

## GUJARAT LAND REVENUE RULES, 1972

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### **GUJARAT LAND REVENUE RULES, 1972**

In exercise of the powers conferred by sections 213 and 214 of the Bombay Land Revenue Code, 1879 (Bombay V of 1879), and of all other powers enabling him in this behalf, and in supersession of Government Notifications in the Revenue Department No. 7368, dated the 6th December 1881, No. 8356, dated the 27th November 1903, No. 5223, dated the 28th June 1905, and No. 5641 dated the 5th June 1907, and all notifications amending the same, the Governor in Council is pleased to make the following rules:-

## **CHAPTER 1** Introductory

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

- 1 (1) These rules may be called the Gujarat Land Revenue Rules, 1972.
- (2) They shall extend to the whole of the State of Gujarat

1. Substituted by No. GHM-148-M-LRR-1064-425-L, dt. 14-6-1972: pub. in Guj. G. Gaz. Pt.IV-B, dt. 22-6-72, p. 994 w.e.f. 22-6-72.

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

.-In these rules, unless there is anything repugnant in the subject or context.

- (a) "Chapter" and "Section" mean a chapter and a section of that Code.
- (b) "Mamlatdar" includes Mahalkari.
- (c) "Public Document" has the same meaning as in section 74 of the Indian Evidence Act, 1 of 1872.

## **CHAPTER 2** Powers and Duties of Officers

## **CHAPTER 3** Revenue Surveys

### **3. Survey numbers and sub-divisions :-**

- (1) Every holding not less in area than the minimum fixed under section 98 shall be separately measured, classified, assessed and defined by boundary marks, and entered in the land records as a survey number.

(2) Every holding of which the area is less than such minimum shall be separately measured, classified and assessed and entered in the land records as a sub-division of that survey number in which it is directed to be comprised; it may also be separately demarcated if the Commissioner of Survey so directs, provided that the said Commissioner may require the persons interested in such holding to pre-pay the costs, or such portion of the costs as he thinks fit, of so defining the holding.

#### **4. Record of measurements :-**

All measurements shall be recorded in a book or embodied in a plane table map kept in such form as shall be prescribed by the Commissioner of Survey for each survey. The said books or maps shall be preserved as a record of the survey.

#### **5. Test of measurements :-**

The original measurements made by the subordinate survey officers employed for the purpose shall be tested by the officers in charge of measuring establishments in such manner and to such extent as the Commissioner of Survey shall deem sufficient.

#### **6. Village maps :-**

Village maps shall be prepared under the orders of the Commissioner of Survey showing each survey number and its boundary marks.

#### **7. Classification of land :-**

For the purposes of assessment all lands shall be classed with respect to its productive qualities. The number of classes and their relative value reckoned in annas shall be fixed under the Commissioner of Survey with reference to the circumstances of the different tracts of country to which the survey extends and to the nature of the cultivation.

#### **8. Field-books :-**

Every classes shall keep a field-book and record therein the particulars of his classification of each survey number and sub-division and the reasons which led him to place it in the particular class to which in his estimation it should be deemed to belong. Such field-books shall be preserved as permanent records of the survey.

#### **9. Test of classification :-**

A test of the original classification made by the subordinate officers employed for this purpose shall be taken by the officers in charge of classing establishments, in such manner and to such extent as may be directed by the Commissioner of Survey.

XVII. The said test shall be an independent test, that is to say, it shall be made by the testing officer in entire ignorance of the original classers proceedings or record until it has been completed and its results have been finally determined, when only the original classing valuation and the test valuation shall be compared and their separate results recorded. [55 VIII].

XVIII. When any classing operations are undertaken, notices shall be given to the rayats to enable them to represent defects and point out their own improvements (R. 7447-86).

XIX. [Deleted].

#### **10. . :-**

[Deleted].

#### **10A. . :-**

[Deleted].

#### **11. Amalgamation :-**

. .

Any survey number or sub-division of a survey number may be amalgamated with any other coterminous survey number with the sanction of the Collector and upto the application of the holder whenever all the parcels of land proposed for amalgamation are held by the same holder upto the same tenure.

(2) Any sub-division may be amalgamated without prior sanction with any coterminous sub-division of the same survey number held by the same holder upto the same tenure.

(3) When such amalgamation is effected, the two or more portions of land shall become one entry in the

land records, bearing the same distinguishing number as the first in series of the amalgamated numbers. Any boundary marks placed between the amalgamated holdings shall be removed and the village map corrected accordingly.

#### **12. Application of rules 3 to 11 :-**

(1) Rules 3 to 11, unless otherwise directed by the State Government, shall be observed in the conduct of revenue survey of lands used, or which may be used, for the purposes of agriculture.

Form and details.-(2) Matters of detail not provided for in the foregoing rules shall be determined in each survey in accordance with such general or special orders as the Commissioner of Survey, acting under the general control of the State Government may, from time to time, issue.

#### **13. Non-agricultural land not to be classified in accordance with foregoing rules :-**

(1) Land of any of the kinds specified In sub- rule (2) shall be measured and mapped in accordance with rules 3 to 6 inclusive, but shall not be classified or assessed in accordance with rules 7 to 10.

(2) The lands referred to In sub-rule (1) are the following:-

- (a) occupied unalienated lands, which are situated within an area in which a survey under rules 3 to 11 is in progress and which are used for any non-agricultural purposes;
- (b) unoccupied unalienated lands, situated within any such area, which are deemed to be likely to be more in demand for building or industrial purposes than for agriculture: and
- (c) all lands to which a survey is extended under section 131.

