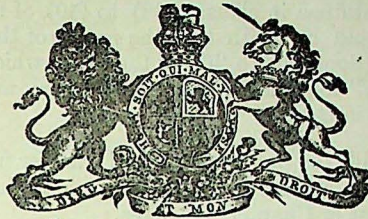


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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following First Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the first five chapters of the "Bill to consolidate and amend the Law relating to Revenue Officers and the Land Revenue in the Presidency of Bombay," and the chapters as amended by the Committee are, in accordance with Rule 25 of the Rules for the conduct of business at meetings of the Council, published for general information:—

First Report of the Select Committee appointed to consider the Bill (No. 1 of 1875) "to consolidate and amend the Law relating to Revenue Officers and the Land Revenue in the Presidency of Bombay.

The Select Committee beg to submit their report upon the first five chapters of the Bill and a copy of those chapters as they would amend them.

2. In this copy so much of Section 3, the interpretation clause, as does not relate to the chapters now reported on, is omitted, and for the rest the numbering of the sections and clauses has been kept as when the Bill was before the Council, and not altered in accordance with the amendments proposed. Where the Committee have considered new sections to be required, such sections have been denoted by a repetition, with a letter of the alphabet adjoined, of the number of the section after which the new section should be placed.

3. It has been objected that the "short title" of the Code is inconveniently long, and the Committee recommend the adoption of the briefer title "The Bombay Land Revenue Code, 1876."

4. It has been found necessary to define the local extent of the Code, owing to the repeal, by Section 9 of Act XV. of 1874, of Section 5 of Bombay Act X. of 1866.

5. The Committee recommend that clause (14) be struck out, as the word "survey" does not require definition for the purposes of the Code.

6. The definitions contained in clauses (38) to (40) of the interpretation clause the Committee recommend should be omitted, as the nature of the different kinds of inquiries is sufficiently defined in Sections 264 to 268 of the Code, which show fully how "formal," "summary," and "ordinary" inquiries are to be conducted, and how the proceedings and evidence are to be recorded in each.

7. Section 40 of the Bill the Committee would transfer from Chapter III. to Chapter II., and they have entered it as Section 15 A, because it does not relate exclusively to Hereditary Offices as the rest of Chapter III. does.

8. Section 16 the Committee would expunge, thinking the question of Forest Law is one which should not be dealt with in the present Bill, the chief purpose of which is the codification of the existing Land Revenue Law.

9. The references to the Alienation Settlement Officer in Section 21 and other places the Committee have retained not finally, but pending the question not yet determined of the retention or otherwise of Chapter VII., which relates to exemption from payment of Land Revenue.

10. In considering that portion of the Bill which will be a re-enactment of the Hereditary Officers' Act, the Committee have acted upon the opinion that, as that Law is still so new, it is better not to make changes in its provisions. The Committee have therefore closely compared the re-enacting sections of the Bill with the original sections of the Act, and it may be useful here to set down exactly what has been done.

11. The main provisions of the Act appear as Chapter III. of the Bill. But the definitions of the Act have been removed to the general interpretation clause of the Code, namely, Section 3, in which they appear as clauses (4), (5), and (41) to (47). Similarly the penal sections have been transferred to Chapter V., which treats of the punishment of Revenue Officers for misconduct. So also the provisions as to appeal have been transferred to Chapter XIV. (Section 273), which treats of appeals and revision. Besides this the order of the sections in the Act has been altered in the Bill so as to improve the arrangement, and in consequence of these changes slight verbal alterations have been necessary in some of the sections themselves so as to make them fit into their new places.

12. Besides the above changes, which are made simply for the sake of convenient and logical order, the Committee recommend three others, the first of which is that Section 76 be left out of the Code, as its purpose, which was temporary, has now been fulfilled.

13. The second amendment is complementary to, and not a variation of, anything in the Act, namely, a specification, in accordance with the general plan of the Code, of the nature and manner of every enquiry provided for by the Act. The amendment neither directs any enquiry not required by the Act, nor dispenses with any enquiry provided for by the Act, but only declares what enquiries should be formal, what summary, and what ordinary.

