

## **BOMBAY HEREDITARY OFFICES ACT, 1874**

**3 of 1874**

**[5th February, 1875]**

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## **BOMBAY HEREDITARY OFFICES ACT, 1874**

### **3 of 1874**

**[5th February, 1875]**

An Act to amend the Law relating to Hereditary Offices Preamble. -  
Whereas it is expedient to declare and amend the law relating to Hereditary Offices; It is hereby enacted as follows:-

#### PART 1

Preliminary

#### **1. Short title :-**

This act may be called the Bombay Hereditary Offices Act. It extends to the Regulation Districts and to all villages therein, whether alienated or otherwise, so far as its provisions shall not conflict with the terms, on which any such alienated village may have been secured to the holder thereof. Nothing in this Act shall affect the powers of <sup>1</sup> [the [State] Government] to deal with any watans or parts of watans, or with the profits thereof respectively under the Bombay Rent Free Estates Act, 1852 (Act No. XI of 1852), or Bombay Acts Nos. II and VII of 1863, or any other law at present in force with respect thereto.

1. Delete by Bombay 3 of 1886.

#### **2. . :-**

Repealed by Bombay Act XII of 1876.

#### **3. Application of Parts VI, VII, VIII and IX :-**

Parts VI. VII, VIII and IX <sup>1</sup> [x x x] shall not apply to hereditary offices of lower degree than Patel or Kulkarni, nor to watans

appertaining to such offices.

1. Delete by Bombay 3 of 1886.

#### **4. Interpretation clause :-**

In this Act, unless there be something repugnant in the subject or context- "Watan property" means the movable or immovable property held, acquired, or assigned for providing remuneration for the performance of the duty appertaining to an hereditary office. It includes a right to levy customary fees or pre-requisites. In money or In kind, whether at fixed times or otherwise. It includes cash payments in addition to the original watan property made voluntarily by <sup>1</sup>[the <sup>2</sup>[State] Government] and subject periodically to modification or withdrawal. "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. The watan property, if any, and the hereditary office and the rights and privileges attached to them together constitute the watan. "Watandar" means a person having an hereditary interest in a watan. It includes 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, and a person holding such property from him by inheritance. It includes a person adopted by an owner of a watan or part of a watan, subject to the conditions specified in Section 33 to Section 35 <sup>3</sup>[x x x]. "Family" includes each of the branches of the family descended from an original watandar provided that no sub-division shall be recognised except as hereinafter provided in Section 26 . "Head of a family" includes the chief representative of each branch of a family. "Representative watandar" means a watandar registered by the Collector under section 25 <sup>4</sup>[x x x] as having a right to perform the duties of an hereditary office. "Officiator" means the person actually performing the duties of an hereditary office for the time being, whether he be a representative watandar or a deputy on a substitute appointed under any of the provisions <sup>5</sup> [of this Act). "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 the care, nurture, or custody of any child, or in case of a dispute the holder of a certificate of guardianship from a competent

court.

1. Substituted by A.O. in Council.
2. Substituted by A.O. of 1950.
3. Delete by Bombay 3 of 1886.
4. Delete by Bombay 3 of 1886.
5. Delete by Bombay 3 of 1886 and reinserted by Bombay 16 of 1895.

## PART 2

Watan Property and Profits thereof

### **5. Prohibition of alienation of watan and watan rights :-**

(1) Without the sanction of <sup>1</sup>[the <sup>2</sup>[State] Government], <sup>3</sup>[or in the case of a mortgage, charge, alienation, or lease of not more than thirty years, of the Commissioner) it shall not be competent-

(a) to a watandar to mortgage, charge, alienate or lease, for a period beyond the term of his natural life, any watan, or any part thereof, or any interest therein, to or for the benefit of any person who is not a watandar of the same watan;

(b) to a representative watandar to mortgage, charge, lease or alienate any right with which he is invested, as such, under this Act

(2) In the case of any watan in respect of which a service commutation settlement has been effected, either under Section 15 or before that section came into alienating the watan without the sanction of <sup>4</sup>[the <sup>5</sup> [State] Government] is conferred upon the watandar by the terms of such settlement or has been acquired by them under the said terms.]

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.
3. Substituted by A.O. 1950.
4. Substituted by A.O. 1950.
5. Substituted by A.O. 1950.

### **6. Collector may institute legal proceedings for the protection of a watan :-**

(1) In any case in which it shall appear to the Collector that the Institution of legal proceedings is requisite or desirable with respect of any watan, or the estate, property, funds or affairs thereof, the Collector shall certify such case in writing under his hand to the <sup>1</sup>[x x x] <sup>2</sup>[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 <sup>3</sup>[said Commissioner), if upon consideration of the circumstances <sup>4</sup>[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.

(2) Collector may proceed under Section 8 to Section 11 , or Section 13 .-The Collector may, if he thinks fit proceed as provided in sections 8, 9, 10, 11 or 13 <sup>5</sup> [x x x] in lieu of instituting or prosecuting legal proceedings under this section.

1. Delete by Bombay 3 of 1886.
2. Substituted by A.O. in Council.
3. Substituted by A.O. 1950.
4. Substituted by A.O. 1950.
5. Substituted by A.O. 1950.