#### **14. Assessment of non-agricultural land :-**

The Collector on receipt of a schedule of the lands referred to in rule 13(2) shall assess them at the same rates and for the same period as if he were altering an agricultural assessment under whichever of Rules 81 to 85 has been applied to the locality: Provided that land wholly or partially exempt from assessment. under the proviso to section 52 or under section 128 or otherwise shall not, so far as it is so exempt, be assessed. And also provided that land held under unexpired lease shall become liable to the rate of assessment in force for the locality only upon the expiry of those leases.

#### **14A. All non-agricultural assessments, rents and fines leviable under rules 43 :-**

. . 43-A, 43-B, 43C. 47, 80, 80-A, 80-AA, 80-B, 81(1), 81(3), 82. 82-A, and 82-AA, 90, 92, 93 and 99 to 103 shall first be calculated to the nearest paise at the rate (Per hectare or otherwise) sanctioned upto the area chargeable, but if any sum so calculated:-

- (i) is less than 10 paise, shall be raised to 10 paise:
- (ii) exceeds 10 paise and is not an exact multiple of 10 paise, shall be raised to the nearest multiple of 10 paise.

#### **15. Maintenance of records :-**

For all lands which have in the past been surveyed or assessed, or which shall be hereafter served or settled under the provisions of the Code and these rules, it shall be the duty of the Director of Land Records-

- (1) to cause to be corrected any arithmetical or clerical error whenever discovered.
- (2) to cause to be incorporated punctually in the land records all changes in boundaries, areas, tenures and assessments either of survey numbers or of their sub-divisions which are made under orders of competent authority as defined in the Code and these rules or any other Act:

Provided that where the assessment of any survey number has been fixed by declaration under section 102, such assessment shall not be raised upon the discovery of any mistake in classification until the term of such declaration expires.

#### **16. . :-**

Detailed instructions and forms shall be drawn up and maintained by the Director of Land Records, subject to the orders and approval of the State Government from time to time for the proper carrying out of Rule 15.

#### **17. . :-**

[Deleted].

**18. . :-**

[Deleted].

**19. Survey fees in towns and cities :-**

(1) Where a survey is extended to the site of a town or city, the survey fees payable under section 132 shall ordinarily be so fixed that the total sum payable in respect of such site shall cover the cost of the survey and preparation of the Record of Rights thereof.

(2) In fixing the fees for each building site or any portion thereof held separately the Collector shall have regard to the provision of sub-rule (1) and to the position, value (or rental), and area of such building site or portion thereof, but such fee shall not exceed <sup>1</sup> (seventy rupees].

1. Substituted by No. GHM-9/84/M-CTS-1087-4856-H, dt. 30-6-93: pub. in Guj. Govt. Gaz. Ext.Pt. IV-B. dt. 5-7-93, p. 103.

**CHAPTER 3A Settlement and Assessment of Agricultural land**

**19A. Enquiry by the Settlement Officer :-**

(1) In making a settlement in respect of agricultural lands in any area, the Settlement Officer shall hold an enquiry in the manner prescribed in sub-rule (2).

(2) The Settlement Officer shall examine fully the past revenue history of the area and assess the general effect of the incidence of assessment on the area. He shall collect information relating to the area in respect of the following matters and in the following manner:

(i) Physical configuration.-The Settlement Officer shall base the information on observations made by him personally:

(ii) Climate and rainfall.-The Settlement Officer shall base the information as regards climate on personal observations made by him and by making local enquiries in the area. He shall collect statistics of rainfall for the years subsequent to the introduction of the last settlement from the Director of Agriculture and compile the same in Form A. He shall also collect information regarding the seasonal conditions of the area from the Director of Agriculture and verify it by reference to the Land Revenue Administration Reports or other reports relating to the area issued by Government. The information under this clause may be collected only for ten years immediately preceding the year of enquiry if in the opinion of the settlement officer it is sufficient to exhibit the normal seasonal conditions of the area:

(iii) Markets.-The Settlement Officer shall base the information on personal observations made by him.

(iv) Communications.-The Settlement Officer shall base the information on personal observations made by him.

(v) Standard of husbandry.-The Settlement Officer shall base the information on personal observations made by him:

(vi) Population and supply of labour.-The Settlement Officer shall obtain figures of population according to occupation from the Director of Agriculture and compile them in Form A-1. He shall ascertain the conditions as regards supply of labour in each group in the area by making enquiries in such villages as he may select, with the previous sanction of the Settlement Commissioner. The number of villages in the area:

(vii) Agricultural resources.-The Settlement Officer shall obtain information regarding figures of livestock agricultural implements and other agricultural resources from the Mamlatdar and compile it in Form A-2:

(viii) The variations in the area of occupied and cultivated lands during the last 30 years.-The Settlement Officer shall obtain information in respect of this matter from the Mamlatdar and shall compile in Forms A-3 and A-4:

(ix) Wages.-The Settlement Officer shall obtain the necessary information from the Mamlatdar and verify the information about wages current during the year of enquiry from personal observation. He shall compile the information in Form A-5;

(x) Prices.-The information about the prices of the principal articles of agricultural produce shall be obtained from the Director of Agriculture and compiled in Form A-6. The prices shall be wholesale prices expressed in rupees per Quintal, if available, and retail prices expressed in kilograms per rupee and, where more than one quality of any produce is grown, shall be the prices of the variety specified by Government. The principal articles of agricultural produce shall be those defined in rule 19-1:

