; provided that the annual value of the exemption decided against be Rupees 50 or upwards, and that proceedings under Section CLVIII. in the case of exemption not being established, shall not in any case be stayed pending the result of such appeal.

If decision be adverse, claimant may appeal within 90 days, provided annual value be Rs. 50 or upwards.

the decision be against the right of the claimant to the exemption claimed or any portion thereof, the claimant shall be at liberty to appeal to the District Court in the *Old Provinces* and to the Governor in Council in the *New Provinces* within ninety days from the date of that decision; provided that the annual value of the exemption decided against be Rupees 50 or upwards, and that proceedings under Section CLVIII. in the case of exemption not being established, shall not in any case be stayed pending the result of such appeal.

Clause 3rd.—If the result of the appeal be in favour of the claim, the amount which may have been levied under Section CLVIII. shall be refunded.

If appeal succeed, amount levied to be refunded.

the amount which may have been levied under Section CLVIII. shall be refunded.

Clause 4th.—If any evidence, oral or documentary, not produced before the trying authority be admitted in appeal without the claimant showing sufficient cause why such evidence was not previously produced, and proving that such cause was assigned to the trying authority, or adducing good reason for its not having been so assigned, the said claimant shall forfeit, even if the appeal be successful, all sums which may have been levied from him under Section CLVIII.

When new evidence is produced by claimant on appeal, he shall forfeit all sums already levied from him under Clauses last aforesaid, unless sufficient cause shown why not produced before.

such cause was assigned to the trying authority, or adducing good reason for its not having been so assigned, the said claimant shall forfeit, even if the appeal be successful, all sums which may have been levied from him under Section CLVIII.

Clause 5th.—The decision of the trying authority shall not be liable to be set aside for want of form or on any other technical ground.

Section CLXIV.—Whenever any claimant demands inquiry as aforesaid, the burden of proof of title shall, except in so far as is otherwise provided in Sections CLXV. and CLXVIII. of this Act, lie and be cast exclusively upon the claimant; and it shall in every instance be presumed, until the contrary is distinctly proved, that Government has the right to levy the ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid. It shall, however, be lawful for Government, or its duly authorized Officers, whenever it may appear desirable or necessary, to produce and give evidence in rebuttal or disproof of the alleged title to exemption.

Section CLXV.—Any claimant demanding an inquiry into his title shall be allowed the benefit of any evidence to be found in Government records in custody of such public Officer. Government, in custody of such public Officer, as is authorized by the British Government to have charge of the same, and such public Officer shall be bound to search for, and to produce the same.

Section CLXVI.—In the Old Provinces the following rules shall be observed in the adjudication of titles inquired into under the provisions of this chapter:—

Rule 1.—The trying authority shall not be bound to admit any Sanad as evidence in support of a claim to exemption, which shall not bear an endorsement as having been registered by a Collector before the first of September 1828.

Rule 2, Clause 1st.—When exemption is claimed under a Sanad, &c., exemption to be admitted in terms of the grant. any of their Officers possessing authority to grant the same, exemption shall be admitted in terms of the grant, unless evidence be forthcoming to show that the terms of such grant did not take effect or were subsequently modified, cancelled, or revoked by competent authority.

Clause 2nd.—The public Officers specified in Schedule G. are recognized to have possessed authority under former Governments to grant or revoke Sanads, &c. writings exempting land either wholly or partially from the payment of land-revenue.

Rule 3.—Claims to exemption from payment of land-revenue, in virtue of prescription, shall be admitted under the following circumstances:—

Clause 1st.—When land situated in districts ceded by or conquered from the Peishwa after 1803, is proved to have been held by any person, his heirs, or others deriving right from him, wholly or partially exempt from payment of land-revenue, under a tenure recognized by the custom of the country, for sixty years in succession next preceding the second of July 1863, or when land situated in any other district is proved to have been held in like manner for thirty years as aforesaid.

Clause 2nd.—Provided, however, that whenever exemption has been enjoyed under a sanad or other writing, no title by prescription shall be admitted unless the full period required under the last preceding Clause shall have lapsed subsequent to the expiry of the title under the sanad or writing aforesaid.

Clause 3rd.—And that in no case shall a title to prescription be admitted in respect to Government lands alienated since the British Government obtained possession of the country, and without its permission.

Clause 4th.—And further, that the exemption during the periods of sixty and thirty years, respectively, as detailed in Clause 1 of this rule, be proved to have been enjoyed in strict conformity with the conditions of the recognized tenure under which it is claimed.

Rule 4.—A prescriptive title admitted under the preceding rule shall continue to be recognized only in conformity with the conditions under which the exemption has been hitherto enjoyed.

Rule 5, Clause 1st.—A sanad or other writing under Rule 2 of this section, or prescriptive enjoyment under a recognized tenure as described in Rule 3 of this section, shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public Officer possessed under a former Government of full and sufficient authority to grant deeds exempting lands from the payment of public revenue, or so far as the land has been assessed under an order not subsequently recalled, issued by any of the said public Officers, and such assessment has been realized.

Clause 2nd.—Nor shall such a deed or writing or such enjoyment under a recognized tenure be considered as a sufficient title, if the land has been subsequently assessed for the period of twelve years like other land of the same description enjoying no exemp-

tion, and the assessment has been realized, but without prejudice to any suit filed in support of the title to exemption, before the completion of the said period.

Clause 3rd.—And where the assessment so levied for twelve years has not been to the extent of that imposed on land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment

so made and realized.

Rule 6.—Adoptions unrecognized by the present or former Government, or by one of their public Officers possessed of competent authority, shall not be admitted in any cases in which a claim to exemption is founded on a grant limiting succession to lineal descent.

Section CLXVII.—The provisions of rules 2 to 6 of the last preceding section shall be of general application in all cases in which inquiry may have to be made in the *Old Provinces*, and shall not be confined to cases in which inquiry may have been demanded under Section CLVIII. of this Act.

Section CLXVIII.—In the *New Provinces* the following rules shall be observed in the adjudication of titles inquired into under the provisions of this chapter :—

Rule 1 Clause 1.—All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment of revenue, are to be so continued according to the purport of such declaration.

Clause 2.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the Alienation Settlement Officer is to suspend his judgment, and report the circumstances of the case to the Governor in Council, to whom a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the Alienation Settlement Officer, upon receiving the determination of the said Governor in Council, shall decide accordingly.

Rule 2, Clause 1.—Any land held under a sanad declaring it to be hereditary, shall be so continued according to the terms of the sanad.

Clause 2.—Provided that the grant was either made, or specifically recognized, by authority competent to alienate Government revenue in perpetuity, the question of which recognition and

competency is to be referred to and determined by Government in the manner prescribed by Clause 2, Rule 1.

Clause 3.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of law or of the rules of public decency.

Clause 4.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized by competent authority.

Rule 3.—All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson or the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

Rule 4, Clause 1.—All lands uninterruptedly held as wholly or partially exempt from assessment, for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Clause 2.—The authorized possession contemplated by Rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or paramount power. The mere entry of the holding, as continued in the genuine accounts of the District Officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of “uninterrupted” and “authorized” so far as regards the purposes of this rule; provided only that there are no entries in the Collectorate accounts which show that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or paramount power.

Clause 3.—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of Rules 3 and 4, respectively, his prescriptive right shall be admitted.

Clause 4.—The introduction of the British Government is to be reckoned from the time when the East India Company became the Government or paramount authority over each district as regards its Inams. In the territories ceded by or conquered from the Pashwa, therefore, whether Khalsat Mahals or Sarinjams, &c., held exclusive of Inams, &c., the introduction of the British Government will date from the close of that of the Peshwa. But in case of the lapse of an independent principality, or of a jagir more ancient than the Peshwa's Gov-

ernment, and over the Inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the districts may have come into the hands of the Company; and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to, and determined by, Government in the manner prescribed by Clause 2, Rule 1.

Rule 5, Clause 1.—Land held wholly or partially exempt from payment of land-revenue, the possession of which is not continuable under the preceding rules, is to be resumed on the demise of the incumbent.

Clause 2.—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person, in whose name the land may be continued, when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

Clause 3.—When land is evidently held by fraud recently committed (as when an Inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended Inam is found to have originated since the introduction of this Government with the connivance of District or Village Officers), it shall be at once resumed, not being continuable under this or any of the preceding rules.

Rule 6, Clause 1.—All lands held for the support of mosques, temples, or similar institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Clauses 2, 3, & 4.—The same as the corresponding Clauses of Rule 2, in those cases in which title deeds or other records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Clause 5.—When there is no proof forthcoming to show whether or not an Inam, coming under the provisions of this rule, was granted, or even specifically recognized by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the Inam, as continued in genuine accounts of the District Officers (even in those not passed by the Government of the time being), is to be considered sufficiently "uninterrupted" to give an Inam the benefit of this clause, if there be no entries in the Government accounts which show that it must have been unauthorized by them.

Clause 6.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in Clause 5

establishing full prescriptive title in such Inams still, if so far as they do go, they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the Inam shall be admitted according to his assertions unless there be other evidence forthcoming to disprove them.

Clause 7.—The peculiar advantages of this rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the rules for personal claims.

Clause 8.—When claims of the denomination coming under this rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to Rule 5.

Rule 7, Clause 1.—All land authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore, even though there be no sanads declaring it to be so,—for instance, Inams which form the authorized emoluments of any hereditary office, as of Kazis, Village Joshis, &c., and are not merely personal,—are to be continued permanently.

Clauses 2, 3, & 4.—The same as the corresponding Clauses of Rule 2, in those cases in which title deeds or other records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Clause 5.—When there is no proof forthcoming to show whether or not an Inam, coming under the provisions of this rule, was granted or even specifically recognized by competent authority, still if it has been undisputedly enjoyed as an official and not merely personal holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Clause 6.—The provisions of this rule are not in any way to apply to emoluments continued for service performed to the State, as the Service Wataans of Desais, Nadgowdas, Deshpandes, Patels, Kulkarnis, Mahars, Tulwars, whose claims are to be disposed of according to the rules which may be laid down by Government under Section CXLIX. of this Act.

Clause 7.—It is to be understood that mere length of enjoyment of land as Inam by an official person is not of itself sufficient to entitle a claim to be brought under this rule.

Clause 8.—If a holding, claimed under this rule, be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding rules which may be applicable to his case.

Rule 8, Clause 1.—On the resumption of any lands under these rules a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Regarding provision for the widows of the last incumbents of the resumed holdings.

Clause 2.—In the case of a holding, which is recognizable as an hereditary personal Inam, the widow of a proprietor who dies without surviving male issue or other heirs to whom his Inam will of necessity descend, is by right his sole heir, and during her life the Inam cannot be regarded as having lapsed to Government: it should, therefore, in such a case, be continued undiminished during the widow's life.

Rule 9.—Any of these rules may be relaxed in favour of claimants under instructions from the Governor in Council, in whom shall also be vested

Regarding the modification and interpretation of these Rules.

the power of interpreting the precise meaning of any of the rules respecting which a question may arise.