## **7. Watan as signed as remuneration not alienable without sanction :-**

Watan property assigned under Section 23 <sup>1</sup>[x x x] as 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 <sup>2</sup>[the <sup>3</sup> [State] Government.]

1. Delete by Bombay 3 of 1886.
2. Substituted by A.O. in Council.
3. Substituted by A.O. 1950.

## **8. Watan property passed into possession of person other than officiator liable to contribution for remuneration of officiator :-**

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 <sup>1</sup>[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 <sup>2</sup>(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 <sup>3</sup> [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 to contribution for the remuneration of such officiator in like manner and to the like extent as if no such decree had been passed or no such transfer had taken place.

1. Substituted by A.O. 1950.
2. Substituted by A.O. 1950.
3. Substituted by A.O. 1950.

**9. Collector may declare alienation of watan property to be under certain circumstances null and void :-**

(1) 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

(2) Collector, may in the case of land recover full rent.-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.

**10. Civil Court on receipt of Collectors certificate, to remove attachment on watan property assigned as remuneration of officiator :-**

When it shall appear to the Collector that by virtue of, or in execution of, a decree or order of any <sup>1</sup>[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 23 <sup>2</sup>[x x x] as remuneration of an officiator, has or have, after the date <sup>3</sup>[of this Act] coming into force, passed or may pass without the sanction of <sup>4</sup>[the <sup>5</sup>[State] 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 <sup>6</sup> [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 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.

1. Substituted by A.O. 1950.
2. Delete by Bombay 3 of 1886
3. Delete by Bombay 3 of 1886 and reinserted by Bombay 16 of 1895
4. Substituted by A.O. in Council.
5. Substituted by A.O. 1950.
6. Inserted by Bombay 5 of 1886.

**11. Collector shall declare null and void alienation of watan property made after passing of Act :-**

When any alienation of the nature described in Section 10 <sup>1</sup>[x x x] shall take place otherwise than by virtue of, or in execution of a decree or order of any <sup>2</sup>[Court], the Collector shall after recording his reasons in writing, declare such alienation to be null and void, <sup>3</sup> [x x x].

1. Delete by Bombay 3 of 1886.
2. Substituted by A.O. 1950.
3. Delete by Bombay 5 of 1886.

**11A. Resumption of property to which an order made under section 10 or section 11 applies. :-**

The Collector shall either summarily resume possession of all property to which an order of a court passed on receipt of his certificate under section 10, or his own declaration under sec. 11, relates or assess it at the rate prescribed in clause 2 of Section 9 , as he may think fit, and the said property shall thenceforward revert to the watan.]

**12. Powers of Collector to carry out provisions of sections 8, 9 and 11 :-**

It shall be lawful for the Collector whenever it may be necessary, in

carrying out the provisions of Section 8 , Section 9 and Section 11  
<sup>1</sup> [x x x]:

(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 that may be prescribed by any law for the time being In force for the levy of a revenue demand.

1. Delete by Bombay 3 of 1886.

**13. Watan assigned as remuneration not liable to process of Court :-**

Watan property assigned as remuneration of an officiator under Section 23 <sup>1</sup> [x x x] and the profits of such watan property are not liable to process of any Civil Court. On receipt of a certificate under the hand and seal of a 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.

1. Delete by Bombay 3 of 1886.

**14. Combination of hereditary offices :-**

(1) It shall be lawful for a 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 same village.

(2) [Validation of prior combinations].-Repealed by Act XVI of 1895.

**PART 3**

Commutation of Watans

**15. Commutation of service :-**

(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.

(2) [Validation of prior settlements].-Repealed by Act XVI of 1825.

(3) Settlement on whom to be binding.-Every settlement made or confirmed under this section shall be binding upon both <sup>1</sup>[the <sup>2</sup>

[State] Government) and the holder of the watan and his heirs and successors.

(4) Who is a "holder".-The word "holder" for the purposes 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.

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.

**16. Rights of individuals to exact customary service from village servants not affected :-**

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 <sup>1</sup>[ t h e <sup>2</sup> [State] Government] of liability to perform such service to the State.

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.

**17. Assessment of amount of payments in alienated village :-**

When all or any of the property of a watan consist of payments of whatever description, whether in money or kind, made by Jahgirdars, Inamdars, Mehwassi Chiefs, or others owing or occupying Immovable property wholly or partially free from assessment, 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 village.

**18. Appointment of Panchayat to define rights and duties of certain classes of watandar :-**

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 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 watandar, and one, who shall be Sarpanch 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 watandar 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 sarpanch, the Collector may himself 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.

**19. Mode of fixing amount payable when profits of a watan fluctuates :-**

Whenever on failure of the panchayat to come to a decision, the Collector, acting under the last 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 made in kind or money.

**20. Validity of settlements made prior to passing of Act :-**

Any settlement of the nature described in Section 17 , Section 18 or Section 19 <sup>1</sup>[x x x] made before the date of this Act coming into force, by a Collector or other officer duly authorised by <sup>2</sup>[the <sup>3</sup> [State] Government), shall have the same force as if made under this Act.