(xi) Yield of the principal crops.-The Settlement Officer shall collect the information from the Collector and the Director of Agriculture regarding crop experiments, the results of which have been recorded by them. The Settlement Officer shall also try to ascertain the normal yield per hectare, in each class of land by crop experiments or by examining the accounts of individual agriculturists: and shall in all such cases record the classification value of the land the normal yield of which has been so ascertained by him:

(xii) Ordinary expenses of cultivating such crops.-The information shall be collected in respect of the crop



experiments referred to in clause (xi) or by examining the accounts of individual agriculturists. The result shall be recorded in the form of a statement of income and expenditure showing the net profit per hectare: (xiii) Rental values of lands used for purposes of agriculture The statistics about rental values for the years preceding the year of settlement shall be collected from the record of rights. The Settlement Officer shall examine the statistics of the villages selected by him under clause (vi) of this sub-rule and shall check the figures mentioned in the record of rights during his visit to the villages by verifying them from the parties concerned or by such other vocal inquiry as he considers suitable.

(3) rents due in respect of deteriorated or waste lands which have to be reclaimed, (4) rents which are either too low as they are coupled with service or too high, the higher rent being paid on charitable grounds, and (5) rents due under all such leases as do not appear to be genuine. The Settlement Officer shall also enquire and record whether deductions are made from the rent on account of expenses such as costs of seed or manure incurred by the landlord and whether the rents are paid in full and regularly. The statement of rental values shall be compiled in Form A-7: and (xiv) Sales of lands used for the purposes of agriculture.-The Settlement Officer shall examine the statistics for the five years preceding the year of settlement, of the villages selected by him under clause (vi) of this sub-rule to enable him to come to fairly accurate conclusions regarding the development of land values in the area and its component groups. The Settlement Officer shall for this purpose exclude all sales which are not genuine, e.g. (a) sales which are conditional mortgages whereby the vendor becomes the tenant and pays interest and installments of capital in the guise of rent, (b) sales for nominal value between relatives, (c) sales for nominal value to temples, (d) sales in satisfaction of debts to a so wear, (e) sales of small pieces of agricultural land in the vicinity of residential areas. The statistics shall be compiled in Form A-8.

#### **19B. Settlement Report :-**

(1) The Settlement Officer shall incorporate the information collected by him in regard to the matters specified in sub-rule (2) of rule 19-A in his settlement report. The report shall contain the reasons for his proposals and a statement in Form A-9, showing the effect of his proposals as compared to that of the settlement then in force.

(2) The Settlement Officer shall send three copies of the report submitted by him to the Collector under sub-section (5) of section 1171 to the Settlement Commissioner who shall arrange for its translation in the regional language of the villages concerned and have it printed.

#### **19C. Report to be published in each village :-**

The settlement report shall be published by the Collector in each village concerned in the regional language of such village by posting it along with the notice published under sub-section (2) of section 117J for three months in the chavdi or other prominent public place in such village and also at the taluka kacheri.

#### **19D. Notice under section 117-J(2) :-**

The notice under sub-section (2) of section 117J shall be published in Form-A-10 by the Collector.

#### **19E. Report to be forwarded to State Government :-**

After the expiry of three months from the date of the notice published under sub-section (2) of sec. 117J, the Collector shall as soon as may be forwarded the settlement report and the petitions of objections, if any, received by him together with his remarks thereon to the Settlement Commissioner who shall submit them to the State Government with his own remarks and recommendations.

#### **19F. . :-**

(1) Any person desiring to move the State Government to refer settlement report to the Bombay Revenue Tribunal under section 117KK of the Bombay Land Revenue Code, 1879, shall deposit Rs. 100 in the Government Treasury. He shall state in his application to the State Government his objections to the report and the grounds therefor.

(2) On receipt of such application and on the applicant depositing the amount prescribed in sub-rule (1). the State Government shall direct that the settlement report together with the application shall be sent to the Bombay Revenue Tribunal for enquiry.

(3) On receipt of the settlement report together with the application, the Bombay Revenue Tribunal may call for such further information as it deems necessary from the State Government or the applicant or any other person. The Bombay Revenue Tribunal shall then fix the date, place and time for holding the enquiry and give a notice of the same to the State Government and to the applicant.

(4) The State Government may be represented at the enquiry by such officer as may be authorised by it.

The applicant shall be entitled to put in a written statement at the enquiry. No pleader, vakil or mukhtyar and no advocate or attorney of a High Court shall be entitled to appear on behalf of the applicant or the State Government at the enquiry except with the permission of the Bombay Revenue Tribunal.

(5) On the date fixed for holding an enquiry or on such date to which the enquiry may, from time to time, be adjourned, the Bombay Revenue Tribunal shall hear the applicant and the officer representing the State Government and make such further enquiry as it thinks fit.

(6) The Bombay Revenue Tribunal shall then submit to the State Government its opinion on the objections raised and on such other matters as may have been referred to it by the State Government. Such opinion shall be submitted within two months from the date of the reference made to the Tribunal by the State Government.

(7) When more than one application has been received in respect of a settlement report, pertaining to the same taluka or village, the Bombay Revenue Tribunal may, in its discretion, hold a joint enquiry in the matter.

(8) If the Revenue Tribunals findings are entirely in favour of the applicant, the whole of the amount of the deposit shall be refunded to him. If his objections are only partially accepted such portion of the amount as may be recommended by the Revenue Tribunal shall be refunded to him. If his objections are rejected in entirety or found to be frivolous by the Revenue Tribunal he shall not be entitled to get any refund of his deposit.