Uncultivated lands in Villages, Towns, and Cities.

Section CLXIX.—Nothing in the preceding Sections CLI. to CLXVIII. shall apply to lands situated within the limits assigned under Section CCVIII. of this Act for the sites of villages, towns or cities, which have not hitherto been used for purposes of agriculture only. To such lands the provisions of the three sections next following shall apply.

Section CLXX.—In towns and cities to which (Bombay) Act I. of 1865 or IV. of 1868 has been applied, the following lands shall, if they have not hitherto been used for purposes of agriculture, only be entitled to a continuance of the exemption from payment of land revenue hitherto enjoyed, viz. :—

1st.—In any town or city where there has been in former years a survey, which Government recognize for the purpose of this section, all such lands shown in the maps or other records of such survey as being held wholly or partially exempt from the payment of land revenue ;

2nd.—All such lands shown on summary inquiry before the Collector to have been held wholly or partially exempt from the payment of land revenue for a period of not less than 5 years before the application of (Bombay) Act I. of 1865 or IV. of 1868 to such town or city ;

3rd.—All such lands, for whatever period held, shown on summary inquiry before the Collector to have been held wholly or partially exempt from payment of land revenue under a deed of grant or of confirmation issued by an officer whom Government recognize as having been competent to issue such deed.

Section CLXXI.—In villages, towns, and cities to which Bombay Act I. of 1865 or Bombay Act IV. of 1868 has not been applied, all such lands as are aforesaid shown on

summary inquiry before the Collector to have been held wholly or partially exempt from the payment of land revenue for a period of not less than five years before the passing of the Act shall be entitled to a continuance of the exemption hitherto enjoyed.

Section CLXXII.—Nothing in the last preceding section shall be held to affect the right of Government, whenever it may appear necessary, to assess to the land-revenue the building sites in all villages, not being kusbas, in the districts now known as the districts of Ahmedabad, Kheda, Surat, and the Panch Mahals.

Section CLXXIII.—Nothing in Sections CLXX. or CLXXI. shall be held to affect the power of the Collector to resume all encroachments under Section CVIII. of this Act.

General Provisions.

Section CLXXIV., Clause 1st.—When it has been customary to levy any special or extra cess, fine, or tax, however designated, from the holders, occupants, or cultivators

of land, which though nominally wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine, or tax, been indirectly taxed to the State, it shall be competent to any Collector, Superintendent of Survey, or Survey Settlement Officer, to impose on such land, in lieu of the aforesaid cess, fine, or tax, any sum which may be deemed a fair equivalent, as an annual assessment to be paid under all circumstances ; provided that this commuted assessment shall in no case exceed the ordinary assessment to which the land would have been subject, if not held on a tenure conferring exemption from the payment of land revenue.

Clause 2nd.—Whenever, under the preceding Clause, any such cess, fine, or tax, hitherto payable by the occupant, cultivator, or other person not being the superior holder, shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such person, so long as his holding or tenancy shall endure, the amount of the commuted assessment fixed in lieu of such cess, fine, or tax.

Section CLXXV.—When any land ordinarily or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally or under particular circumstances to the payment of assessment, or cess, or tax, however designated, as when the land pays assessment only when it is cultivated, or when it is irrigated, or when cultivated with particular crops, or under any other circumstances whatever, it shall be competent to any Collector, Superintendent of Survey, or Survey Settlement Officer, to commute the aforesaid liabi-

lity to assessment under particular circumstances into an annual assessment to be paid under all circumstances: provided that this commuted assessment shall in no case exceed the ordinary and annual assessment to which the land would be subject if not held on a tenure conferring exemption from assessment.

Section CLXXVI.—A Register shall be kept by the Collector of each District in such form as may from time to time be prescribed by the Governor in Council of all lands the alienation of which has been established or recognized under the provisions of this Chapter (Chapter VII) or of any other law for the time being in force; and when it shall be shown to the satisfaction of the Collector that any sanad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the payment by the applicant of such fees as may from time to time be prescribed on this behalf by Government, grant a duplicate sanad to any person making application therefor, whom he may deem entitled to the same.

Section CLXXVII.—Nothing in this Chapter (Chapter VII.) shall apply to lands which, in villages held on Talukdari, Bhagdari, Narwadari, Khoti, or other similar tenure, may have been partially or wholly transferred by the present or former holders of the said villages, or by any one of them; and in the event of the management of such villages being at any time resumed by Government, all land so transferred shall revert to Government unaffected by the acts of the holders or any of them, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals:

Provided that it shall be lawful for Government with the consent of the superior holder of any such lands to at once recognize any such transfer and to make such settlement as may seem expedient with the transferee, dealing with him as if he held direct from Government; and any such settlement made before the passing of this Act shall have the same force as if made hereunder.

CHAPTER VIII.—OF REVENUE SURVEYS AND THE ASSESSMENT OF LANDS AND THE PARTITION OF ESTATES.

Section CLXXVIII.—It shall be lawful for the Governor in Council, whenever it may seem expedient, to direct the survey of any lands in any part of the Presidency, with a view to the settlement of the Land Revenue, and to the record and preservation of rights connected therewith or for any other similar purpose, and such Survey shall be called a Revenue Survey. Such Survey may extend to the lands of any village, town, or city generally, or to such lands only as the Governor in Council may direct; and subject to the

orders of the Governor in Council it shall be lawful for the Officers conducting any such survey to except from the Survey Settlement any lands to which it may not seem expedient that such settlement should be applied.

The control of every such Revenue Survey shall vest in and be exercised by the Governor in Council.

Section CLXXIX.—It shall be lawful for the Survey Officer deputed to conduct or take part in any such Survey, to require by general notice, or by summons, the attendance of holders of lands and of all persons interested therein in person or by legally constituted agent, duly instructed and able to answer all material questions, and the presence of Taluka and Village Officers, who, in their several stations and capacities, are legally, or by usage, bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the Survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Section CLXXX.—It shall be lawful for the Survey Officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the Survey extends by furnishing flag-holders; and in the event of a necessity for employing hired labour for this, or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the lands surveyed, for collection as a revenue demand.

Section CLXXXI.—Subject to such rules as may from time to time be prescribed by the Governor in Council, the Officer in charge of a Survey shall have authority to fix the assessment for land-revenue at his discretion on all lands within the local operation of an order made under Section CLXXVIII. of this Act not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of Section CLXXXIII. of this Act, be levied on all such lands.

In fixing such assessment regard shall be had to the requirements of the Proviso to Section CXX. of this Act.

Provided that nothing in this section shall be deemed to prevent the Survey Officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land-revenue, or on lands specially excepted under Section 178 of this Act from the Survey Settlement, or from dividing all such lands to which the Survey extends into survey numbers.

Section CLXXXII.—The power to assess under the preceding Section shall in the case of lands used for purposes of agriculture alone include power to assess whether directly on the land, or in the form of a rate or cess upon the means of irrigation, or in any other manner whatsoever that may be sanctioned by Government.

Section CLXXXIII.—The assessments fixed by the Officer in charge of a Survey shall not be levied without the sanction of Government. It shall be lawful for the Governor in Council to declare such assessments, with any modifications which he may deem necessary, fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agriculture alone, and for any term or in perpetuity in the case of all other lands.

Section CLXXXIV.—When in the case of lands used for the purposes of agriculture alone the declaration required by the last preceding Section shall have been duly made and published by the Governor in Council, it shall be the duty of the Officer in charge of a Survey to cause a notice to be issued and affixed in some public place in each village fixing a time at or about which the Survey Settlement shall be introduced.

At the time so fixed the assessment of individual holdings shall be explained to the respective holders thereof.

Provided that if the holder or other person interested in any such holding do not appear in person or by agent, or appears but refuses to hear the settlement of assessment on his holding explained to him, he shall nevertheless be liable for the assessment of all lands in his holding.

When the assessment of individual holdings has been explained in the manner provided in the second clause of this Section the Survey Settlement shall be held to have been introduced.

Section CLXXXV.—In the year in the course of which a Survey Settlement, whether original or revised, may be introduced under the last preceding section, the difference between the old and new assessment of all lands on which the latter may be in excess of the former shall be remitted, and the revised assessment shall be levied only from the next following year.

In the year next following the introduction of a new assessment, any superior holder or occupant who may be dissatisfied with the increased rate imposed by such new assessment on all or any of the survey numbers or recognized shares of numbers held by him, shall, on resigning in the manner prescribed by Section CXXXI. of this Act the occupancy of all or any such survey numbers or recognized shares of numbers on or before the 31st March, receive a remission of the increase imposed as aforesaid.

Section CLXXXVI.—The fixing of the assessment under the provisions of Section CLXXXIII. shall be strictly limited to the assessment of the ordinary land-revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Governor in Council to impose under the provisions of Chapter XI. of this Act or of any other law for the time being in force for the use of water, available in consequence of the construction, improvement, or repair of any irrigational work by or at the instance of Government, or for purposes of local improvement, such as schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like.

Section CLXXXVII.—It shall be lawful for the Governor in Council to direct at any time a fresh Revenue Survey or any operation subsidiary thereto, but no variation of assessment shall take effect till the expiration of the period previously fixed under the provisions of Section CLXXXIII. A revised assessment shall not be fixed, with reference to improvements made from private capital and resources during the currency of any settlement made under this Act or under (Bombay) Act I. of 1865, but with reference to the value of the land assessed, whether with respect to soil or situation, the prevailing prices of produce, facilities of communication, or other general considerations apart from any such improvements.

Government may direct a fresh Survey and revision of assessment.

Section CLXXXVIII.—Nothing in the last preceding section shall be held to prevent a revised assessment being fixed:—

(a) with reference to any improvement effected at the cost of Government, or

(b) with reference to the value of any natural advantage, when the improvement effected from private capital and resources consists only in having created the means of utilizing such advantage, or

(c) with reference to any improvement which is the result only of the ordinary operations of husbandry.

Section CLXXXIX.—Whenever, in the Ratnagiri Collectorate and in the Ryghur, Rajpuri, and Sanksi Talukas of the Tanna Collectorate, the Survey Settlement is introduced into villages or estates held by Khotes, it shall be competent for the Officer in charge of a Survey, with the sanction of the Governor in Council, to grant the Khote a lease for the full period to which the settlement shall extend, in place of the annual agreements which have hitherto been executed by him; and, at the expiration of such period the Khote shall, as regards an annual agreement, or a lease for the period to which the next settlement may extend, be entitled to the same rights as before such lease was granted or taken.

Leases for the full period to which a settlement extends may be granted to Khotes in Ratnagiri and in certain talukas of the Tanna Collectorate.