14. Thus far, then, the Hereditary Officers' Act and the corresponding provisions of the Bill are identical in effect, and the only real amendment of the Act that the Committee recommend is that of Section 84, which has been found to work unfavourably towards the holders of alienated villages. The Committee would more effectually protect the rights of such persons by changing the last clause to "but not so as to affect any subsisting rights of the holders of alienated villages."

15. The Committee deem it advisable to provide for cases in which servants after resignation or dismissal may attempt to retain possession of public money, papers, &c., by extending the provisions of Sections 88 to 91 to persons formerly employed as well as to actual Revenue Officers.

16. The clause in Section 94 about the misemployment of public and private servants, the Committee are of opinion, had better be omitted, the principle being already well known, as absolutely strict conformity with the rule here laid down would be impossible and as cases showing disregard of the principle can always be dealt with departmentally.

17. The Committee have recast the provisions of Sections 95 to 99 with a view to diminishing the number of appeals and to giving local officers the authority requisite for effective control of establishments. At the same time the higher grades of subordinate officers have been allowed all the securities in regard to rights of appeal which they now enjoy. And the limits of Rs. 35 and Rs. 99 in Section 97A have been specially fixed with a view to placing such officers as Aval Karkuns in the one case and Mámlatdárs in the other above the limit.

18. These are the only changes of importance which the Committee recommend. Such other alterations as they have made being chiefly directed towards simplifying and rendering more accurate the language of the Bill.

19. The Honourable Mr. Scoble was a member of the Select Committee, but was unable to attend any of its meetings, and so has not signed the report.

(Signed) A. ROGERS.
 „ J. GIBBS.
 „ W. C. ANDERSON.
 „ V. N. MANDLIK.
 „ M. A. ROGAY.
 „ E. W. RAVENSCROFT.

6th March 1876.

Bill No. 1 of 1875.

THE BOMBAY REVENUE OFFICERS AND LAND REVENUE CODE BILL.

AS AMENDED IN SELECT COMMITTEE.

Chapters I—V., omitting such of the definitions in Section 3 as do not refer to those Chapters.

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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 1.—This Act may be cited as “The Bombay Land Revenue Code, 1876.”

It extends to the whole of the Presidency of Bombay except the Scheduled Districts as defined by Act XIV. of 1874 and the City of Bombay.

Section 2.—The Regulations and Acts mentioned in the Schedule A hereto annexed are repealed to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them.

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, securities furnished, 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, furnished, 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 3.—In this Act, unless there be something repugnant in the interpretation Section, subject or context,

(1). The words “Head of the Department” shall mean in their respective departments, the Collector, the Superintendent of Survey, and Alienation Settlement Officer, provided that the subordination of the Collector 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 demanded.

(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 watarandar, 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 17 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.

(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.

(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.

(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.

(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.

(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). "Watanadar" 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 Watanadar: 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 Watanadar" means a Watanadar registered by the Collector 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 4.—The chief controlling authority in revenue matters. all matters connected with the land-revenue is vested in the Revenue Commissioner 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 a Revenue Commissioner to be a division. 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 5.—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 6.—Each Revenue Commissioners shall have such number of 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 7.—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.

A district to consist of talukas comprising such number of villages as Government may direct. The present zillas or collectorates 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 8.—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 9.—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 land revenue administration of the district shall be subordinate to the Collector.

Section 10.—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 11.—If the Collector is disabled from performing his duties, or for any reason vacates his office, or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by Government, succeed temporarily to his office, and shall be held to be the Collector of the district under this Act until the Collector resumes charge of his district, or until the Governor in Council appoints a successor to the former Collector, and such successor takes charge of his appointment.

Section 12.—The chief officer entrusted with the local revenue administration of a taluka shall be called a Mámlatdár. 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.

Section 13.—Whenever it may appear necessary to the Governor in Council, the Collector may appoint a Maháلكari 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 Mámlatdár as he may from time to time see fit, and may also from time to time direct whether the Maháلكari's immediate superior shall, for the purposes of Section 273 of this Act, be deemed to be the Mámlatdár or the Assistant or Deputy Collector, or the Collector in charge of the taluka.