#### **19G. Notice of introduction of settlement :-**

(1) The notice under section 1170 shall be in Form-A-11 and shall be published by the Collector each village concerned in the regional language of such village by posting it in the chavdi or other prominent public place in such village and by beat of drum.

(2) Such notice shall also be published by the State Government in the Official Gazette.

#### **19GG. . :-**

In any area in which the relative valuation of land as regards its soil, water, and other advantages is recorded separately in the survey records, separate rates may be fixed in respect of each of those advantages of 16 annas value, and the standard rate in such cases shall be a combination of such separate rates: Provided that where no such separate rates are fixed, the standard rate shall be the assessment per hectare of land having the maximum valuation in respect of each of those advantages.

#### **19H. Assessment of individual survey numbers and sub-divisions :-**

(1) When standard rates of assessment have been sanctioned by the State Government, the assessment to be imposed on each survey number or sub-division shall be determined according to the relative classification value of the land comprised therein, in accordance with the tables of calculations prepared by the Settlement Commissioner.

(2) The assessment to be imposed on each survey number or sub-division after a revision settlement shall be worked out by increasing or decreasing the old assessment in the same proportion as there is an increase or decrease in the new standard rates over the old maximum or standard rates in respect of such lands:

Provided that if the classification value of the land comprised in such survey number Or sub-division is changed, the assessment shall be calculated in accordance with the provisions of sub-rule (1).

#### **19HH. . :-**

When the revised assessment on any survey number or sub- division thereof determined either under rule 19-H or otherwise exceeds the existing assessment levied on it by more than 25 per cent in cases falling under sub-section (4) or (5) of section 117F of the Code such excess shall be recovered by stages of 25 per cent every two years; that is to say, commencing with the year next following the year in which the settlement is introduced the recovery of excess shall be subject to the limit of 25 per cent. over the existing assessment for the first two years, 50 per cent for the next two years and so on, there being added to the limit an increase of 25 per cent. for over subsequent two year during the period of the settlement.

#### **19I. Classes of agricultural produce and prices with reference to settlement may be declared to have been made :-**

(1) The agricultural produce with reference the prices of which the settlement rates may be declared to

**19J. Record of prices to be kept :-**

(2) The prices recorded in such register shall be published in the Official Gazette.

(1) For the purpose of the grant of a rebate or the levy of a surcharge on the assessment in any area the percentage increase or decrease of the average prices prevailing in the period January to September of any year over the settlement prices shall be multiplied by the number of units, each of 40 hectares, under each crop specified in sub-rule (1) of rule 19-1 in the revenue year commencing on 1st August of that year: Provided that in the case of other crops specified by Government owing to their money value, as provided in rule 19-1 the area actually under each such crop shall before such multiplication be increased by 50 per cent. The sum of these products shall be divided by the total number of units, each of 40 hectares, and the result shall be taken to the total percentage increase or decrease according as the sum of the products is plus or minus.

(2) No rebate shall be granted or surcharge levied if the total percentage decrease or increase as calculated in sub-rule (1) is below 20 or 25 per cent. respectively. When the total percentage decrease or increase is 20 or 25 per cent. respectively or above, rebate shall be granted or surcharge levied, as the case may be, in accordance with the following scale:-

			Decrease				Rbate	
			From 20 per cent, to below 35 per cent.				10 paise in a rupee.	
			From 35 per cent, to below 45 per cent.				20 paise in a rupee.	
			From 45 per cent, to below 50 per cent.				25 paise in a rupee.	
			From 50 per cent, to below 75 per cent.				40 paise in a rupee.	
			75 per cent, and over				50 paise in a rupee.	
			Increase				Surcharge	
			From 25 percent to below 35 per cent.				10 paise in a rupee.	
			From 35 per cent, to below 45 per cent.				20 paise in a rupee.	
			From 45 per cent, to below 65 per cent.				25 paise in a rupee.	
			From 65 per cent, to below 80 per cent.				35 paise in a rupee.	

		80 per cent, and over		50 paise in a rupee			
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**19L. Rebate or surcharge to be on actual demand for the year :-**

. . The rebate shall be granted or surcharge levied on the actual demand due for collection during the year after allowing for the suspensions or remissions granted during the year on consideration of the annewari of crops in the village: Provided that the surcharge levied in any year shall not be more than 25 paise in a rupee over the assessment including the surcharge levied in the previous year whatever the rise in prices may be.

Illustration.- [Deleted].

**19M. Assessment how to be calculated :-**

(1) All agricultural assessments (or Judi) shall be calculated to the nearest paise at the rate (per hectare or otherwise) sanctioned upon the area chargeable.

(2) In calculating the assessment any fraction of a rupee being less than five paise or not multiple of five paise shall be rounded off to five paise, or as the case may be, the next multiple of five paise, provided that-

(1) When the calculation results in the sum total of the new assessments (or Judi) of all sub-divisions of a survey number being greater or less than the whole assessment (or Judi) of that number, the difference shall be equitably distributed over the sub-divisions by deduction or addition so as to make the total equal to the assessment (or Judi) on the survey number;

(2) Subject to the clause (1), the assessment of a sub-division shall in no case be less than a paise and every fraction of a paise shall be considered as a paise, the addition being counter-balanced by deduction in the assessment of any of the other sub-divisions of the same survey number in an equitable manner:

(3) No new assessment (or Judi) on a survey number or a divisions of a survey number shall be less than 5 paise but this provision shall be subject to the condition that the total of the assessments of all the sub-divisions of a survey number shall not exceed the assessment (or Judi) of that survey number. Where this condition cannot be fulfilled any assessment of less than five paise may be retained as five paise subject to clause (2).