Section CXc.—With the sanction of the Governor in Council it shall also be competent to such Officer, at the time of the general survey of a district, to fix the demand of the Khote on all inferior holders not being tenants by a right derived from him, for the period for which the settlement may be sanctioned. But this limitation of demand on such inferior holders shall not confer on them any right of transfer by sale, mortgage or otherwise, where such right did not exist before, and shall not affect the right of the Khote to the occupation and disposal of all lands resigned by the inferior holders, or over which their rights shall cease and determine during the currency of the general lease.

Section CXCI.—The assessment under a Revenue Settlement, in whatsoever manner fixed, or for whatsoever purpose imposed, shall be leviable at such dates, and according to such instalments, as may, from time to time, be determined under the orders of the Governor in Council.

Section CXcII.—It shall be the duty of the Survey Officer, on the occasion of making or revising a settlement of land revenue, to prepare a register showing the area and assessment of each survey number, together with the name of the occupant of such survey number and of the superior holder if there be one, and to draw up a record in accordance with such orders as may from time to time be made on this behalf by Government containing information in regard to landed tenures, and the obligations, rights, interests and circumstances of the various classes of the community in relation to such settlement.

Section CXcIII.—If a wrong entry of a superior holder's or occupant's name have been made in the settlement or village papers at the introduction of the Survey, either through fraud, collusion, omission, or otherwise, it shall be the duty of the Collector or Superintendent of Survey to remove the name thus entered, and to substitute that of the person found upon inquiry to be the *bona fide* superior holder or occupant of the said survey number or recognized share of a number, if the petition for the correction be made within two years after the introduction of the settlement. On due cause being shown it shall also be competent to the Collector or Superintendent of Survey to accept and act upon any such petition at any time after the expiry of that period. If any other error shall be discovered, it may be corrected by the Collector or Superintendent of Survey at any time.

Section CXcIV.—In the event of any alienated village or estate, coming under the temporary management of Government Officers, it shall be lawful for the Collector to let out the lands thereof, at the rates of Survey assessment, or at such other

fixed rates as he may deem to be reasonable, and to sell the occupancy of unoccupied lands by auction, and otherwise to conduct the revenue management thereof under the rules for the management of lands held directly under Government, so far as such rules may be applicable, and for so long as the said village or estate shall be under Government management: Provided, however, that any written agreements relating to the land, made by the superior holder thereof, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land.

Section CXcV.—Existing Survey Settlements of Land Revenue made, approved, and confirmed under the authority of the Governor in Council shall be, and are hereby declared to be, in force, subject to the provisions of this Act.

Partition.

Section CXcVI, Clause 1.—In case of a decree of a Civil Court for the division of lands subject to the payment of land revenue under Section CCXXV. of the Civil Procedure Code, or any other law, the following rules shall be enforced by the Collector for the partition of an estate:—

Rule 1.—The estate shall be divided according to survey numbers, or recognized shares of survey numbers, as far as may be possible, without dividing any number or recognized share of any number.

Rule 2.—When the decree cannot be completely executed without the sub-division of a number or recognized share of a number, the Collector may sub-divide any number or recognized share of a number, provided that no number or recognized share of a number shall be made of less extent than a minimum to be fixed from time to time in each district, for the several classes of land, by the Commissioner of Survey with the sanction of Government. A record of the minima fixed shall be kept in the Mamlatdar's office in each taluka and shall be open to the inspection of the public at reasonable hours.

Rule 3.—The decree of the Court having been carried out, so far as may be, by assigning to the several parties concerned numbers and recognized shares of numbers, and newly sub-divided numbers and recognized shares of numbers, to such extent as sub-division may be permissible without infringing the foregoing proviso, the Collector shall, in respect to any number or recognized share of a number which may remain unassigned and undivided, refer to the Court executing the decree, and according to the decision of the Court he shall either assign such number or recognized share of a number undivided to any party named by the Court, or sell it undivided, with its rights and liabilities, and pay over the proceeds as the Court may direct.

Rule 4.—The expenses necessarily and properly incurred in making such partition shall be certified by the Collector and recovered by the Court as costs in the cause.

Revenue management of villages or estates not belonging to Government that may be temporarily under Government management.

the rates of Survey assessment, or at such other

Clause 2.—At the time of a revision of Survey it shall be lawful for a Survey Officer to make a sub-division of a number or recognized share of a number, subject to the proviso in Rule 2 in the preceding Clause: but no such sub-division shall be made without the consent of the occupant or superior holder.

Sub-division at revision of Survey and Settlement.

Proviso.

Clause 3.—For the purpose of marking off a portion of cultivable land appropriated under the provisions of Section CXXIV. of this Act for a non-agricultural purpose such sub-division may, with the approval of the Collector of the District, be made at any time.

Demarcation of land appropriated under Section CXXIV.

(Bombay) Act V. of 1862 not affected by this Section.

Clause 4.—Nothing in this Section shall affect the provisions of (Bombay) Act V. of 1862.

Section CXC VII, Clause 1.—Whenever there are sharers in an estate held on Talukdari tenure in Guzerat, and the sharers being agreed as to the proportion of their respective interests in such estate, a majority of the sharers represented by those whose interest extends to more than one-half of the entire estate consent to a division, it shall be lawful for the Collector, or other Officer empowered by him, to divide the lands of such estate according to the proportion of the interest of the several sharers therein; the rules in the last preceding section being duly observed.

Division of lands of an estate having sharers and held on Talukdari tenure in Guzerat.

Clause 2.—The cost of division and demarcation of shares in such a case shall be recoverable as a revenue demand in proportion to their interest from all the sharers in the estate divided.

Cost how recovered.

CHAPTER IX.—THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS.

Section CXC VIII.—When there is a boundary dispute between a village belonging to the British Government and a village belonging to a Foreign or Native State, the dispute shall be settled in such manner as may be agreed upon by the two Governments, and any settlement so made shall be final.

Settlement of boundary disputes between British and Foreign villages.

Section CXC IX.—The boundaries of villages situated in British territory shall be fixed; and all disputes relating thereto shall be determined by Survey Officers, who shall be guided by the following rules:—

Determination of village boundaries.

Rule 1.—When the Patels and other Village Officers of any two or more adjoining villages, and, in cases in which the revenues of either village have been alienated by Government, the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the Survey Officer shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village

boundary fixed in this manner shall be held to be finally settled, unless it shall appear on inquiry that the agreement has been obtained by fraud, intimidation, or any illegal means.

Rule 2.—If the Patels and other Village Officers, Procedure in case of disagreement or dispute. and, in cases where the revenues of either village have been alienated by Government, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding Section, or if there be any pending dispute, then the Survey Officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal inquiry into the claims of the said parties, and thereafter make an award in the case, and such award shall be final, unless reversed or modified on appeal as hereinafter provided. If, however, the revenues of either of the villages concerned be wholly or partially alienated, an award made by a Survey Officer shall not be final unless made or confirmed by the Superintendent of Survey.

Section CC.—It shall be the duty of every holder and of every person in occupation of land, whether subject to the payment of land revenue or not, to point out to the Survey Officer, at the time of measurement and of classification, the boundaries of his holding and of the land occupied by him. In the absence of the said holder or person in occupation, or of the agent of either, it shall be competent to the Survey Officer to make inquiry and to fix the boundary on such other evidence as may be available.

Settlement of boundaries of holdings.

Section CCI.—If the boundary of a field or holding be undisputed, and its correctness be affirmed by the Village Officers then present, it may be laid down as pointed out; and, if disputed, it shall be fixed by the Survey Officer according to the village records, and according to occupation as ascertained from the Village Officers and the holders of adjoining lands, or on such other evidence or information as the Survey Officer may be able to procure.

Determination of field boundaries.

Section CCII.—In making an inquiry respecting boundaries under any of the three last preceding sections, it shall be lawful to the Survey Officer to call on any holder, person in occupation, or agent to produce for inspection all sanads, kowls, leases, and other title-deeds and documents whatever, relating to his land; and if, within a reasonable period, to be fixed in writing by the said Survey Officer, such documents be not produced, the boundaries of the land may forthwith be determined on such other evidence as may be available.

The Survey Officer may inspect title-deeds, &c., when making inquiry respecting boundaries.

Section CCIII.—If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the Survey Officer shall require the said parties to nominate a committee

Settlement of boundary disputes by arbitration.

of not less than three persons, within a specified time, and if within a period to be fixed by the Survey Officer the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the Superintendent of the Survey, shall be final.

Provided that the Superintendent of the Survey shall have power to remit the award, or any of the matters referred to arbitration, to the re-consideration of the same committee, for any of the causes set forth in Section CCCXXIII. of the Code of Civil Procedure.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the Survey Officer, unless he see fit to extend the time, to settle the same as otherwise provided in this Act.

Section CCIV.—It shall be competent to a Superintendent of Survey, on due cause shown, to alter any boundaries within one year after the introduction of the Survey Settlement.

Boundary Marks.

Section CCV.—*Clause 1st.*—During the progress of a Revenue Survey it shall be lawful for any Survey Officer, authorised by a Superintendent of Survey, or Settlement Officer, to cause to be constructed or repaired boundary marks of villages or survey numbers, whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders, occupants, or others having an interest therein.

Clause 2nd.—Such Officer may require holders or occupants of land to construct, or repair their boundary marks, by a notification which shall be posted in the Chowri or other public place in the village, to which the lands under survey belong, directing the holders or occupants of survey numbers to construct or repair, within a specified time, the boundary marks of their respective survey numbers, and on their failure to comply with the requisition so made, the Survey Officer shall then construct or repair them, as provided in the Clause last preceding; and the Collector may recover from the holders or occupants the expenditure certified to have been made in so doing as a revenue demand.

Clause 3rd.—A general notification, issued in the manner prescribed in the last Clause, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends.

Clause 4th.—The size, material, and description of boundary marks shall be such as may be deemed necessary by the Superintendent of Survey, according to the requirements of soil and climate.

Section CCVI.—Every holder or occupant shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any expenses reasonably incurred on account of the same by the Revenue Officers in cases of alteration, removal or disrepair, which expenses shall be recoverable from the holder or occupant as a revenue demand. It shall be the duty of the Village Officers and servants to prevent the destruction or alteration of the village boundary marks.

Section CCVII.—When the Survey Settlement shall have been introduced into a district, the charge of the boundary marks shall devolve on the Collector, and it shall be his duty to take measures for their maintenance and repair, in the manner provided for Survey Officers in Section CCV. of this Act.

CHAPTER X.—OF THE SURVEY AND ASSESSMENT OF LANDS WITHIN THE SITES OF VILLAGES, TOWNS, OR CITIES, AND OTHER MATTERS RELATING THERETO.

Section CCVIII.—It shall be lawful for the Collector of the District, or for a Survey Officer acting under the general or special orders of Government, to fix, and from time to time to vary, the limits of the site of any village, town, or city.

Section CCIX.—It shall be lawful for the Governor in Council to direct that all, or any, lands within the said site of any village, town, or city which may be used as building sites, and are liable to the payment of land-revenue, shall not be subjected to the payment thereof for such period, or periods as he may deem expedient, provided that such special exemption shall not be deemed at any time to create a right in the holders of any such lands to permanent exemption.