Section 13 A.—It shall be competent to a Mámlatdár or Maháلكari may depute subordinates to perform certain of his duties. subject to such general orders as may from time to time be passed by the Revenue Commissioner or by the Collector, to employ any of his subordinates to perform any portion of his ministerial duties; Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Mámlatdár or Maháلكari.

The portion of a taluka in the charge of a Maháلكari shall be called a Mahal. The present Mahals shall remain as they are, for the purposes of this Act, until altered by the Governor in Council.

Section 14.—If a Mámlatdár or Maháلكari is disabled from performing his duties, or for any reason vacates his office, or leaves his taluka or mahal, or dies, 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 Mámlatdár's or Maháلكari's office, and shall be held to be the Mámlatdár or Maháلكari under this Act until the Mámlatdár or Maháلكari resumes charge of his taluka or mahal, or until such time as a successor is duly appointed and takes charge of his appointment.

Section 15.—In villages where no hereditary Patel or Village Accountant 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 Village Accountant who shall perform respectively all the duties of hereditary Patels or Village Accountants as hereinafter prescribed in this Act or in any other law for the time being in force, and shall hold their situations under the rules in force with regard to subordinate stipendiary revenue officers.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages in respect of the appointment of Patels and Village Accountants in any such village.

Section 15 A.—Subject to the general orders of Government and of the Revenue Commissioner, the Collector shall prescribe from time to time what registers, accounts, and other records shall be kept by the Village Accountant; and pending the first issue of orders under this Section, 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 Village 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.

Section 17.—For the purposes of Chapters VIII, IX., and X. of this Act, the Governor in Council may appoint such officers 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 subordinated the one to the other in such order as the Governor in Council may direct.

Subject to the orders of the Governor in Council 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 18.—For the purposes of the 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 19.—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 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 20.—The appointment of all officers mentioned in Sections 4 to 13 and 16 to 19 shall be duly notified.

Any officer appointed to act temporarily for 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 21.—Subject to such rules as to numbers, qualification or otherwise, as the Governor in Council may from time to time sanction, the appointment of all members of the establishments of the undermentioned officers shall, unless otherwise directed by Government, be made by those officers respectively, viz :—

The Revenue Commissioners,
 „ Collectors,
 „ Commissioner of Survey,
 „ Superintendent of Survey,
 „ Survey Settlement Officer,
 „ Alienation Settlement Officer,

The appointment of all members of the establishments of all other officers mentioned in the foregoing sections of this Chapter 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 22.—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 23.—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 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 24.—It shall be lawful for the Collector, for reasons to be stated in writing, to combine two or more watan 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 25.—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 38 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 26.—Watan property assigned as remuneration of an officiator under Section 38 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 27.—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 28.—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 29.—When it shall appear to the 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 38 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 Watandar 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 30.—When any alienation of the nature described in Section 29 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 28 of this Act, as he may think fit, and it shall thenceforward revert to the watan.

Section 31.—It shall be lawful for the 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 32.—In any case in which it shall 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 33.—When all or any of the property of a watan consists of payments of whatever description, whether in money or kind, made by Jágirdárs, Inámdárs, Mewási 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 34.—When all or any of the property 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 Panchayat of five persons, whereof two shall be appointed by the villagers, two by the Watan-dárs, and one, who shall be Sar Panch, by the Collector.

The decision shall be in accordance with the opinion of the majority of the Panchayat.

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

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

The decision of the Panchayat 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 35.—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 36.—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 37.—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 from time to time direct.

Section 38.—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 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 Watans.

Section 39.—All Watandars of whatever denomination whose liability to serve has not been commuted are legally bound, subject to the provisions of this Chapter to render such service as has been customary or as is required by law.

Except as is otherwise provided in Section 34 of this Act, Government shall have power, in cases where doubt exists, to determine what duties appertain to any hereditary office.

Section 41, 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 this Act coming into force by any Collector 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 purpose of this Section includes 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 42.—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 watans 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.