**19N. Assessment of agricultural land in merged territories and enclaves :-**

The rate of assessment of Land Revenue agricultural land in the merged territories and the Hyderabad enclaves included in, and forming part of the State of Bombay under the Indian and Hyderabad (Exchange of Enclaves) Order, 1950 shall be the rate prevailing in those territories immediately before the date of the coming into operation of this rule, until settlement of Land Revenue of such land is made under the provisions of Chapter VIII-A of the Code or the rate of assessment in respect of such land is fixed under section 52 of the Code whichever event occurs earlier: Provided that the State Government may, by general or special order, reduce the rate of assessment in respect of any such land to such extent as it may deem fit having regard to the standard rates of assessment fixed under the provisions of Chapter VIII-A in respect of agricultural lands in other areas in the State and other factors affecting assessment of land.

**19O. Assessment of agricultural land under Sec. 52 :-**

(1) The assessment of the amount to be paid as land revenue under section 52 on all agricultural lands which are not wholly exempt from the payment of land revenue and on which the assessment has not been fixed under the provisions of Chapter VIII-A of the Code shall be fixed in terms of cash in accordance with the provisions of sub-rules (2) to (8).

(2) Subject to the provisions of section 7 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954) and the provisions of sub-rule (5) of this rule, the Collector shall-

(a) arrange to form groups of villages homogeneous as far as possible in respect of- (i) physical configuration, (ii) climate and rainfall, (iii) prices, and (iv) yield of principal crops;

(b) classify the lands into three classes, namely dry crop, rice and irrigated:

(c) ascertain the average gross Agricultural Produce per hectare for each class of land for a period of five years or such period not less than three years for which the relevant statistical data may be available immediately preceding the year in which the enquiry for fixation of assessment is commenced;

(d) fix the standard rate of assessment per hectare for each class of land in each such group, calculated at a rate not exceeding 35 per cent. of 1/6th of the price of the average gross agricultural produce ascertained under clause (c):

(e)(i) whether the survey and classification of each individual holding has already been made under Chapter VIII of the Code, fix for each individual holding the assessment payable by the holder thereof on the basis of the survey classification so done at the standard rate fixed; (ii) where the survey and classification of each individual holding has not been made under Chapter VIII of the Code, classify each class of- (1) dry crop, (2) rice, and (3) irrigated land into three sub-classes, namely:- (1) good, (2) medium, and (3) inferior.

Explanation.-For the purpose of this sub-rule, the standard rate of assessment means-

(3) For the purpose of clause (d) of sub-rule (2) the price shall be determined on the basis of the average of the price of each class of agricultural produce recorded by the Mamlatdar under Rule 19-J or in any other record maintained in the Revenue Offices in each year during the period of five years, or such period not less than three years for which the relevant statistical data may be available, immediately preceding the year in which the enquiry for fixation of assessment is commenced.

(4) Notwithstanding the provisions of sub-rule (2) the Collector shall- (i) in the case of unassessed land in a village settled under Chapter VIII-A of the Code, fix the rate of assessment on such land in accordance with the standard rate applicable to the lands in such village: (ii) in the case of unassessed land in a village to which sub-rule (7) applies, fix the rate of assessment on such land in accordance with the existing standard rate of the village subject to any reduced rate payable under the proviso to rule 19-N, and (iii) in the case of an unsettled village surrounded by any villages settled under Chapter VIII-A of the Code or which adjoins any village so settled and all unsettled villages which do not so adjoin but which in the opinion of the Collector resemble on account of homogeneity the unsettled village which adjoins any villages so settled, fix the rate of assessment- (a) in accordance with the standard-rate applicable to such surrounding or adjoining settled villages, if such settled villages belong to the same group, or (b) in accordance with the standard rate applicable to the adjacent settled village to which the unsettled village most resembles.

(5) In fixing the rate or amount of assessment under clauses (d) and (e) of sub-rule (2) and under sub-rule (4), the Collector shall have due regard to the rate or amount of assessment payable in respect of land or, as the case may be, of the holding, at the time he fixes the assessment in respect thereof including any reduced rate payable under the proviso to Rule 19-N. (6)(i) The assessment under clauses (d) and (e) of sub-rule (2) and under sub-rule (4) shall remain in force for the current revenue year and thereafter shall continue in force, until it is revised by the Collector in accordance with sub-rule (8) or till the lands to which this rule applies are settled under Chapter VIII-A of the Code, whichever is earlier.

(7) Where in the case of any merged territory and Hyderabad enclave included in and forming part of the State of Bombay under the India and Hyderabad (Exchange of Enclaves) Order, 1950, the State Government after such inquiry as it may deem fit, is satisfied that lands in such territory or enclave were assessed immediately before the merger of such territory or inclusion of such enclave as the case may be, in accordance with the law relating to the survey and settlement of lands prevailing in such territory or enclave and that such law generally corresponded to the provisions of Chapter VIII and Chapter VI II-A of the Code, nothing in the foregoing provisions of this rule shall apply to the land so assessed in such territory or enclave.

(8) In revising the rate or amount of assessment fixed under the foregoing sub-rules, the Collector shall have regard to the following factors:- (i) the rate of assessment prevalent in the area to which the group can be compared on the basis homogeneity of soil and crop pattern: (ii) the fact that survey and classification of each Individual holding has been made under Chapter VIII of the Code.

(9) Nothing in the foregoing provisions of this rule shall affect the rates of assessment fixed under this rule as it stood before 1st March 1959.