Section CCX.—If the Governor in Council shall at any time deem it expedient to direct a survey of the lands other than those used for the purposes of agriculture within the site of any village, town, or city, under the provisions of Section CLXXVIII. of this Act, or a fresh survey thereof under the provisions of Section CLXXXVII. of this Act, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII. and IX. of this Act, provided that nothing contained in Sections CLXXIX., CLXXX., CLXXXII., CLXXXIV., CLXXXV., CXCVIII., CXCIX., or CCI. thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

In fixing the assessment on such lands under Section CLXXXI. of this Act it shall be lawful to levy in addition to the assessment the price of

the occupancy, determined according to Section CLXX. clause 2 and Section, CLXXI. of this Act to have been unauthorizedly held for a period commencing less than two years previous to the date respectively set forth in those sections.

Section CCXI.—When a survey is extended under the provisions of the last preceding Section to the site of any town or city containing more than two thousand inhabitants, each holder or occupant of a building site shall be liable to the payment of a survey fee to be assessed by the Collector under such rules as may be prescribed in this behalf from time to time by Government, provided that the said fee shall in no case exceed Rs. _____ for each survey number.

And Sanad to be granted to holder or occupant without extra charge. The said fee shall be recoverable as a revenue demand; and in return therefor each holder or occupant shall be entitled, on application, to receive from the Collector, without extra charge, a sanad in the form of Schedule—specifying by plan and description the extent and conditions of such person's holding.

Section CCXII.—Nothing in this Chapter (Chapter X.) shall apply to any land within the site of any village, town, or city, hitherto used for agricultural purposes only, but if any such land shall hereafter at any time be appropriated for building sites the provisions of Section CXXIV. of this Act shall apply thereto; provided that upon any such land with respect to which a Summary Settlement has been made between Government and the holder under Chapter VII. of this Act or under (Bombay) Acts II. or VII. of 1863, not more shall be assessed than one-eighth of the rate fixed for land used for building purposes in the same locality.

CHAPTER XI.—OF LOCAL FUNDS.

Section CCXIII.—It shall be lawful for the Governor in Council to create in every district, after described, a Local Fund Committee of the District. The Members shall be not fewer in number than eight, inclusive of the President; one-half at least shall be non-official persons, and they shall be selected and appointed by Government, or by the Revenue Commissioner, or other Officer from time to time duly empowered on that behalf by Government. The non-official members shall be appointed for a term not exceeding three years or until their successors shall have been appointed, but shall be eligible at any time for re-appointment. The Collector shall, *ex-officio*, be the President, and the Committee shall act under the control and general supervision of the Revenue Commissioner. The members shall be removeable by Government, and all proceedings of the Committee or orders of the Revenue Commissioner relating thereto shall be subject to the review and control, and final decision of Government, which final decision a Local Fund Committee shall be bound to carry out.

Section CCXIV.—The Local Fund Committee of each district shall sue and be sued in the name of the President by the description of "The President of the Local Fund Committee of the District of _____." In such name, so described, the Committee shall be competent to hold property, moveable and immovable, to convey the same, and to enter into all necessary contracts for the purposes of this Act. Any deed, contract, or instrument required to be made on behalf of the said Local Fund Committee may be executed by the President of the Committee under the aforesaid designation.

Section CCXV.—It shall be the duty of the Local Fund Committee of each district to ascertain and, in so far as the means at its disposal will allow, to provide for the requirements of the district, with respect to works and undertakings calculated to promote the local public health, education, and convenience, including Roads, Schools, Hospitals, Dispensaries, Vaccination, Dharmshalas, Markets, and Wells and other works for improving the water supply.

Section CCXVI.—To enable the Local Fund Committee to fulfil this duty effectually it shall be lawful for the Governor in Council to create in every taluka a Taluka Local Fund Committee, whose recommendations as to the wants of their taluka shall be placed before, and considered by, the District Local Fund Committee, and to whom shall be committed, under such rules as may from time to time be prescribed in this behalf by Government, the general superintendence of all the works undertaken by the District Local Fund Committee in their taluka.

The Taluka Local Fund Committee shall consist of such number of members, official and non-official as Government may from time to time deem necessary, and they shall be appointed for such periods as may be directed in the order of their appointment, and shall be removeable by Government, and eligible for re-appointment at any time.

Section CCXVII.—In the performance of the duties imposed by this Chapter (Chapter XI.) it shall be lawful for the Local Fund Committee of each district, in accordance with such rules as may from time to time be prescribed on that behalf by Government, to employ such Officers and Establishments as may be necessary, so long as they shall be necessary; and in accordance with the said rules to make, out of the funds at its disposal, suitable payments by way of remuneration to such Officers and Establishments, or otherwise in furtherance of any of the purposes of this Chapter (Chapter XI.)

Section CCXVIII.—It shall be lawful for Government to levy for the purposes of this Chapter (Chapter XI.) on the conditions and in the manner hereinafter described from all lands in the Presidency of Bombay, Officers and Establishments for the purposes of the Act.

Levy of One-anna Cess on every Rupee of Land Revenue for the purposes of the Act.

except Jagir lands not under the general Regulations, and also from every farmer of Land or Sayer Revenue in respect of any such farm taken from the Collector of the District or other Officer on behalf of Government after the date on which this Act comes into operation, a cess not exceeding one anna on every rupee that is assessable to the ordinary land revenue, or that would have been so assessable had there been no alienation of such revenue, and on every rupee that is payable by such farmer of Land or Sayer Revenue in respect of such farm:

Provido.

Provided that in respect of lands of which a settlement for a term of years is for the first time made after this Act comes into operation, such cess be imposed at the time when such settlement is made, and at no other period during the currency of the term.

Such cess when not paid to Government by the

Cess to be recoverable by superior holders, &c., from their tenants.

person actually in occupation of land, or levied from such person by Government, shall be recoverable from him by his landlord or superior holder, provided that only the amount actually paid by the landlord or superior holder to Government shall be so recoverable. The provisions of Sections CXXXVIII. to CXLVI. of this Act shall be applicable in respect of the recovery of this cess by landlords and superior holders from inferior holders.

Section CCXIX.—In assessing this cess on alienated villages the following rules shall be adopted:—

Rules for Assessment.

I.—If the village has been surveyed and assessed on the principles laid down in (Bombay) Act I. of 1865, or in Chapter VIII. of this Act, the cess shall be fixed on the total annual assessment of the village as made by the Survey Officers.

II.—If the village has come under Summary Settlement under (Bombay) Act II. or (Bombay) Act VII. of 1863, or under Chapter VII. of this Act, the cess shall be fixed, until the village is brought under the preceding rule, on the total annual assessment as settled for the purposes of Summary Settlement.

III.—On villages not included in the preceding rules the cess shall be fixed on the old or kummal rate recorded in the Collector's Books; but if this rate be objected to by the holder of the alienated village, or by the Collector, then the cess may be fixed as agreed on by the Collector, and such holder, or failing agreement then by Survey Officers, the expense of such rough survey being borne, half by Government and half by the holder of such village.

Section CCXX.—The Collector of each district shall annually render to the Local Fund Committee of that district an account showing the gross receipts and charges of collection of the cess levied under this Chapter (Chapter XI.), in the same district, and shall place the net proceeds of such cess to the credit of the District Local Fund, and such pro-

Collector to render accounts to the Local Fund Committee.

ceeds shall be expended on the objects mentioned on Sections CCXV. and CCXVII. and on no other.

Nothing in this section shall be held to prevent the Local Fund Committee, in towns in which a Municipal Commission exists under Bombay Act VI. of 1873, or any other law for the time being in force, from assigning, with the sanction of the Revenue Commissioner, a portion of such net proceeds for expenditure by the Municipal Commissioners: Provided that such assignment do not exceed the net amount of cess levied from the inhabitants of such Municipal Town. And the portion of such net proceeds so assigned shall be applied to any of the purposes mentioned in Sections CCXV. and CCXVII. and to no other purposes.

Section CCXXI.—The Local Fund Committee of each district shall also, Administration of other funds. subject to the provisions and conditions hereinbefore enacted, administer such other funds as may from time to time be placed at their disposal either under the orders of Government or by contributions from private individuals.

Assignment to Municipal Commission in Towns.

Proviso.

Section CCXXII.—An account of all receipts and disbursements of the Local Fund Committee to keep accounts. Abstract Account to be published. Funds at the disposal of each Local Fund Committee shall be kept by such Committee, and copies in the Vernacular language of the district shall be circulated for the information of the local public, and shall, if Government so direct, be published in one of the Vernacular papers of the district, if any; and further, an Abstract Account of each Local Fund shall be published annually in the *Bombay Government Gazette* by the Revenue Commissioner, in both English and the Vernacular language of the district, which account shall show the amount of cess levied under this Chapter (Chapter XI.), and of other funds placed at the disposal of each of the Local Committees, and the mode in which the same has been applied, and the balance, if any, remaining undisposed of at the close of the year.

Section CCXXIII.—The superior holder shall be responsible for all sums due on account of the land revenue of his holding. If there be no superior holder the person holding land direct from Government shall be responsible for the amount due thereon.

On the failure of the superior holder to pay the amount due according to the rules legally prescribed in that behalf, it may be recovered from the inferior holder or from his tenant, or other person in occupation of the land; and on the failure of a person holding direct from Government, so to pay the amount due, it may be recovered from the tenant or other person in occupation of the land.

CHAPTER XII.—OF THE REALIZATION OF THE LAND REVENUE AND OTHER REVENUE DEMANDS.

Section CCXXIII.—The superior holder shall be responsible for all sums due on account of the land revenue of his holding. If there be no superior holder the person holding land direct from Government shall be responsible for the amount due thereon.

On the failure of the superior holder to pay the amount due according to the rules legally prescribed in that behalf, it may be recovered from the inferior holder or from his tenant, or other person in occupation of the land; and on the failure of a person holding direct from Government, so to pay the amount due, it may be recovered from the tenant or other person in occupation of the land.

When land revenue is recovered from any such inferior holder, tenant, or other person he shall be allowed credit for all payments which he may have made to his superior holder or landlord at

or after, the prescribed or usual times of such payments, and he shall be entitled to credit in account with his superior holder, or landlord for the amount recovered from him.

Nothing in this section shall affect the responsibility of heads of villages and others employed hereditarily or otherwise in the assessment or collection of the revenue, but having no proprietary right over the land assessed. They shall be responsible to such extent as may be consistent with the custom of the country and with their agreement with the Collector for the revenue of their respective villages.

Section CCXXIV.—In all cases the land revenue for the current year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land subject to the same.