1. Delete by Bombay 3 of 1886.
2. Substituted by A.O. in Council.
3. Substituted by A.O. 1950

**21. Settlements for such period as State Government may direct :-**

Settlements of the nature described in Section 17 , Section 18 and Section 19 <sup>1</sup>[x x x] made after this Act comes into force, shall be made for such periods as <sup>2</sup>[the <sup>3</sup> [State] Government] may from time to time direct.

1. Delete by Bombay 3 of 1886.
2. Substituted by A.O. in Council.
3. Substituted by A.O. 1950

#### PART 4

##### Creation And Lapse of Watans

### **22. Creation of new watans :-**

When no watan exists, it shall be lawful for <sup>1</sup>[the <sup>2</sup>[State] Government to create one, and in so doing to assign, subject to such sanction as may be required by any law, <sup>3</sup>[x x x] for the time being in force, such <sup>4</sup>[property vested in <sup>5</sup>[the <sup>6</sup>[State] Government] as to <sup>7</sup>[the <sup>8</sup>[State] Government] may seem fit. Such watan shall be subject to all the provisions of this Act, and the watandars shall exercise the powers and perform the duties conferred and imposed by this Act 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 <sup>9</sup>[the <sup>10</sup>[State] 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 <sup>11</sup>[the <sup>12</sup>[State] Government], subject to the sanction mentioned in the first clause of the section, to assign such watan, to such person or persons as to <sup>13</sup>[the <sup>14</sup> [State] Government] may seem fit.

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950
3. Delete by Bom. 3 of 1886.
4. Substituted by A.O. in Council.
5. Substituted by A.O. in Council.
6. Substituted by A.O. 1950
7. Substituted by A.O. in Council.
8. Substituted by A.O. 1950
9. Substituted by A.O. in Council.
10. Substituted by A.O. 1950
11. Substituted by A.O. in Council.
12. Substituted by A.O. 1950
13. Substituted by A.O. in Council.
14. Substituted by A.O. 1950

#### PART 5

##### Remuneration of Officiators.

### **23. Collector to fix emoluments of officiators :-**

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 officiators appointed under the provisions of this Act, and to direct the payment thereof in the officiator for the time being.

Collector may assign watan property for the purpose.-It shall be lawful for the Collector for this purpose to assign watan property, or the profits thereof, towards for emoluments of officiators. The existing <sup>1</sup>[the <sup>2</sup> [State] Government] the Collector may, as occasion arises, alter the assignment and may increase or diminish it in value, such increase or diminution being made ratably among the holders in proportion to the profit derived by such holders respectively from the watan.

1. Substituted by A.O. in Council,
2. Substituted by A.O. 1950

#### PART 6

Representative Watandars.

### **24. Duties of office to be performed by representative watandars :-**

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

### **25. Determination and registration of representative watandars :-**

It shall be the duty of the Collector to determine, as hereinafter provided, the custom of the watan as to service and what persons shall be recognised as representative watandars for the purpose of this Act, and to register their names.

### **26. Previous practice to be considered in determining who are representative watandars :-**

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 bound to recognize appointments or subdivisions which have been made subsequently to the introduction of <sup>1</sup> [x x x], and which he considers to be contrary to the custom of the watan.

1. Act 11 of 1843 was repealed by S 2 of this Act.

### **27. Registration of head of family as sole representative watandar :-**

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 representatives watandar and no other person.

**28. Registration of heads of families as representative, watandars :-**

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 and successive periods is proved to exist, he shall decide the order in which the representatives watandars shall officiate.

**29. Registration of head of eldest family as sole representative watandar :-**

(1) 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 the introduction of <sup>1</sup> [x x x], or when the practice of selection by the Collector from several families, 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.

(2) Registration of heads of separate families as representative, watandars.-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.]

1. Act 11 of 1843 was repealed by S. 2 of this Act.

**30. Registration as representative watandar of head of each family in amalgamated watan :-**

When the practice of service in successive periods has been introduced under the British rule, in consequence of the reduction in the number of <sup>1</sup>[officiators] or the amalgamation of watans by <sup>2</sup> [the Provincial Government], the head of each family that formerly officiated shall be separately entered as a representative watandar.

1. Substituted by Bombay 5 of 1886.

2. Substituted by A.O. in Council.

**31. Procedure if heads of families agree as to who are representative watandars :-**

But if in any case described in Section 29<sup>1</sup> [x x x] the heads of families at any time before the completion of the register prescribed by 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.]

1. Delete by Bombay 3 of 1886.

**32. Right of service to remain after relinquishment of watan property :-**

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.

**33. Notice of adoption if heir has been adopted prior to pawing of Act :-**

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 the same shall, within twelve months from the coming into force of this Act, 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.

**34. Notice of adoption when heir is adopted after passing of Act :-**

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.

**35. Procedure if notice of adoption is not duly given :-**

In any case in which <sup>1</sup> [notice or] 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 heir ship, or of a



final decree of a competent Court establishing the validity of such adoption.