### **CHAPTER 3B Exemption from payment of land revenue to small holders**

#### **19P. Manner of preparation, and maintenance of and the form of, list of small holders :-**

The Mamlatdar shall prepare, keep and maintain the list of small holders not liable to pay land revenue referred to in sub-section (2) of section 45 in Form A-12. Any amendment, deletion or addition of any entry in such list shall be made by the Mamlatdar in red ink and shall be initialed by him.

#### **19Q. Form and manner of notice to be issued under sub-section (2) of section 45 :-**

The notice to be Issued under sub-section (2) of section 45 shall be in Form A-13. Such notice shall be affixed at the village Chavdi or Chora, at the panchayat office in the village and also at such other public building in the village as the Mamlatdar may deem fit and the publication of such notice shall also be proclaimed by beat of drum in the village. The date on which the notice is affixed at the village Chavdi or Chora and at the panchayat office shall be written on the notice so affixed by the person affixing the same.

#### **19R. . :-**

Form of particulars and period within which such particulars may be furnished under sub-section (2) of section 45 Every person who is or who becomes or ceases to be a small holder shall furnish the particulars specified in the form of application set out in Form A-14, within thirty days of the date on which the notice under rule 4 is affixed at the village Chavdi or Chora and at the panchayat office and where such dates are different within thirty days from the latter of such two dates.

**19S. Manner and interval of publication of list under sub-section (3) of section 45 :-**

The list shall be published at the village Panchayat office or at the village Chavdi or Chora or any other public place in the village. The first list shall be published within a period of one month from the publication of (and shall be also valid for the year 1972-73) the Gujarat Land Revenue (Amendment) Rules, 1975 in the Official Gazette, and thereafter each year the revised list shall be published, not earlier than 1st August and not later than 15th August.]

**CHAPTER 4 Sub-Division of Survey Numbers**

**20. Notice to be issued :-**

Before filed operations a notice shall be issued by the Mamlatdar and posted in the village chavdi and proclaimed by beat of drum, stating that the sub-divisions of survey numbers in the village are about to be measured according as they have been divided by the holders and daily notices shall be given as far as possible specifying in the numbers or parts of numbers which are to be measured next day and warning land- holders to be present.

**21. Boundaries to be laid down :-**

(1) When there is no dispute the boundary of each sub-division shall be laid down according to the statement of the holders.

(2) Where there is any dispute, the boundary to which the dispute relates shall be measured and mapped in accordance with the claims of both disputants, and the dispute entered in the register of disputed cases. After the dispute has been settled under sections 37 and 119-120, or Rule 108, as the case may be, the map shall be corrected accordingly and the areas finally entered into the land records.

**22. Fees :-**

The fees to be recovered for making sub-divisions in cases to which section 135G(b) applies shall, unless the State Government in any case otherwise direct, be such as will cover the entire cost of measuring, assessing and mapping the sub- division: they shall be assessed by the Collector.

**22A. . :-**

[Deleted].

**23. Assessment :-**

The proportionate assessment of sub-divisions to the land revenue settled upon the survey number shall be calculated subject to the proviso to section 117A(2) according to the relative classification value of the several parts of the survey number as directed in rule 10. Detailed instructions shall be prescribed by the Commissioner of Survey subject to the approval of the State Government, and may provide for the rounding off of fractions.

**CHAPTER 5 Boundary Marks**

**24. Details of boundary marks to be furnished by the Survey Department to the Collector :-**

On the introduction of a Survey Settlement, the Superintendent of Survey shall furnish the Collector with a map and statements showing the position and description of the boundary marks erected or prescribed by or under the orders of the Commissioner of Survey. It shall be the duty of the Director of Land Records to amend these maps in accordance with any subsequent alteration of boundaries, in a revision survey or in the sub-division of a survey number or on any other authorised occasion.

**25. The following boundary marks are authorized :-**

. :- Continuous marks- (1) A boundary strip. (2) Sarbandhs or hedges and other permanent continuous structures, such as walls. Discontinuous marks- (3) Conical earthen mounds or cairns (buruz) of loose stones. (4) Pillars of cut stone, or brick or nibble-stones masonry. (5) Prismatic or rectangular earthen

mounds. (6) Roughly dressed long stones. (7) Any other marks found suitable for special localities and sanctioned by the Collector or Survey Officer, such as teak posts in the marine marshes on the Gujarat coasts.

XX. In districts to which the experiment authorised in R. 7671-14 is extended the Collector may permit the holders of land to substitute (49) for one kind of mark any other authorised mark within the limits below defined:- (a) A continuous mark of class (2) may be substituted along the true boundary line for single or discontinuous marks, or vice versa. (b) Single marks (3) or (4) may be substituted for groups of two or more of (5) or (6) on the intersections of the boundaries of 3 or more survey numbers or vice versa. (c) Any sanctioned single discontinuous marks may be interchanged at the corners or bends of the boundary common to only two survey numbers. Marks so substituted, if themselves in proper repair, shall not be deemed to be marks out of repair. Nor shall it be necessary to alter the map so long as the substituted mark occupy the same position and indicate the same boundary as the marks in the printed map.