Section 43.—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.

But 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 44.—It shall be the duty of the Collector to determine, as hereinafter provided, after a formal inquiry, the custom of the watan as to service and what persons shall be recognized as representative Watandars for the purposes of this Act, and to register their names.

Section 45.—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 46.—If it shall appear to the Collector that the custom has been for a member of one family only to serve, the Collector shall register the name of the head of such family only as the representative Watan and no other person.

Section 47.—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.

Heads of several families when to be registered as representative Watandars.

Section 48.—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 XL 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.

Head of eldest family when to be registered as sole representative Watandar.

Section 49.—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 74 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.

Mode of registration when the several families hitherto officiating are not descended from a common ancestor.

Section 50.—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 watans by Government, the head of each family that formerly officiated shall be separately entered as a representative Watandar.

Registration as representative Watandar of head of each family in amalgamated watan.

Section 51.—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.

Head of family to be treated as Watandar when right to perform duties as Deputies of original Watandar is vested in the family distinct from original Watandar.

Section 52.—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.

Right of service to remain after relinquishment of watan property.

Section 53.—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 granted 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 or determined in such certificate or decree.

Death of representative Watandar to be reported—name of heir to be registered.

Part V.—Periods of Service.

Section 54.—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 55.—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.

Procedure on death of Officer.

Part VI.—Officiating Watandars and Deputies.

Section 56.—The Collector shall determine the number of Officers 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 57, 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 be-

Collector to determine number of Officers required.

Election of Officer in rotation watan.

fore him at a certain time and place to elect an officer, or such number of officers 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 officer, or the requisite number of officers unanimously, then the next following provisions of this Chapter as to service by the representative Watandar entitled to officiate and as to appointment of deputies shall apply.

Section 58.—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 59.—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; provided that the service of any such person shall not be refused on account of his being of known bad character except after a summary enquiry.

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 101 of this Act, the Collector may himself nominate and appoint a deputy.

Section 60.—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 61.—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 may himself appoint a deputy or deputies.

Section 62.—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 63.—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.

But the representative Watandar, 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 64.—No female shall perform in person the duties of any hereditary office; but if a representative Watandar, or the guardian of a representative Watandar, she may appoint a deputy.

Section 65.—During the suspension of an officiating representative Watandar or deputy, and during any vacancy, the duties shall temporarily be performed by a substitute, whether a Watandar or not, appointed by the Collector.

Section 66.—In all other cases except as provided in Section 51 of this Act, none but a Watandar shall be appointed as deputy, whether by the Collector or by representative watandar, if there be a Watandar of the same watan fit and willing to serve; and in the event of the representative Watandar declining to appoint a Watandar 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 Watandar.

Section 67.—When the Collector appoints a deputy, it shall be for a term not exceeding five years.

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

Collector to appoint Deputy if Watandar fails to appoint.

On cessation of disqualification representative Watandar entitled to serve.

Second nomination of Deputy.

Representative Watandar may officiate in place of Deputy removed or rejected.

Female cannot officiate, but may nominate Deputy.

Collector to appoint Deputy when officiator is suspended.

Deputy may be stranger in certain cases only.

Term of appointment of Deputy.

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 Watandar under the age of eighteen years shall terminate on the attainment by such representative Watandar of that age.

Section 68.—In the event of temporary absence of 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.

All deputies appointed under this Chapter shall be subject to the same rules in the performance of the duties of their office and to the same penalties, except as may be otherwise provided, as the representative Watandars themselves are subject to when officiating.

Part VII.—Inferior Village Hereditary Officers.

Section 70.—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 Kulkarni, nor to watans appertaining to such offices.

Section 71.—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 Watandars as holders of the office, or to register it as held by the whole body of Watandars.

(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 Watandars, or otherwise, as may be expedient.

(c) To require, in cases where the registration is made in the name of the whole body of Watandars, 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 watans 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 72.—The Collector shall prepare and keep all Registers necessary for the purposes of this Chapter 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 73.—In the Register of lands and allowances the holders whereof are exempt from service the Collector shall specify,

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

(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 officiators.