1. Inserted by Bombay 5 of 1886.

**36. Death of representative watandar to be reported, name of heir to be registered :-**

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, and subject to the provisions of section 2 of Bombay Act V of 1886, register the name of the person appearing to be the nearest heir of such watandar as representative watandar in place of the watandar so deceased.

Provided that-

(1) in determining who is the nearest heir for the purpose of this section the rule of lineal primogeniture shall be presumed to prevail in the watan family:

(2) in any case where the deceased watandar was not a sole representative watandar, if his nearest heir is not a member of the branch of the family to which the deceased watandar belonged but is another representative watandar of the same watan. the share entered in the register against the name of the deceased watandar shall-

(a) if there is only one remaining representative watandar of the same watan who is descended from the same original watandar as the deceased, pass to that remaining representative watandar,

(b) if there are more than one such remaining representative watandars, be divided among such remaining representative watandars in proportion to their shares and the register shall be corrected accordingly; (3) \*[if any person shall by production of a decree] of a competent Court, satisfy the Collector that he is entitled to have his name registered as the nearest heir of such deceased watandar in preference to the person whose name the Collector has ordered to be registered, <sup>1</sup> [at any time within six years of such order, the Collector shall subject to the foregoing provisions, cause the entry in the register to be amended accordingly]

.

1. Substituted by Bombay 11 of 1930.

### **37. Guardian of minor watandar to perform duties of minor**

:-

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 51 <sup>1</sup> [x x x] exercise all powers and perform all duties conferred and imposed by this Act.

1. Delete by Bombay 3 of 1886.

#### **PART 7**

Periods of Service

### **38. Representative watandars to serve for life or for fixed periods of five or ten years :-**

Subject to the provision of Section 45 and Section 46 . representative watandars shall be entitled to office for the following periods, respectively (namely):-

(a) in cases falling under section 28 or Section 29 , clause (2) or Section 30 or Section 31 , in which for life the representative watandars are entitled to office contemporaneously, and in cases falling under Section 27 or Section 29 , clause (1),

(b) in cases falling under Section 28 for such period as the Collector Section 29 , clause (2), or selector shall in each case Section 30 or Section 31 , in which determine, the same being the representative watandars are not less than five not more entitled to office In successive than ten years] periods.

### **39. Procedure on death of officiator :-**

In the event of the officiating watandar dying before the execution of his fixed period of service, his heir shall, subject to the provisions of Part VIII <sup>1</sup> [ x x x] be entitled to officiate for the remainder of that period.

1. Delete by Bombay 3 of 1886.

### **40. Election of officiator in rotation watan :-**

(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 43 <sup>1</sup> [x x x].

(2) If not less than three fourth. 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,

(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.

1. Delete by Bombay 3 of 1886.

**41. Mode of appointment if representative watandars fail to nominate officiator :-**

If in the case of a watan in which the representative watandars are entitled to perform the duties in successive periods, the representative watandars shall not appear at the time and place appointed under the provisions of the last preceding section, or shall fail to nominate an officiator, or the requisite number of officiator, unanimously, then the provision of this Act as to service by the representative watandar entitled to officiate and as to appointment of deputies shall apply.

**PART 8**

Officiating Watandars and Deputies.

**42. Representative watandar to perform duties of office :-**

Every representative watandar whose duty it is to officiate shall, 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.

**43. Collector to determine number of officiators required :-**

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 aforesaid 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.

**44. Collector to appoint deputy if watandar fails :-**

].-Repeated by Bombay III of 1910.

**45. Collector when to refuse service of representative watandar or of deputy nominated by him :-**

The Collector shall refuse to accept the service of any representative watandar or any person nominated by a representative watandar to be his deputy, if such representative watandar or person-

(a) is under eighteen years of age;

(b) has not passed such educational test, if any, as <sup>1</sup>[the <sup>2</sup>[State] Government] think fit from time to time to prescribe in this behalf:

(c) has attained sixty years of age, except when such person's appointment or continuance in office is specially permitted by the Collector;

(d) is in the opinion of the Collector disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body:

(e) has been adjudged by the Collector after a summary inquiry held in accordance with the provisions relating to summary inquiries contained in the Bombay Land Revenue Code. 1879 (Bom.V of 1879) to be of general bad character:

<sup>3</sup>[(ee) is considered by the Collector to be unfit for office on the ground that he is a willful defaulter in respect of land revenue or any sum expressly declared by any law for the time being in force to be recoverable as an arrear of land revenue;]

(f) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the <sup>4</sup>[Commissioner] is hereby empowered to make if <sup>5</sup>[he] shall think fit, in this behalf.

(g) declines to forsake, whilst officiating, some other employment which is in the opinion of the Collector incompatible with the due discharge of the duties of the office;

<sup>6</sup>[(h) has been removed from office or declared to be ineligible for re-employment under Section 58 unless his re-employment is

expressly sanctioned by the <sup>7</sup> [Commissioner].

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.
3. Inserted by Bombay 3 of 1910.
4. Substituted by Bombay 8 of 1950.
5. Substituted by Bombay 8 of 1950.
6. Inserted by Bombay 3 of 1910.
7. Substituted by Bombay 8 of 1950.