XXI. A general printed notice should be given by Mamlatdar by or before 1st November stating that the village boundary marks are due for repairs intimating what the authorised boundary marks are and asking the Khatedars and/or tenants to take necessary steps to complete the repairs by 1st December. This date would apply both to the Kharif and Rabi villages. The notice will be pasted in the Chavdi and published by beat of drums. The Circle Inspector should be directed to visit the villages for preparing map of boundary marks needing repairs and making a list of them before 30th November. The date of the visit of the Circle Inspector should be published widely in the village. On the date of his visit the Circle Inspector accompanied by the Talati together with as many Khatedars and/or tenants as possible should inspect the boundary marks, mark on the map the boundary marks that have not been repaired and require repair, replacement etc. make a list of these boundary marks and give full instructions to the Talati and Khatedars and/or tenants of what is to be done. A general notice should be published by the Circle Inspector by 1st December publishing the map and the lists stating that the work may be completed by the Khatedars and/or tenants by the 15th December at the latest and that if it is not completed by them it will be completed by contract at their costs. The Circle Inspector should not be expected to bring to each individual Khatedars and/or tenants notice what he has to do. The Talati may be directed to do so After 15th December the Talati should at once proceed to check about the repairs actually carried out. He should strike off from the list and map all the boundary marks which have been repaired according to the instructions given by the Circle Inspector the Khatedars and/or tenants and submit to the Circle Inspector by 1st January the amended list and the map. The Talati should also give a notice on 1st January to the villagers asking them to select a contractor from amongst them within a week of notice. If no contractor is selected by the villagers the Talati should send a report by 10th January to Mamlatdar for taking orders regarding contractor. After the contractor is selected he should start work on 1st February and finish the same by 15th March.

## **26. Maintenance of boundary strips :-**

- (1) Boundary strips or ridges shall not be ploughed up or otherwise injured by cultivation.
- (2) The minimum width of boundary strips shall be as follows:- (a) in dry crop lands 45 centimeters (b) in rice and garden lands 20 centimeters: Provided that-
  - (i) where the boundaries of such lands are well defined by banks hedges, or the like, the actual width of the strip covered by such bank, hedge, or the like, shall be sufficient for the purpose of this rule;
  - (ii) where the boundary of a survey number also forms the boundary of a Part B State of Foreign State, the minimum with prescribed above shall be maintained for the portion of the boundary strip on the side State of Bombay: and
  - (iii) where village boundaries have been defined at the time of survey by double lines of boundary marks, the whole of the intermediate strip shall be maintained as a boundary strip.

## **27. What boundary marks to be considered out of repair and how to be repaired :-**

The following boundary marks shall be considered out of repair and shall be repaired in the manner prescribed for each kind as follows-

- (a) A continuous mark (strip, sarbandh, hedges, etc.), if it deviates more than ninety centimetres from the true straight line of the boundary. Mode of repair-Either the deviation shall be rectified or the continuous mark not being a boundary strip must be replaced or supplemented by discontinuous marks.
- (b) Any conical mound or Cain less than 75 centimeters in height and 6 feet in diameter at the base. Mode of repair-Raise it to 3 feet in height and 6 feet in width at the base.
- (c) Any rectangular mound less than 60 centimetres high, or less than 150 centimetres long and 120 centimetres wide at the base. Mode of Repair-The mound shall be raised to full dimensions, that is 75 centimetres high 180 centimetres wide at the base.
- (d) Any mound, conical or rectangular, within 120 centimetres of which earth has been dug for repairs, when such excavation has affected the stability of the mark or allows water to lodge. Mode of repair-The

excavation shall be filled up.

(e) Any pillar (i) less than 900 square centimetres 65 centimetres in depth, (ii) broken down, or (iii) rising less than 10 or more than 20 centimetres clear- above the adjacent ground level. Mode of repair-(i) replace by one of proper dimensions, (ii) rebuild, (iii) raise the pillar or clear away or make up the ground.

(f) Any stone less than 60 centimetres long and 15 centimetres thick. Mode of repair-a stone of proper size shall be substituted.

(g) Any stone out of the ground, or buried less than two-thirds of its length and loose. Mode of repair-the stone shall be replaced or fixed firmly.

(h) Any mark considerably out of proper position or so repaired or erected as to indicate a materially incorrect line of boundary. Mode of repair-The mark shall be correctly placed.

(i) Any mark overgrown or surrounded by vegetation of any kind so as not to be easily visible. Mode of repair-The vegetation shall be cleared away until the mark is easily visible.

(j) Any sarbandh, or continuous embankment less than 60 centimetres high and 120 centimetres wide at the bottom. Mode of repair- the sarbandh shall be made full 160 centimetres high and 120 centimetres wide at the bottom throughout, unless the occupant prefers the substitution of authorized discontinuous marks.

(k) Any hedge or other continuous mark which by reason of want of continuity or disrepair fails to define the boundary. Mode of repair- The necessary renewals shall be made or other authorised marks substituted.

(l) Any boundary strip or ridge which has been ploughed up or otherwise obliterated or the dimensions of which are less than those prescribed by Rule 26. Mode of repair-The landholder shall be ordered to restore the strip or ridge within a prescribed period by leaving it un-ploughed and undisturbed: on his failure to comply he may be prosecuted under section 125.

(m) Missing marks. Mode of repair-New marks shall be erected. Proviso as to marks liable to injury from flooding.-Provided that in any case where a boundary mark cannot, owing to flooding of a nala, or river, the breaking away of the bank, or other causes, be kept in repair, another kind of authorised mark may be substituted. Where even that is impracticable the direction of the boundary must be fixed by a pair of discontinuous marks erected at an adequate distance back from the abandoned position: either both on the same side, or one on each opposite side thereof.

## **28. Determination of responsibility for maintenance :-**

(1) The responsibility of the several landholders for boundary marks on a common boundary lies on the holder of the survey number which is numerically lowest.

(2) Sub-rule (1) is subject to the proviso that when any survey number is unoccupied or assigned for public or Government purposes the responsibility for repair of the marks on its periphery will pass to the landholder on the other side of the boundary. Repairs will be made at Government expenses only when the marks in disrepair lie between survey numbers each of which has no holder except the State Government.