This liability shall be a charge enforceable by seizure and sale, on the crop in the possession of the person in occupation, and of every person taking the crop, or any part of it from him, by any right whatever, and of every person into whose possession the same may come with knowledge, or the means of knowledge, of such liability. When the crop or any part of it has come into the possession of a person who has bought or otherwise acquired a right to the possession of the same for value and without knowledge, or the means of knowledge, of its liability, as aforesaid, the charge for land revenue shall be subject to the rights of such person, but every prior possessor shall be personally liable for the full value of the crop, or part thereof, which shall have been in his possession.

Questions arising under these provisions shall be determined by the Collector on a summary inquiry, and the amount of any liability thus ascertained may be levied as an arrear of land revenue.

Section CCXXV.—A superior holder shall have a lien for the land revenue or rent of the current year payable to him on account of any land, enforceable by his detention of the crop or any part thereof, while on the land, or in the possession of his inferior holder, or of the person in occupation of the land whereon the same has been grown.

Section CCXXVI.—The claim of Government to any monies recoverable under the provisions of this Chapter, (Chapter XII.) shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, or attachment or otherwise, howsoever, against any land or the holder thereof.

Section CCXXVII.—Subject to such orders as may be passed by the Governor in Council the Collector shall, from time to time, give orders and

make known the same by public proclamation, regulating the instalments in which, and the persons, places and times to whom and within which, the revenue payable in respect of any land shall be paid.

Until the issue of such rules, the said revenue shall be paid in the instalments, to the persons, and at the times and places in which, to whom, and at which it is now paid.

Section CCXXVIII.—Any sum not so paid becomes thereupon an arrear of land revenue, and the persons responsible for it, whether under the provisions of Section CCXXIII., or any other Section of this Act, become defaulters.

If any instalment of land revenue be not fully paid within the prescribed time, it shall be lawful for the Collector to proceed to levy at once the entire balance of land revenue due by the defaulter for the current year, in addition to such charge as a penalty, or by way of interest, as may be authorised according to a scale to be fixed for each District, from time to time, under the orders of the Governor in Council.

Section CCXXIX.—A statement of account certified by the Collector or by an Assistant or Deputy Collector shall, for the purposes of this Chapter, (Chapter XII.) be conclusive evidence of the existence of the arrear, of the amount of land revenue due and of the person who is the defaulter.

On receipt of such certified statement the Collector of one district shall be authorized to proceed to recover the demands of the Collector of any other district under the provisions of this Chapter, (Chapter XII.) as if the demand arose in his own district. A similar statement of account certified by the Collector of Bombay may be proceeded upon as if certified by the Collector of a District under this Act.

Section CCXXX.—Land revenue due by any defaulter may be recovered from him by any, or all of the following processes :—

- (a). By serving a written notice of demand on such defaulter.
- (b). By arrest and detention of such defaulter.
- (c). By attachment and sale of the crops of the land in respect of which the revenue is due, whether under the provisions of Section CCXXIV. or CCXXXV. of this Act.
- (d). By forfeiture and sale of such defaulter's occupancy and all other rights in, and over the holding in respect of which the revenue is due.
- (e). By distraint and sale of such defaulter's moveable property.
- (f). By sale of the immoveable property of such defaulter.

Section CCXXXI.—The said processes may be employed for the recovery of arrears of former years as well as the revenue of the current year, but the preferences given by Sections CCXXIV. and CCXXVI. of this Act shall apply only to demands for the current year.

Revenue demands of former years recoverable like current revenue, but without prejudice to other claims.

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

Proviso.

Section CCXXXII.—A notice of demand may be issued on, or after the day following that on which the arrear accrues.

When notice of demand may issue.

The Revenue Commissioner may, from time to time, frame rules for the issue of such notices, and with the sanction of the Governor in Council, shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

Section CCXXXIII.—At any time after an arrear becomes due, the defaulter may be arrested and detained in custody of the office of the Collector or of a Mamlatdar or Mahalkari, unless the revenue due together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, is sooner paid.

Arrest and detention of defaulter.

If, on the expiry of thirty days the amount due by the defaulter, together with the cost of his subsistence during detention is not paid, then, or if the Collector deem fit, on any earlier day, he may be sent by the Collector with a warrant in the form of Schedule C for imprisonment in the Civil Jail of the District :

Imprisonment in Civil Jail.

Provided that, no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for the like amount.

Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.

And provided, further, that if any defaulter so detained in custody shall give before the chief Revenue Officer in charge of the office in which he may be detained, or before the Officer in charge of the Civil Jail in which he may be imprisoned, security, in the form of Schedule D, satisfactory to the said Officer, that he will either file a suit in court within fifteen days against the Collector to contest the justice of the demand, and will, in the event of a decree being passed against him fulfil the same and pay all amounts including costs and interest which may be due by him, or, that if he fail to file such suit as above specified, he will, when required, pay the amount demanded, he shall forthwith be set at liberty.

Defaulter to be released on furnishing security.

v.—13

Section CCXXXIV.—The Revenue Commissioner may, with the sanction of the Governor in Council, from time to time, declare by what officers, or class of officers, the powers of arrest conferred by Section CCXXXIII of this Act may be exercised, and also fix the costs of arrest and the amount of subsistence money to be paid by Government to any defaulter under detention or imprisonment.

Power of arrest by whom to be exercised.

Section CCXXXV.—*Clause 1.*—No crop, growing on land liable to the payment of land revenue shall, if the Collector shall so direct by written notice, to be served on the holder or person in occupation, be reaped, until notice in writing has been given to the Collector or other person nominated by him for the purpose, and the said notice has been endorsed as an acknowledgment and returned as a voucher ; and any person, after such notice so given, found on a summary inquiry by the Collector to have reaped, or connived at the reaping of his crop, without such voucher, shall be liable to a fine not exceeding half the current value of the crop reaped, to be fixed and levied by the Collector as an ordinary assessment.

Crops, if the Collector should duly so direct, must not be reaped without permission.

Penalty.

Clause 2.—And if the Collector shall so direct, no such crop as aforesaid shall be removed from the field wherein it has been reaped, or from any place wherein it may have been deposited by mutual consent of the Collector and the owner, or other person in possession, without the sanction, in writing, of the Collector, or Mamlatdar, under a penalty, to be imposed and levied as in the preceding Clause set forth.

Nor, if directed, must they be removed without permission.

Clause 3.—It shall be lawful for the Collector, whenever he may deem it necessary, to cause watchmen to be placed over the crops, for the purpose of preventing the unlawful reaping or removal of the same, and to realize the amount required for their remuneration at the rate of pay received by the peons on his establishment, from the person responsible for the land revenue, or in occupation, in the way provided for the realization of the revenue.

The Collector may place watchmen to prevent such reaping or removal, and their wages must be paid by the superior holder or occupant.

Clause 4.—As the above restrictions on reaping and removing the crop are intended only as a temporary security against clandestine disposal of the same, the Collector shall not defer the said reaping, or prolong the said deposit, so as to damage the produce; and within the period of two months after the crop has been deposited, he shall, if the revenue has not been discharged, either release the crop so deposited, and proceed to realize the revenue in any other manner authorized by this Chapter, (Chapter XII.) or take such portion of the crop as may be necessary to cover the revenue due and all legal costs and relinquish the

Reaping or removal of crops must not be unreasonably protracted; but when restrictions are taken off the revenue and contingent expenses may be realized.

remainder to the owner or person in possession. The portion of the crops, so taken, shall thereupon be sold under the rules applicable to sales of moveable property under this Chapter, (Chapter XII.)

Clause 5.—The person responsible for the land revenue, or in occupation, and any person who may have acquired a right to possession of the crop, shall be released from the operation of the rules contained in the foregoing clauses of this section, upon furnishing security satisfactory to the Collector or Mamlatdar for the payment of the revenue as it becomes due.

Clause 6.—But permission to reap or remove the crop may, at any time, be retracted by an order in writing to the holder, person in occupation, or other person as aforesaid, upon the security for the revenue appearing inadequate; and the order first made shall thereupon have the same force as if no such permission had been granted.

Section CCXXXVI.—The Collector may also, in order to realize land revenue, cause the occupancy and all rights of the defaulter over the land, in respect of which the revenue is due, or any part of it, to be sold by auction, as well as any other immoveable property of which such defaulter may be possessed.

In the case of immoveable property, other than the holding on which, or a portion of which the revenue is due the sale shall extend only to the right, title, and interest of the defaulter in the property.

Section CCXXXVII.—The Collector may also in realization of land revenue distrain and sell a defaulter's moveable property, with the exception of the implements of husbandry and cattle actually employed by him in agriculture, and, in the case of an artisan, of his tools.

Such distrains shall be made by such officers, or class of officers, as the Revenue Commissioner, By whom to be made. under the orders of Government, may from time to time direct.

Section CCXXXVIII.—The execution of any process shall at any time be stayed, if the defaulter shall give before the Collector, or other person nominated by him for the purpose, security satisfactory to the Collector or other such person of the nature described in Section 233 of this Act.

Provided that, whenever proceedings are taken under this Chapter, (Chapter XII.) against any person for the recovery of any land revenue, Or, on the amount demanded being paid under protest. he may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed.

Section CCXXXIX.—When any sale of either moveable or immoveable property is ordered under the provisions of this

Chapter, (Chapter XII.) the Collector shall issue a proclamation, in the Vernacular language of the district, of the intended sale, specifying the time and place of sale, and when land paying revenue to Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Such proclamation shall be made by beat of drum at the head-quarters of the taluka in which the immoveable property is situate, and also in the village of which it is a part, if the sale be of immoveable property; if the sale be of moveable property only, the proclamation shall be made only in the village in which such property was seized.

Section CCXL.—A written notice of the intended sale of immoveable property, and of the time and place thereof, shall be affixed in each of the following places, viz., the office of the Collector of the district, the office of the Mamlatdar or Mahalkari of the taluka or mahal in which the immoveable property is situate, and the chowri of the village of which it is a part.

In the case of moveable property the written notice shall be affixed in the Mamlatdar or Mahalkari's office and in the village chowri.

Section CCXLI.—Sales shall be made by such persons as the Collector Sale by whom to be made. may direct.

No such sale shall take place on a Sunday or other general holiday recognized by Government, or until after the expiration of at least thirty days in the case of immoveable property, or seven days in the case of moveable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding section, and from the date on which the proclamation of the sale shall have been made in the village.

The sale may, from time to time, be postponed for any sufficient reason.

Section CCXLII.—If the defaulter, or any person on his behalf, pay the arrear in respect of which the land is to be sold and all other charges legally due by him at any time before the day fixed for the sale, to the person appointed under Section 227 to receive payment of the land revenue due on such land, or to the officer appointed to conduct the sale, or if he furnish security under Section 238 of this Act, the sale shall be stayed.

Section CCXLIII.—In all cases of sale of moveable property, the price of every lot shall be paid for at the time of sale, or as soon after as the officer holding the sale, shall direct, and in default of such payment the property shall forthwith be again put up and sold. On

payment of the purchase-money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Section CCXLIV.—In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

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

And, in default of payment within such period, the deposit, after defraying thereout the expenses of the sale; shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold.