**46. Power to remove officiator or deputy or representative watandar who becomes unfit to officiate :-**

If an officiator at any time becomes unfit to officiate for any of the reason specified in section 45, the Collector shall remove him from office and, subject to the other provisions of this part, appoint another officiator. A deputy appointed by a representative watandar may at any time be removed from office by the Collector at the request of the representative watandar, if, in the opinion of the Collector, there are good grounds for such request.

**47. Procedure when representative watandar is rejected or removed :-**

If a representative watandar whose duty it is to officiate is rejected or removed under Section 45 or Section 46 , he may, subject to the provisions of Section 49 appoint a deputy:

Provided that, whenever, such representative watandar ceases to be disqualified under Section 45 , he shall become entitled, if otherwise fit, to serve in person in supersession of any such deputy, or to serve in person or (subject to the provisions of Section 42 ) to appoint a deputy in supersession of any deputy appointed by the Collector.

**48. Procedure when a deputy is rejected or ceases to officiate :-**

If a deputy dies or resigns, or is rejected or removed by the Collector under Section 45 or Section 46 , the representative watandar whose duty it is to officiate may himself if otherwise fit: perform the duties in place of such deputy or, subject to the provisions of Section 42 and Section 49 , appoint another deputy.

**49. Cases where Collector, instead of the representative watandar, shall appoint a deputy :-**

The Collector, instead of the representative watandar whose duty it is to officiate, shall himself appoint a deputy in any of the following cases:-

- (a) where the representative watandar is disabled by lunacy or imbecility of mind from appointing a deputy;
- (b) where the representative watandar is disqualified under clause (e), (f) or (h) of Section 45 , whether or not he was a representative watandar at the time of his incurring such disqualification:
- (c) where the representative watandar fails to comply with any requisition of the Collector to serve in person or to appoint a deputy under Section 42 , Section 43 , Section 47 or Section 48 , within two months from the date thereof;
- (d) where the first person nominated by the representative watandar is rejected under Section 45 , and the second person nominated is also rejected under that section;
- (e) where the representative watandar declines to appoint a person as his deputy in accordance with Section 53 :
- (f) where a deputy appointed by the Collector under any of the above clauses dies or resigns.

]

**50. Collector may nominate deputy if representative watandar is rejected or removed :-**

] - Repealed by Bombay III of 1910.

**51. Female cannot officiate but may nominate deputy :-**

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.

**52. Mamlatdar or Mahalkari to appoint duty when officiator suspended :-**

During the suspension of an of 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 <sup>1</sup> [Mamlatdar or the Mahalkari, as the case may be].

1. Substituted by Bombay 3 of 1915.

**53. Deputy must ordinarily be a member of the same family as the representative watandar whose duty it is to officiate :-**

Except as is otherwise provided in the last preceding section and in section 56, and, except as the <sup>1</sup>[the <sup>2</sup>[State] Government] shall by a general or special order from time to time otherwise direct, every deputy appointed under this Act shall be a member of the same family to which the representative watandar whose duty it is to officiate belongs, if there be a member of such family fit and willing to officiate <sup>3</sup>[or, in default of such member, a watandar of the same watan who is fit and willing to officiate and who is descended from the same original watandar as the representative watandar whose duty it is to officiate. <sup>4</sup> [x x x].

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.
3. Added by Bombay 3 of 1910.
4. Delete by Bombay 3 of 1910.

**54. Term of appointment of deputy :-**

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

**55. Officiator if absent or ill may appoint a temporary substitute :-**

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 in Section 57 to Section 61 <sup>1</sup> [x x x].

1. Delete by Bombay 3 of 1886.

**56. Head of family when to be treated as watandar :-**

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 recognised, and the heads of the family entitled to perform the duties shall be registered and treated as representative watandars.

**PART 9**

**Penalties**

**57. Punishment of officers :-**

It shall be lawful for the Collector to suspend any officer from office during inquiry into alleged mis- conduct, 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 emoluments 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.

**58. Collector may remove officer with the sanction of Provincial Government :-**

It shall be lawful for the Collector, with the previous sanction of the <sup>1</sup>[Provincial Government], in case of fraud, the willful framing of incorrect records, habitual neglect of duty or other grave misconduct on the part of an officer, to remove him from office <sup>2</sup>[or if has ceased to officiate, to declare that he is ineligible for re-employment in any hereditary office except with the sanction of <sup>3</sup> [Provincial Government]].

1. Substituted by A.O. in Council.
2. Added by Bombay 3 of 1910.
3. Substituted by A.O. in Council.

**59. Officer removed from office ineligible for re-employment :-**

Repealed by Bombay III of 1910.

**60. Provincial Government may direct the forfeiture of a watan :-**

When any representative watan-dar or any deputy or substitute appointed by him is convicted by a criminal Court not inferior to a Court of Session of any offence in the discharge of his official duties, or of any of the offences specified In second schedule or of the abatement of any such offence, and such conviction is not subsequently reversed or quashed the <sup>1</sup>[Provincial Government] may, <sup>2</sup>[x x x].