(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 officiators required to perform the duties.

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

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

Section 75.—The Registers kept under this Chapter shall be corrected or added to on the occasion of a change being made in accordance with the provisions of this Chapter in the particulars above specified.

Section 77.—In any case in which, after the coming of this Act into force, any registered representative Watandar or his widow 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.

Section 78.—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.

Part IX.—Inquiry.

Section 79.—*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, 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; and no order 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, shall be passed unless after a formal enquiry into all claims and objections.

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 handwriting 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 80.—The Collector may require any investigation under Part VII. of this Chapter to be made by a Mám-latdár or Múhalkari, but the decision thereon shall be made by the Collector.

Section 81.—Service of any notice given under this Chapter shall be deemed to have been made by the notice being affixed in writing to the wall of the village Chauri 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 82.—When any head of a family or representative Watandar 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 83.—All records which have been or may be prepared by any Watandar 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 84.—The provisions of this Chapter shall apply to all villages, whether alienated or otherwise, but not so as to affect any subsisting rights of the holders of alienated villages.

Section 85.—Nothing in this Chapter shall 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 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 86.—It shall be lawful for Government to direct that all Revenue officers of certain denominations shall, previously 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.

Section 87.—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 88.—The Head of a Department or other officer deputed by him for this purpose in all cases in which he may have a claim on any Revenue officer or on any person formerly employed as such in his department or district 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 or other person aforesaid 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 89.—The Collector of his own motion, if the officer or other person is or was serving in his department and district, and upon the

application of the Head of the Department, if such officer or person is or was 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 appertaining 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 forthwith 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 90.—The surety or sureties of such officer or other person 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 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 91.—If an officer or other person as aforesaid or his surety or sureties against whom a demand is made, shall give sufficient security in the form 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 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 92.—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 86 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 93.—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 94.—No stipendiary Revenue officer shall, except with the express permission of Government or the Head of his Department,

(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;

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 95.—Subject to such rules as may from time to time be prescribed by Government all stipendiary revenue officers may be fined, reduced, suspended, or dismissed 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, neglect of duty, or other misconduct by the authority by whom such officer is appointed; or by any authority superior to such authority; and this power may be delegated by such first-mentioned authority, in whole or in part, to any subordinate officer on the same condition, that the power of appointment may be delegated under Section 21 of this Act.

Provided that, excepting Mamlatdárs, no Stipendiary Revenue Officer whose monthly salary exceeds Rs. 250 shall be fined, suspended, reduced, or dismissed except by order of the Governor in Council.

Section 96.—When any Revenue Officer passes an order for fining, reducing, suspending, or dismissing any subordinate stipendiary officer, he shall record such order or cause the same to be recorded together with the reasons therefor in writing under his signature in the language of the district or in English.

Section 97.—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 97A.—If the Head of a Department whether of his own motion, or on appeal from a subordinate officer's order, pass an order for fining, reducing, suspending or dismissing any stipendiary Revenue officer, whose monthly salary does not exceed thirty-five rupees, or

if any authority superior to the Head of a Department, pass any such order against a stipendiary Revenue officer, whose monthly salary does not exceed ninety-nine rupees, no appeal shall lie against such order, except and provided always that at least one appeal shall lie against every order made, of his own motion, by any authority other than Government, for dismissing an officer whose monthly salary exceeds thirty-five rupees.

And no appeal shall lie against any order for inflicting a fine not exceeding one rupee on a stipendiary Revenue officer.

Section 100.—It shall be lawful for the Collector to suspend any officer in an hereditary office during inquiry into alleged misconduct, and to punish any such officer 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 officer. 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 Māmlatdār or Mahālkari of the power to fine hereditary village officers in sums not exceeding two rupees.

Section 101.—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 officer 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 Watan-dar entitled to officiate, whether the officiator guilty of misconduct be such representative Watan-dar himself or a deputy appointed by him.

Section 101.—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 Watan-dar 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 103.—When any representative Watan-dar 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 104.—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 105.—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.

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,
Acting Under-Secretary to Government.

Bombay Castle, 6th March 1876.