Section CCXLVI.—If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be leviable from him by the defaulter, under the rules contained in the Code of Civil Procedure for enforcing payment of money in satisfaction of a decree of Court, in the Court of lowest grade having jurisdiction in the village where the immovable property is situate; and a certificate under the hand and seal of the Collector of the District stating the amount due shall be transmitted to the Court under Section 285 of the Civil Procedure Code, and shall be accepted by the said Court as if it were a decree.

Section CCXLVII.—Every re-sale of immovable property in default of payment of the purchase-money, or after postponement of the first sale, shall be made after the issue of a fresh notice in the manner prescribed for original sales.

Section CCXLVIII.—At any time within thirty days from the date of the sale of immovable property, application may be made to the Collector of the District to set aside the sale on the ground of some material irregularity, or mistake, or fraud in publishing or conducting it;

but no sale shall be set aside on the ground of any such irregularity, or mistake, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

If the application be allowed, the Collector shall set aside the sale, and direct a fresh one.

Section CCXLIX.—On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Collector shall make an order confirming the sale.

Section CCL.—Whenever the sale of any immovable property is set aside, the purchaser shall be entitled to receive back his purchase-money with, or without interest in such manner as the Collector think fit.

Section CCLI.—After a sale of the occupancy of land, on which an arrear of revenue is due, has been confirmed in manner aforesaid, the Collector shall put the person declared to be the purchaser into possession of the land, and shall cause his name to be entered in the revenue record as occupant in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the occupancy of the land to which the certificate refers, and such certificate shall be conclusive evidence of a valid transfer of the occupancy of such land.

Section CCLII.—The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Section CCLIII.—When a sale of land under this Chapter has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale, and recoverable as an arrear of land revenue,

and the surplus (if any) shall be paid to the person whose land has been sold.

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

Section CCLIV.—The said surplus shall not, (except under an order of a Civil Court) be payable to any creditor of the person whose land has been sold, nor, shall it, (except under a like order) be retained in the Government Treasury.

Section CCLV.—The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land revenue becoming due in respect of such land subsequently to the date of the sale.

Section CCLVI.—If any claim shall be set up

Claims to attached moveable property how to be disposed of.

by a third person to moveable property attached under the provisions of this Chapter, the Collector shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted, wholly or partly, the property shall be dealt with accordingly. Except, in so far, as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Section CCLVII.—All sums due on account of

What moneys leviable under the provisions of this Chapter.

land revenue, all quit-rents, nazaranas, succession duties, transfer duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, and costs payable or leviable under this Act or under any Act or Regulation hereby repealed, and also all sums declared by this or by any other Act at the time being in force to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue, shall be levied under the foregoing provisions of this Chapter, (Chapter XII.)

And, all persons who may have become sureties

Sureties liable as revenue defaulters.

under any of the provisions of this Act or of any Act or Regulation hereby repealed for any sum of money shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security-bond, be liable to be proceeded against under the provisions of this Chapter (Chapter XII.) as revenue defaulters.

Section CCLVIII.—It shall be lawful for the

A village or portion of village in the lands of superior holders on which the revenue is not paid may revert to Government.

Collector of the District when the superior holder or holder of an entire village or portion of a village fails to pay the revenue due by him and the processes prescribed by this Chapter, (Chapter XII.) are insufficient to realize the same, or the adoption of any or all of them is deemed inexpedient, to manage the said village or portion of a village in the same way as lands ordinarily subject to payment of land revenue, and the lands of any such village shall then revert to Government unaffected by the acts of the holders or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against such holder, or sharers as interested therein, so far as the public revenue is concerned, but without prejudice, in other respects, to the rights of individuals.

Provided that, on the superior holder or the

But must, at any time, be restored on payment of full arrears and expenses of management. Any settlement made under Section 194, in the meantime to be maintained.

holder, at any time, within twelve years from the date of the Collector's assuming management paying to the Collector all outstanding arrears of revenue and the expenses

194 of this Act), or on the said arrears and expenses being recovered within the said period out of the profits of management, the village or portion of a village shall, at any time, on the application of the said superior holder or holder be restored, but subject to the maintenance of any settlement which may in the meantime have been made under the said Section of this Act.

In accounting to the superior holder, or the holder for the revenue of such village or portion of a village, the Collector shall set off all excess revenue derived therefrom during his management against the arrears due, and against the expenses of management, but the said superior holder, or holder shall have no claim to any balance of profit which may remain thereafter to Government, other than so much as may have accrued during the revenue year in which his application was presented.

CHAPTER XIII.—PROCEDURE OF REVENUE OFFICERS.

Section CCLIX.—In all official acts and pro-

Subordination of Revenue Officers.

ceedings a Revenue Officer shall, in the absence of any express provision of law to the contrary, be subject as to the place, time, and manner of performing his duties to the direction and control of the officer to whom he is subordinate, and such latter officer shall have power, by way of superintendence, to examine any order or proceeding of such subordinate, and to give such order with respect thereto as he may deem fit.

Provided that, no order made by such subor-

Proviso.

ordinate in any matter relating to a third party, not being himself a Revenue Officer, shall be annulled, reversed, or amended by the said officer, except under the provisions of Chapter XIV. of this Act.

Section CCLX.—Every stipendiary Revenue Officer not lower in rank than a Mamlatdar's first karkun, an Assistant Superintendent of Survey, an Alienation Settlement Officer, or an Assistant Conservator of Forests in their respective departments, shall have power to summon

any person whose attendance he considers necessary and produce documents. either to be examined as a party, or to give evidence as a witness, or to produce documents, for the purposes of any inquiry which such officer is legally empowered to make.

All persons so summoned shall be bound to attend, either in person or by an authorized agent as such officer may direct: Provided that, exemptions under Sections XXI. and XXII. of the Code of Civil Procedure shall be applicable to requisitions for attendance under this section;

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements,

and to produce such documents and other things as may be required.

Section CCLXI.—Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and if he have a seal shall also bear his seal ;

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

If his usual residence be in another district, the summons may be sent by post to the Collector of that district, who shall serve it in accordance with the preceding section.

Section CCLXII.—Every notice under this Act, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the superior holder or occupant on whom it is to be served or to his agent, if he have any ;

or by affixing a copy thereof to some conspicuous place on the land to which such notice refers.

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

Section CCLXIII.—In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, Section CLI.

Section CCLXIV.—In all formal inquiries the evidence shall be taken down in full, in writing, in the language in ordinary use in the district, by, or in the presence and hearing and under the personal superintendence and direction of the officer making the investigation or inquiry, and shall be signed by him.

In cases in which the evidence is not taken down in full, in writing by the officer making the inquiry, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes ; and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

v.—14

The Governor in Council may declare what shall, for the purpose of this section, be deemed to be the language in ordinary use in any district.

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the district shall be made and shall form part of the record.

Section CCLXV.—Every decision, after a formal inquiry, shall be written by the officer passing the same in his own hand-writing, and shall contain a full statement of the grounds on which it is passed.

Section CCLXVI.—In summary inquiries the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in the language of the district, embracing the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the same.

Provided that, it shall at any time be lawful for such officer to conduct an inquiry directed by this Act to be summary under all, or any, of the rules applicable to a formal inquiry, if he deem fit.

Section CCLXVII.—In Sections CXCVIII., CCXIX., and CCXXVIII. of the Indian Penal Code the words "judicial proceeding" shall be taken to include any formal or summary inquiry under this Act, and the office of any authority holding a formal or summary inquiry shall be deemed a Civil Court for the purposes of such inquiry.

Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorized agents shall have due notice to attend.

Section CCLXVIII.—An inquiry which this Act does not require to be either formal or summary, or which any Revenue Officer may on any occasion deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Governor in Council, or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Section CCLXIX.—Copies and translations of decisions, orders, and the reasons therefor and of exhibits, shall be furnished

and original documents used as evidence shall be restored to the persons interested on due application being made for the same, subject to such charges for copying, &c., as may, from time to time, be authorized by Government.

Section CCLXX.—Whenever it is provided by this Act that a default, or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Section CCLXXI.—It shall be lawful for any Revenue Officer, at any time, and from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this Act, or of any other law for the time being in force, any lands or premises, whether belonging to Government or to private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same: Provided always, that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry; and provided also that, in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Section CCLXXII.—Whenever it is provided by this or by any other Act for the time being in force, that the Collector may, or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, viz.:—

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and,

if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same,

and, if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall summarily inquire into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person, and on his appearance commit him to close custody in the office of the Collector of the District of any Mamlud-dar or Mahalkari for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIV.—APPEALS AND REVISION.

Section CCLXXXIII.—In the absence of any express provision of law to the contrary, an appeal shall lie from any decision or order passed by a Revenue Officer under this Act, or any other law for the time being in force, to that Officer's immediate superior, whether such order may itself have been passed on appeal from an inferior Officer's order or not.

Provided that, no appeal shall lie from any order made under Section LXXXI, Clause *e* of this Act before final order, nor, from any order registering any fact specified under Section LXXXIV, Clauses *b*, *c*, *d*, and *e* of this Act where the effect of such order is merely to register the same facts as are already recorded in the existing registers kept by orders of Government.

Provided further, that there shall be one right of appeal only, as regards every decision passed after an investigation recorded in writing by a Collector, or by an Assistant or Deputy Collector under any of the provisions of Chapter III. or of Sections CI. to CV. of this Act.

Section CCLXXXIV.—An appeal shall lie to the Governor in Council from any decision or order passed by any of the following Officers, viz.:—

A Revenue Commissioner, a Survey Commissioner, an Alienation Settlement Officer, a Conservator of Forests.

Provided that, no appeal shall lie from any decision or order passed by any such officer on appeal from a decision or order itself recorded in appeal by any officer subordinate to him.

Section CCLXXXV.—No appeal shall be brought after the expiration of sixty days, if the decision or order complained of have been passed by an officer inferior in rank to a Collector, a Superintendent of Survey, or a Conservator of Forests in their respective departments. Nor, after the expiration of ninety days in any other case.

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

Section CCLXXXVI.—Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor when the appellant satisfies the Officer or the Governor in Council to whom he appeals, that he had sufficient cause for not presenting the appeal, within such period.

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

Section CCLXXXVII.—Whenever the last day of any period provided in this Chapter, (Chap. XIV.) for the presentation of an appeal falls on a Sunday or

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

Appeal to lie from any order passed by a Revenue Officer to his superior.

Except in certain cases under Chapter III. of this Act.

And one appeal only allowed in certain cases.

Appeal when to lie to the Governor in Council.

Periods within which appeals must be brought.

Admission of appeal after period of limitation.

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

other holiday recognized by Government, the day next following the close of the holiday shall be deemed to be such last day.

Section CCLXXVIII.—Every petition of appeal shall be accompanied by a copy of the decision or order appealed against.

Copy of order to accompany petition of appeal.