<sup>3</sup>[(a) if the offence be committed in the discharge of his official duties or be any of those enumerated in Schedule II (2) to (6), direct the forfeiture of the life interest of the person convicted or if he be not the representative watan-dar also of the representative watan-dar:

(b) if the offence is as is described in Chapter VI of the Indian



Penal Code, direct the forfeiture of the whole or of any part of any watan in which he has an interest. Such forfeiture may be either absolute or for such period as the <sup>4</sup> [Provincial Government] thinks fit.]

1. Substituted by A.O. in Council.
2. Delete by Bombay 11 of 1925.
3. Clauses (a) and (b) ins. by Bombay 11 of 1925.
4. Substituted by A.O. in Council.

**61. Forfeiture of life interest of officiator and deputy for misconduct of deputy :-**

All deputies appointed under this Act shall be subject to the same rules in the performance of the duties of their offices, and to the same penalties, except as otherwise provided, as the representative watandar themselves are subject to when officiating, and in the case specified in Section 58 of this Act, it shall be lawful for <sup>1</sup>[the Provincial 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:

<sup>2</sup>[Provided that the <sup>3</sup>[Provincial Government] shall not direct under this or the preceding section the forfeiture of any watan or part thereof belonging to a person other than the one so convicted or found guilty, unless it is proved to <sup>4</sup> [its] satisfaction that that person had previous knowledge of or connived at the offence or misconduct]

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1. Substituted by A.O. in Council.
2. Inserted by Bombay 11 of 1925.
3. Substituted by A.O. in Council.
4. Substituted by A.O. in Council.

**62. Order to be passed after Investigation :-**

No order shall be passed under this part except upon perusal of the judgment of a Court <sup>1</sup> [if any and after investigation recorded in writing in which an opportunity of being heard either in person or through pleader shall be given to the party against whom any such order is proposed to be passed].

1. Substituted by Bombay 11 of 1925.

**PART 10**

Inferior Village Hereditary Offices

### **63. Application of Part X :-**

This part applies only to hereditary village offices of lower degree than that of Patel or Kulkarni.

### **64. Powers granted to Collector :-**

<sup>1</sup>[1] The Collector is empowered, subject to the general control of <sup>2</sup>[the Provincial Government]-

(a) to register the names 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 to appoint as many fit persons as may be necessary to perform the duties which the Collector may assign to them severally and jointly:

(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 <sup>3</sup>[the Provincial Government] to attach, during the pleasure of <sup>4</sup>[the Provincial Government], the watans of the persons whom he may have reason to believe to have been guilty of, or to have connived at, commission of the crime;]

[(e) to pass orders in regard to the dismissal of person officiating;]

<sup>5</sup>[(f) to permit the watandar whose duty it is to officiate, to appoint a deputy for performing the duties of his office .]

<sup>6</sup>[(2) The Collector to amend entry on register.-The Collector when he is satisfied that a person who produces a decree or order of a competent court is entitled to have his name entered in the register as nearest heir of a deceased watandar in preference to the name of a person already entered in the said register as such heir, provided that the said order or decree is produced within six years of the date of the said register sought to be amended, shall amend

the said entry in the said register accordingly.

(3) The Collector may delegate certain powers to Mamlatdar and Mahalkaris.-The Collector Is empowered to delegate to the Mamlatdar or Mahalkari the powers exercisable by him under clause (a) of sub-section (1)].

<sup>7</sup> [(4) Powers granted to Mamlatdar and Mahalkari.-The Mamlatdar and the Mahalkari are empowered to pass orders in regard to the appointment, remuneration, period of service, suspension and fining 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.]

1. Section 64 was Renumbered as S. 4(1) by Bombay 3 of 1915.
2. Substituted by A.O. in Council.
3. Substituted by A-O. in Council.
4. Substituted by A. O. in Council.
5. Inserted by Bombay 15 of 1931.
6. Sub-sections (2) and (3) Inserted by Bombay 12 of 1932.
7. Sub-section (2) renumbered as sub-section (4) by Bombay 12 of 1932.

#### PART 11

#### The Register

### **65. Collector to prepare and keep Register :-**

The Collector shall prepare and keep all Registers necessary for the purposes of this Act in the form which <sup>1</sup>[the <sup>2</sup> [State] Government] may from time to time prescribe. There shall be one Register of lands and allowances in consideration where of liability to perform service exists and another of lands and allowances in respect of which no such liability exists.

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.

### **66. Non-Service Register what to contain :-**

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 number and assessment, the quit-rent leviable, and the net revenue alienated by <sup>1</sup>[the <sup>2</sup>[State] Government].

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

(c) the term's of the settlement under which the exemption is enjoyed:

(d) the names of the parties to such settlement with <sup>3</sup>[the <sup>4</sup>[State] Government] as indicated in the Sanads issued to them;

(e) such other particulars as <sup>5</sup>[the <sup>6</sup> [State] Government] may from time to time order to be recorded.

1. Substituted by A.O. in Council.

2. Substituted by A.O. 1950.

3. Substituted by A.O. in Council.

4. Substituted by A.O. 1950.

5. Substituted by A.O. in Council.

6. Substituted by A.O. 1950.

**67. Service Register what to contain :-**

In the Register of lands and allowances in consideration whereof liability to serve still exists, the Collector shall specify-

(a) the area of lands, the names of the occupants, the survey number and assessment, the quit-rent, if any, leviable, and the net revenue alienated by the <sup>1</sup>[Government], the amount and nature of the cash or other allowances, the source from which they are payable, and the land 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 proposed 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 X <sup>2</sup>[x x x].

(g) such other particulars as <sup>3</sup>[the <sup>4</sup> [State] Government] may from time to time order to be recorded.

1. Substituted by A.O. 1950.

2. Delete by Bombay 3 of 1886.

3. Substituted by A.O. in Council.

4. Substituted by A.O. 1950.

**68. Register to be corrected :-**

The Register kept under this Act shall be corrected or added to on the occasion of any change being made in accordance with the provisions of this Act in the particulars above specified.

PART 12

Miscellaneous

**69. Service to be performed by watandars :-**

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

**70. Watan records the property of the 6[Government] :-**

All records which have been or may be prepared by any watandar or by any officiator in an hereditary office in pursuance of the duties of the office, or by order of a superior officer or of the present or former Government, are hereby declared to be the <sup>1</sup>[property of the <sup>2</sup>[State Government], and the <sup>3</sup> [Mamlatdar or the Mahalkari] may enforce their production or the production of any State records in the possession of a watandar or of an officiator, in accordance with the provisions of sections 25 and 26 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879).

1. Delete by Bombay 3 of 1886.

2. Substituted by A.O. in Council.

3. Substituted by A.O. 1950.

**71. Watandars may sign village records :-**

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

PART 13

Procedure and Appeals

**72. Evidence to be taken :-**

(1) It shall be lawful for the Collector or other officer conducting an Investigation under this Act to take evidence, and in sections 193 and 228 of the Indian Penal Code<sup>1</sup> the words "judicial proceeding" shall be taken to include any proceeding under this Act (XLV of 1860).

(2) Every person who shall have been summoned to give evidence or to produce any document in his possession, by the Collector or other officer conducting an investigation under this Act, shall be legally bound to attend, or to produce such document.

1. Central Act.

**73. Order under Parts III, V, VI and VII to be passed after Investigation In writing :-**

(1) Except as hereinafter provided in clause 2 of this section, on order under Part III <sup>1</sup>[x x x] directing commutation of a watan, or under Part V <sup>2</sup>[x x x] assigning the remuneration of officiators, or under Part VI <sup>3</sup>[x x x] 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 VII <sup>4</sup>[x x x] determining the periods of service, shall be passed, unless after an investigation recorded in writing and a proper opportunity afforded for the hearing of claims and the production of evidence. In each such investigation, and in removals from office under Section 58 <sup>5</sup>[x x x] the Collector or other officer shall record his decision with the reasons thereof in his own handwriting.

(2) Certain decisions passed since 1866 to be accepted in lieu of fresh investigation.-Unless <sup>6</sup>[the <sup>7</sup>[State] Government] 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, which are recorded, with the reasons therefor, in the handwriting of a <sup>8</sup>[of this Act] in lieu of fresh investigation and decision under this Act for the purpose of framing the register required In Section 67 <sup>9</sup> [x x x] 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.

1. Delete by Bombay 3 of 1886.
2. Delete by Bombay 3 of 1886.
3. Delete by Bombay 3 of 1886.
4. Delete by Bombay 3 of 1886.

5. Delete by Bombay 3 of 1886.
6. Substituted by A.O. in Council.
7. Substituted by A.O. 1950.
8. Delete by Bombay 3 of 1886 and re-inserted by Bombay 16 of 1895.
9. Delete by Bombay 3 of 1886.

**74. Control of proceedings of Collector :-**

The proceedings of the Collector shall be under the general control of [the Commissioner and of] <sup>1</sup>[the <sup>2</sup> [State] Government].

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.

**75. Mamlatdar may make investigation under Part X :-**

The Collector may <sup>1</sup>[save in respect of any matter In which he has delegated his powers to a Mamlatdar or Mahalkari under sub-section (2) of section 64), require any investigation under Part X <sup>2</sup> [x x x] to be made by a Mamlatdar or Mahalkari. but the decision thereon shall be made by the Collector.

1. Substituted by A.O. 1950.
2. Delete by Bombay 3 of 1886.

**76. No appeal to lie save where specially provided :-**

No appeal shall lie from any order made under Section 64 , clause (e) <sup>1</sup>[x x x] before final order nor from any other registering any fact specified under Section 67 , clauses (b), (c), (d) and (e) <sup>2</sup>[x x x] where the effect of such order is merely to register the same facts as already In the existing registers kept according to law or under the orders of <sup>3</sup>[the <sup>4</sup> [State] Government].

1. Delete by Bombay 3 of 1886.
2. Delete by Bombay 3 of 1886.
3. Substituted by A.O. in Council.
4. Substituted by A.O. 1950.