The appellate authority may either admit or summarily reject the appeal;

Powers of Appellate authority. If he admit the appeal he may annul, reverse, modify or confirm the decision or order of the subordinate officer, or he may direct the subordinate officer to make such further investigation, or to take such additional evidence as he may think necessary, or he may himself take such additional evidence.

Section CCLXXIX.—In any case in which an appeal is allowed, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer, to be suspended.

Power to suspend execution of order of subordinate officer.

Section CCLXXX.—The Governor in Council and any Revenue Officer not inferior in rank to a Collector, a Superintendent of Survey, or a Conservator of Forests in their respective departments, may call for, and examine, the record of any inquiry, or the proceedings of any subordinate Revenue Officer, for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

Power of the Governor in Council and of certain Revenue Officers to call for, and examine, the records and proceedings of subordinate officers.

If, in any case it shall appear to the Governor in Council, or to such officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled, or reversed, he may pass such order thereon as he deems fit.

And to pass orders thereupon.

Section CCLXXXI.—Nothing in this Chapter, (Chap. XIV.) shall be deemed to apply to decision or orders expressly made final by this Act or any other law for the time being in force.

Saving of decisions and orders expressly made final.

CHAPTER XV.—MISCELLANEOUS.

Section CCLXXXII.—Subject to such rules and the payment of such fees, as the Governor in Council may, from time to time, prescribe in this behalf, all maps and land registers and survey records, and all village accounts and registers shall be open to the inspection of the public at reasonable hours; and certified extracts from such maps, registers and accounts or certified copies thereof shall be given to all persons applying for the same.

Maps, and Land Registers and village accounts, &c., open to inspection.

Extracts and copies shall be given.

Section CCLXXXIII.—It shall be lawful for the Governor in Council, from time to time, to frame, and, from time to time, to vary or repeal Rules not inconsistent with the provisions of this Act:

The Governor in Council to frame rules for guidance of Revenue Officers in matters not provided for by this Act.

(a). for the administration of any Survey Settlement;

(b). prescribing the mode, form and manner in which appeals under Chapter XIV. of this Act shall be drawn up and presented;

(c). generally for the guidance of all persons in matters connected with the enforcement of this Act.

Any of such rules as the Governor in Council may deem fit, may be published, and when published shall, until cancelled or amended by the Governor in Council, have the force of law.

Section CCLXXXIV.—Nothing in this Act shall apply to the City of Bombay.

This Act not to apply to the City of Bombay.

Section CCLXXXV.—The provisions of Chapters VIII. to X. of this Act shall not be applied, except for the purposes of defining village boundaries, to any alienated village, which is possessed and managed by the holders thereof, except upon application made in writing by the said holder.

Chapters VIII. to X. of this Act not to apply, except for defining boundaries to alienated villages; but may, on written application, be extended to such villages, and may be applied to Government lands in such villages.

If such application be made it shall be lawful for the Governor in Council, by notification in the *Bombay Government Gazette*, to extend all, or any of the provisions of the said chapters to any such villages.

It shall be lawful to direct in such notification or any such subsequent notification by whom any powers or duties incident to the provisions so extended shall be exercised or performed, to introduce any other directions which may be deemed requisite for carrying such provisions into operation in the place to which they are extended.

Such notification shall show by whom the power or duties incident to the provisions extended shall be exercised.

Nothing in this section shall be held to limit the power of the Governor in Council to apply the provisions of the said chapters to lands held direct from Government situated in alienated villages.

Provisions of this Chapter applicable nevertheless to Government lands in alienated villages.

Section CCLXXXVI.—It shall not be lawful for the Governor in Council, anything in Section V. of (Bombay) Act X. of 1866 to the contrary notwithstanding, to apply Chapter XI. of this Act or any portion thereof to Sind.

Chapter XI. of this Act not to be applied to Sind.

SCHEDULE A.

*List of Regulations and Acts repealed.**(See Section 2.)*

Number and year.	Subject or Title.	Extent of Repeal.
Regulation IV. of 1827.	A Regulation prescribing the forms of proceeding of the Courts of Law in civil suits and appeals, and Rules for the trial of the same.	Clauses 2 and 3 of Section LXIX.
Regulation XVI. of 1827.	A Regulation defining the duties of the Collector, and his powers in regard to subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in general throughout the territories subordinate to Bombay.	The whole Regulation, except Section VI., Section XL, Clause 5, Section XIV., Clause 4, Section XXVII., Clause 3.
Regulation XVII. of 1827.	A Regulation for the territories subordinate to Bombay, prescribing rules for the assessment and realisation of the Land Revenue, defining the relative rights in the Land and its produce of the Government and the subject, of the superior holder and the tenant; vesting the Collector with judicial powers in cases regarding land, and its rent and produce, and declaring the circumstances under which exemption from the payment of Land Revenue is to be enjoyed.	The whole Regulation, except so much of Section IX. as refers to civil suits, and Section XVI., Clause 5.
Regulation V. of 1830.	A Regulation providing for the appointment of a Revenue Commissioner to have superintendence over the Revenue Administration of the territories subordinate to Bombay; and for the appointment in certain Zillas, when thought expedient, of Principal Collectors, with Sub-Collectors.	The whole Regulation, except the latter part of Clause 6, Section I. commencing with the words "But if any act."
Regulation XV. of 1831.	A Regulation providing Rules for the punishment of Patels of Villages in case of their falsifying Revenue Records.	The whole Regulation.
Regulation V. of 1833.	A Regulation for declaring all Hereditary District and Village Officers when entrusted by virtue of their offices with the charge or collection of the public money, to be Officers of Receipt, and liable to certain penalties for embezzlement, and for providing for the recovery of public money from such Officers; for extending the provisions of Clauses second, third, fourth and fifth, Section XL, Regulation XVI. of 1827, to certain Native Officers on the Collector's Establishment; and for admitting the employment of Deputies of Hereditary District Officers in other cases than those laid down in Section XVIII., Regulation XVI. of 1827.	Ditto.

SCHEDULE A—*continued.*

Number and year.	Subject or Title.	Extent of Repeal.
Act XVIII. of 1838 ...	The taking of security from certain officers employed under Collector.	The whole Act.
Act XIII. of 1842 ...	An Act to enable the holders of Revenue which has been alienated to them by the State to collect that Revenue within the Presidency of Bombay.	Ditto.
Act XVII. of 1842 ...	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Ditto.
Act III. of 1846 ...	An Act for the establishment and maintenance of Field Boundary Marks in the Presidency of Bombay.	Ditto.
Act XII. of 1850 ...	For avoiding loss by the default of Public Accountants.	The whole Act so far as it applies to Revenue Officers in the Presidency of Bombay.
Act XI. of 1852 ...	An Act for the adjudication of titles to certain estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.	The whole Act, except Section VII.
Act XXI. of 1852 ...	An Act to authorize the employment of Uncovenanted Deputy Collectors in the Presidency of Bombay.	The whole Act.
Bombay Act II. of 1863.	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of Government Land Revenue, and to regulate the succession to, and transfer of lands wholly or partially exempt from the payment of such Revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI. of 1852 of the Legislative Council of India.	The whole Act, except so much of Section XIII. as bars the jurisdiction of Civil Courts, and Section XIV.
Bombay Act VII. of 1863.	An Act for the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, and for regulating the terms upon which such exemption shall be recognized in future in those parts of the Bombay Presidency which are not subject to the operation of Act XI. of 1852 of the Council of India.	The whole Act, except Clause 4, Section II., and so much of Section XXVIII. as bars the jurisdiction of Civil Courts, and Section XXIX.
Bombay Act I. of 1865.	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the Districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.	The whole Act, except the proviso to section fourteen.

SCHEDULE A—*continued.*

Number and year.	Subject and Title.	Extent of Repeal.
Bombay Act I. of 1866.	An Act to extend the provisions of (Bombay) Act I. of 1865 to the Province of Sind.	The whole Act.
Bombay Act II. of 1866.	An Act to divest Courts of Revenue of jurisdiction in certain cases, and to vest such jurisdiction in the Courts of Civil Justice in the Bombay Presidency.	Ditto.
Bombay Act I. of 1868.	An Act to remove doubts as to what powers and duties of a Collector may be legally exercised and performed by an Assistant or Deputy Collector.	Ditto.
Bombay Act IV. of 1868	An Act to make further provision regarding the application of (Bombay) Act I. of 1865 to Towns and Cities, and to restrict the application of (Bombay) Acts II. and VII. of 1863 in Towns and Cities, and otherwise to amend (Bombay) Act I. of 1865.	Ditto.
Bombay Act III. of 1869	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility and improvement, and to constitute Local Committees, for the due administration of such funds.	Ditto.
Bombay Act of 187 (The Hereditary Officers' Act.)	An Act to amend the law relating to Hereditary Offices.	Ditto.

SCHEDULE B.

FORM OF SECURITY BOND TO BE REQUIRED UNDER SECTION LXXXVI.

Know all men, by these presents, that we, *A*, *B*, and *C*, are held and firmly bound to the Secretary of State for India in Council, his Successors and Assigns, in the sum of Rs. _____ to be paid to the said Secretary of State for India in Council, his Successors or Assigns, for which payment to be well and truly made, we bind ourselves and each of us, our and each of our Heirs, Executors, and Administrators, and every of them jointly, and severally, by these presents. Dated this _____ day of _____ in the Christian year 187 _____.

Whereas, the above named *A*, is appointed to fill the office of _____; *and whereas*, in pursuance of the rules made by the Governor in Council of Bombay under the provisions of Section 86 of the Bombay Revenue Officers' and Land Revenue Code, the said *A* has given security for the due discharge of the trusts of his said office or of any other office to which he may be hereafter appointed, and for the due account of all moneys, papers, and other property, which shall come into his possession or control by reason of any such office; *and whereas* the said *B* and *C* have agreed to become sureties to the said Secretary of State for India in Council, his Successors and Assigns, for the due discharge by the said *A* of the trusts of his office and for the due account of all moneys, papers, and other property which shall come into his possession or control by reason of his office.

Now, the condition of the above-written Bond or Obligation is such that, if the said *A*, *B*, and *C*, or any of them, their or any of their Heirs, Executors, or Administrators, shall pay or cause to be paid unto the said Secretary of State for India in Council, his Successors or Assigns, the amount of any loss or defalcation in the accounts of *A*, or shall deliver or cause to be delivered up any papers or other property within such time and to such person or persons as shall be demanded by the person or persons at the head of the office to which the said *A* belongs; such demand to be in writing and to be left at the office or place of residence of *A*; then the above-written Bond or Obligation shall be void, otherwise to remain in full force and virtue from the date hereof until such time as it is cancelled, or until such time as the said *A* no longer holds an office for which the Governor in Council of Bombay requires security to be

furnished, and the person or persons at the head of the office to which the said *A* belongs may proceed against him and his sureties, the said *B* and *C* for the said loss or defalcation in the accounts of *A*, or for the papers or other property required from him, or for the amount of this Bond or Obligation as empowered by the Bombay Revenue Officers' and Land Revenue Code, or by any other law at the time being in force on that behalf.—In witness whereof the said *A*, *B*, and *C* hereunto set their hands this day of 187 .

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 88 OR 233.

To

The Officer in charge of the Civil Jail at

Whereas, *A B* of was on the day of 187 . ordered by to (*here state the substance of the demand made*); and whereas the said *A B* has neglected to comply with the said order, and has therefore been ordered under the provisions of Section of the Bombay Revenue Officers' and Land Revenue Code to be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of Sections 88 or 91 (*or Section 233, as the case may be*) of the said Code; You are hereby required to receive the said *A B* into the Jail under your charge, and to carry the aforesaid order into execution according to law.

Dated this day of 187 .

(Signature and seal of Collector.)

SCHEDULE D.

FORM OF SECURITY BOND TO BE REQUIRED UNDER SECTIONS 91 AND 233.

Know all men, by these presents, that we, *A*, *B*, and *C*, are held and firmly bound to the Secretary of State for India in Council, his Successors and Assigns, in the sum of Rs. to be paid to the said Secretary of State for India in Council, his Successors or Assigns, for which payment to be well and truly made, we bind ourselves and each of us, our and each of our Heirs, Executors, and Administrators, and every of them jointly, and severally, by these presents.—Dated this day of in the Christian year 187 .

Whereas, the above-named *A* has been ordered by to (*here state the nature of the demand*); and whereas, the said *A* disputes the right of the to make the said order, and has agreed to file a suit within fifteen days in the Court of to contest the justice of the demand, and that in the event of a decree being passed against him he will fulfil the same and that he will pay all amounts; including costs and interest, that may be due by him, or that if he fail so to institute, such suit he will when required pay the above-mentioned amount of Rs. demanded of him (*or will deliver up the above-mentioned papers or property, as the case may be*); And whereas, the said *B* and *C* have agreed to become sureties to the said Secretary of State for India in Council, his Successors and Assigns for the due performance by the said *A* of the above agreement;

Now the condition of the above-written Bond or Obligation is such that if the said *A* do within fifteen days from the date hereof institute a suit as aforesaid in the Court of the and in the event of decree being passed against him, shall fulfil the same and pay all amounts, including costs and interests, that may be due by him, or if in the event of his failing to institute a suit within the said time he pay to the above-mentioned sum of Rs. (*or deliver up the above-mentioned papers or property, as the case may be*); then, the above-written Bond or Obligation shall be void, otherwise to remain in full force and virtue, and the may proceed against him and his securities, the said *B* and *C*, for the amount of this Bond or Obligation as if the said amount were an arrear of Land Revenue due by them or any of them to Government.—In witness whereof the said *A*, *B*, and *C* hereunto affix their signatures this day of 187 .

SCHEDULE E.

(See SECTION 135).

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

To

A. B.

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

Dated this day of 187 .

(Signed) *C. D.*

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LANDLORD OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year, the land (*here give the description*) which I hold from you.

(Signed) A. B.

Dated this day of 187 .

SCHEDULE F.

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIENATED LANDS OR VILLAGES OR HIS AGENT, FOR ENABLING HIM TO RECOVER THE REVENUE DUE TO HIM.

(See SECTION 141.)


 Seal.

The Governor in Council of Bombay, by virtue of the powers vested in him by the Bombay Revenue Officers' and Land Revenue Code, is pleased to confer on you (Jagirdar, &c., or Agent, &c., as the case may be,) power to realize all Revenue demands due to you (or to your principal) from the Villages and Lands specified in this Commission, in the manner prescribed in (or in Section _____ of) the said Code.

The Villages and Lands over which the power thus conferred upon you extends are as follows :—

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

Signed _____

SCHEDULE G.

(See SECTION 166, RULE 2, CLAUSE 2.)

List of Officers who under former Governments had power to confer grants exempting lands in the old Provinces wholly or partially from the payment of public revenue.

UNDER THE EMPERORS OF DELHI.

Subhadars of Provinces.

IN THE TERRITORIES THAT WERE SUBJECT TO THE PEISHWA.

The Peishwa.

All officers holding the Mutaliki Seal.

All Sirsubhadars in their districts.

All superior local functionaries acting directly under the Peishwa, without the intervention of any superior authority, if the deeds bear date prior to 1803.

The Guicowar considered as a Sirsubhadar in the Peishwa's territories to the north of the Mhyee during the period that he held them in farm.

IN THE TERRITORIES THAT WERE SUBJECT TO THE GUICOWAR.

The Guicowar.

All officers holding the Mutaliki Seal.

IN THE TERRITORIES THAT WERE SUBJECT TO SCINDIA.

Scindia.

His officers holding the Mutaliki Seal.

IN THE TERRITORIES THAT WERE SUBJECT TO HOLKAR.

Holkar.

His officers holding the Mutaliki Seal.

IN THE TERRITORIES THAT WERE SUBJECT TO THE NIZAM.

The Nizam.

IN THE DISTRICTS THAT WERE SUBJECT TO THE NIZAM.

The Nawab of Surat.

The Nawab of Broach.

SCHEDULE H.

(See SECTION 211.)

FORM OF SANAD FOR BUILDING SITES.

Royal Arms.

THE SECRETARY OF STATE IN COUNCIL.

To

Whereas, His Excellency the Governor of Bombay in Council, with a view to the settlement of the land revenue, and the record and preservation of proprietary and other rights connected with the soil, has, under the provisions of the Bombay Revenue Officers' and Land Revenue Code, directed a survey of the lands within the of , and ordered the necessary inquiries connected therewith to be made, this Sanad is issued under Section 211 of the said Code to the effect that—

There is a certain plot of ground occupied by you in the division of the of registered No. in the map marked sheet No. and facing towards the the road leading from to , containing about square yards, and of the following shape and dimensions:—

You are hereby confirmed in the occupancy of the above described ground, exempt from all Land Revenue (or subject to the payment of Rs. per annum to the Land Revenue).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the British Government, without any objection or question as to title, to whosoever shall from time to time be its lawful holder (subject only to the condition of the payment annually of the above Land Revenue according to the provisions of the Bombay Revenue Officers' and Land Revenue Code or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law from time to time in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

This Sanad is executed on behalf of the Secretary of State in Council, by order of the Governor in Council of Bombay, by, and under the hand and seal of the Collector of this day of one thousand, eight hundred, and A.D.

Collector.

STATEMENT OF OBJECTS AND REASONS.

The land-revenue law of this Presidency, as enacted in the Regulations of 1827, has, during the period of nearly half a century, which has elapsed since it was passed, undergone many changes.

Act XI. of 1852 and Bombay Acts II. and VII. of 1863 on the one subject of claims to exemption from land-revenue, in themselves form a very considerable, and most important, addition to the original law.

The assessment of lands to the land-revenue, according to a fixed uniform system, was a subject almost unprovided for in the law of 1827, which nevertheless engaged the attention of Government, and of some of its best officers from a very early period. The operations of the Revenue Survey so successfully carried on under the departmental orders of Government for many years had at length to be legalized by an express Act, and difficulties which arose in the application of that Act to lands in cities and towns led to a supplementary enactment. Both these Acts (Bombay Acts I. of 1865 and IV. of 1868) may be regarded as amendments of, or additions to, the old law of 1827, and, as might have been anticipated, some difficulty has been found in practice in fitting the provisions of the one into the other.

Several minor Acts have also been passed from time to time to meet special needs as they have arisen; and the result now is that a Revenue Officer or a landholder, who would ascertain how the law really stands on any point, must gather it from the remnants of the partially repealed Regulations of 1827, and from the numerous Acts which have succeeded them in the course of fifty years, some of which have, in their turn, again been more or less repealed, whilst the more recent enactments of the last 10 or 12 years will not unfrequently be found to be in many respects irreconcilable with the provisions of the older laws.

The first object of this Bill is, therefore, to consolidate all the existing Acts and Regulations connected with the administration of the land-revenue, and to codify them in such a form as to present a law patent and intelligible to all.

The second, and not less important, object is to amend and improve the existing law in the very numerous details in which experience has shown it to be faulty or deficient.

This object it has been sought to obtain (1) by defining clearly the powers of Revenue Officers of the various grades; (2) by providing rules for regulating their procedure; (3) by laying down the conditions under which their decisions and orders may be subject to appeal or revision; (4) by defining distinctly the respective rights of the State and of landholders of all classes in respect of the land; (5) by determining more precisely than the law does at present the relations of the various landholders and their tenants *inter se*; and (6) by showing clearly the sources from which, and the circumstances and rules under which, the land-revenue is recoverable, and the authorities by whom, and the rules under which, the assessment to the land-revenue is to be fixed. And, whilst the importance in a fiscal measure like this of asserting in unmistakable language the authority, power and privileges of Government, and of its officers, has not been overlooked, every endeavour has been made on the other hand to secure the holders of land, or of any interest therein, in the uninterrupted enjoyment of their legitimate rights, and to provide for full inquiry into all disputed claims.

These are the principal objects which have been kept in view. But numerous other minor improvements have been introduced both in the language and substance of the existing law.

In Section 134 some provisions have been introduced with a view of facilitating the determination of the status of tenants and their liability to the payment of rent. The principles therein laid down will, it is believed, tend to the settlement upon an equitable basis of all questions arising between landlords and tenants when, owing to the antiquity of the tenancy, no satisfactory evidence can be produced with regard to its origin.

The provisions of Section 116 for regulating the transport of timber are new. Experience has shown that, in the principal forest-districts, it is absolutely impossible to protect the public rights over forest-produce unless the Forest Officers have the power to inspect and control the transport of timber from place to place. The necessity in the interests of the public of providing against the denudation of forest-lands is too obvious to need to be dwelt upon at length. The climatic derangements which follow such denudation would alone justify the intervention of Government, but it is more especially important that the executive should have full authority to take such measures as it may deem sufficient for keeping up an abundant supply of timber whether for fuel or for building material. The fact that the annual Revenue and Disbursements of the Forest Department of this Presidency now average Rs. 12,00,000, and Rs. 7,00,000, respectively, demonstrates the value of the public interests at stake.

The Bombay Hereditary Offices' Bill has also been incorporated with a view of rendering the Code complete. But, although the arrangement of that Bill has been altered, the various sections have

been inserted word for word as they were finally passed in Council on the 9th October 1874, except for a few necessary alterations to adapt them to their place in the Code.

The several portions of the old revenue laws which refer to the jurisdiction of the Civil Courts in reference to, or in control of, the acts and proceedings of Revenue Officers have been left unrepealed. A Bill is already before the Council of the Governor General for regulating the jurisdiction of the Civil Courts in such matters, and it is not proposed in any way to affect the result of any provisions which may be finally adopted in that measure.

15th January 1875.

(Signed) F. S. CHAPMAN.

By order of His Excellency the Governor in Council,

J. NUGENT,

Acting Under Secretary to Government.

Bombay Castle, 15th March 1875.