**77. Appeals :-**

Except as hereinbefore provided, one appeal only shall lie from every decision passed after investigation recorded in writing by a Collector, or by an Assistant Collector, or Deputy Collector <sup>1</sup>[or from every decision passed by a Mamlatdar or Mahalkari exercising the powers delegated to him under sub- section (2) of Section 64 ] <sup>2</sup>[x x x]. Such appeal, if from the decision of an Assistant Collector, or deputy Collector <sup>3</sup>[or Mamlatdar. or Mahalkari] <sup>4</sup>[x x x] shall lie to the Collector and shall be made within sixty days from the date of

the order appealed against. Such appeal, if from the decision of the Collector, shall lie to the <sup>5</sup>[x x x] <sup>6</sup> [Commissioner], and shall be made within ninety days from the date of the order appealed against. In computing the above periods the time required to prepare a copy of the order or decision appealed against shall be excluded.

1. Inserted by Bombay 12 of 1932.
2. Delete by Bombay 3 of 1886.
3. Inserted by Bombay 12 of 1932.
4. Delete by Bombay 3 of 1886.
5. Delete by Bombay 16 of 1895.
6. Substituted by Bombay 8 of 1958.

**78. Copy of order to accompany petition of appeal, Appeal may be summarily rejected :-**

Every petition of appeal shall be accompanied by a copy of the order or decision appealed against, and it shall be competent for the officer before whom the appeal is presented to reject the appeal if on perusal of the petition it appears to him that there is no sufficient ground for questioning the correctness of the decision, or for interfering with the order repealed against.

**79. [State] Government may call for proceedings :-**

<sup>1</sup>[The <sup>2</sup>[State] Government] may call for and examine the record of the proceeding of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed, and may reverse or modify the order as shall deem fit, or, if it deem necessary, may order a new inquiry.

<sup>3</sup> [The State Government may delegate all or any of its powers under this section to any Commissioner and such Commissioner may thereupon exercise such powers within the local limits of his jurisdiction. subject to the revisional powers of the State Government under this section, and to any restrictions that the State Government may deem fit to impose.]

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.
3. Added by Bom 8 of 1958.

**81. Recoveries how to be made :-**

All recoveries of profits from land, assessment, emoluments or penalties under this Act may be made as provided by any law for the time being in force relating to the recovery of the land revenue.



## **82. [State] Government to frame rules :-**

<sup>1</sup>[The <sup>2</sup> [State] Government] may frame rules not inconsistent with this Act for the guidance of its officers In cases not expressly provided for, and may from time to time modify or revoke any such rules.

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.

## **83. [State] Government to determine duties of hereditary officers :-**

Except as it otherwise provided in Section 18 <sup>1</sup>[ x x x] <sup>2</sup>[the <sup>3</sup> [State] Government] shall have power. In cases where doubt exists, to determine what duties appertain to any hereditary office.

1. Delete by Bombay 3 of 1886,
2. Substituted by A.O. In Council.
3. Substituted by A.O. 1950.

## **84. Grant of powers to Special Officer :-**

<sup>1</sup>[The <sup>2</sup>[State] Government] may from time to time confer on any officer specially selected for the purpose for, so far as concerns an alienated village, on the holder or any of the holders of such village or on any agent of the holder of such village] all or any of the powers and duties which under this Act are required to be performed by <sup>3</sup>[a Commissioner or] a Collector, and may authorize the delegation to any Mamlatdar or Mahalkari of the power to fine hereditary village officers In sums not exceeding two rupees.

<sup>4</sup>[Powers and duties conferred under this section shall be exercised or performed subject to such conditions, if any. In addition to those specified in this act, as the <sup>5</sup>[the <sup>6</sup>[State] Government) shall from time to time think fit to prescribe, and any order conferring powers and duties under this section may at any time be cancelled by the<sup>7</sup>the <sup>8</sup> [State] Government].

1. Substituted by A.O. in Council.
2. Substituted by A.O. 1950.
3. Inserted by Bombay 8 of 1958.
4. Added by Bombay 5 of 1886.
5. Substituted by A.O. In Council.
6. Substituted by A.O. 1950.
7. Substituted by A.O. In Council.
8. Substituted by A.O. 1950.

## **85. Act not to affect Bombay Act VIII of 1867 :-**

Nothing in this Act contained shall be deemed 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 [x x x] shall be taken as made to this Act.

#### SCHEDULE 1

Enactments repealed

]. -Repealed by Act XII of 1876.
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#### SCHEDULE 2

Offences referred to in section 60

Description of offence	Sections of the Penal Code under which punishable.
(1) Every offence described in Chapter VI of the Indian Penal Code (XLV of 1860)	121, 121A, 122-124, 124A. 125-130.
(2) Causing disappearance of evidence of any offence committed, or giving false information touching it to screen the offender, when the offence committed is a capital offence, or punishable with transportation for life or imprisonment for ten years.	201
(3) Harboursing an offender, if such offender's offence be capital, or punishable with transportation or imprisonment for ten years.	212
(4) Taking gift, etc., to screen an offender from punishment, if such offender's offence be capital, or punishable with transportation for life or with imprisonment for ten years.	213
(5) Harboursing an offender who has escaped from custody, or whose apprehension has been ordered, if such offender's offence be capital or punishable with transportation for life or with imprisonment for ten years	216
(6) Harboursing robbers and dacoits.	216A

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