(3) Within each survey number the holder or holders of each sub-division are responsible for the marks if any have been prescribed on the periphery of that sub-division to the same extent as they would be responsible if sub-division were read instead of survey number in sub-rules (1) and (2).

(4) A mark which is on the common boundary of two or more villages must be repaired by the holder of the land in the village which is under restoration when the marks are found out of repair.

## **CHAPTER 6 Enquiries under Section 37**

### **29. Notice of enquiry :-**

(1)

(a) Before an enquiry under section 37 a written notice in Form B of the proposed enquiry and of the time and place and subject-matter thereof shall be affixed not less than ten days before the enquiry at the chavdi or some other public place in the village in which the chavdi or some other public place in the village in which the property is situate: and in a conspicuous position upon the property with respect to which the inquiry will be held.

(b) A copy of the notice shall also be served not less than ten days before the enquiry on all persons who are known or believed to have made any claim to the subject-matter of the enquiry, and every such notice shall be served in the manner provided in section 190 for the service of a summons.

(2) Notice of decision.-

(a) Written notice in form C of any order passed under section 37, specifying briefly the subject-matter, contents and date of the order passed, shall be served in the manner specified in clause (b) of sub-rule (1) upon the persons referred to in that clause.

(b) Such written notice shall also be affixed in the places specified in clause (a) of sub-rule (1).



XXII. Questions of rights between Government and Municipality how to be dealt with.-Where the right to any price of ground is in dispute between a Municipality and Government, the Collector, shall endeavour to decide the dispute and with special regard to Rule 53. Where the Collector is in doubt or the Municipality does not accept his decision the case shall be referred to the State Government. To secure finality the ultimate order should be made under section 37(2).

## **CHAPTER 7** The Disposal of Land Vesting in Government and Exemptions from Land Revenue

### **30. . :-**

(a) The right of Government to mines and mineral products which is reserved by section 69 shall not be disposed of without the sanction of the State Government, and in all grants of land the right to mines and mineral products and full liberty of access for the purpose of working and searching for the same shall be deemed to be reserved unless the State Government direct to the contrary and unless such right and liberty are expressly granted.

(b) No land situate within port limits shall be disposed of without the written concurrence of the Collector of Salt Revenue and without the reservation as to the tree-growth provided for in rule 58(d).

(c) In all grants and disposals of land the right of occupation and use only subject to the provisions of the Code shall be granted: and not the proprietary right of Government in the soil itself.

### **31. . :-**

Land may not be granted free of land revenue without the sanction of the State Government except as hereinafter provided.

### **32. Limits of revenue-free grants for different purposes :-**

(1) Land may be given free of price and free of revenue, whether in perpetuity or for a term, for any of the purposes specified in column 1 of the Table below from which no profit is expected by the Collector to the extent specified against them in column 2 thereof:- <sup>1</sup> TABLE

Proviso as to land near railway stations.-Provided that the land in the neighborhood of railway stations shall not be granted for dharmashalas under head (2) in the table unless when erected they are to be in the charges of the Local Board, Municipality, Village Panchayat, Sanitary Committee or Sanitary Board concerned: Provided further that land shall not be given under this rule for any of the purposes mentioned in rule 32-A.

1. Subs. by No. GHM-76-119-M-LND-5371-UO-3542-G, dt. 13-4-76; Pub. in Guj. Govt. GazExt. Pt. IV-B, dt. 19-4-76, p. 170 w.e.f. 19-4-1976.

### **32A. . :-**

Land may be leased at a nominal rent of Re. 1 a year for playgrounds or other recreational purposes to educational institutions or local bodies or for gymnas (ia/iums) recognised by Government for a term not exceeding <sup>1</sup> [thirty] years by the Collector when the area and the revenue free value of the land do not exceed 5 acres (H. 2-02-34) and Rs. 25,000 in case when the lease is in favour of a Panchayat. Municipality or any other local authority and 2 1/2 acres (H. 1-01-17) and Rs. 5,000 when the lease is in favour of any other public body or institution and by the Divisional Officer when the revenue free value of the land does not exceed Rs. 5,000. Such leases shall ordinarily be executed in Form DD. The Collector may make such variations in the conditions of the lease or annex such additional conditions as he may deem necessary.

1. Substituted by No. GHM-92-5/M/LND/3986-M-15-G, dt. 3-2-92: Pub. in Guj. Govt. Gaz. ExtPt. IV-B, dt. 5-2-92, p. 18.

### **33. . :-**

(1) When it is clear that such a sale is preferable to any other course on grounds of obvious convenience to Government no less than to the parties concerned, any land wherever situated of which the estimated revenue-free value does not exceed rupees one hundred may be sold revenue-free by the Collector to a private person for a private purpose.

(2) Form DDD may generally be used in all cases falling under this Rule.

### **34. Grants in the Dharwar District to shetsanadi for remuneration :-**

In the district of Dharwar whenever unoccupied land is available for the purpose, the Collector may give such land to any shetsanadi who is willing to accept remission at the rate of one rupee of the assessment in exchange for two rupees of the usual annual cash remuneration:

Provided that no such land shall be given if the estimated occupancy value thereof exceeds five hundred rupees.

(2) Where a grant is made under this rule no sanand need be issued tot he grantee, but it is to be a condition of his tenure that the land is granted revenue-free to the agreed extent only in consideration of the shetsanadi service, and that it is resumeable at the pleasure of the State Government.

### **35. 35 :-**

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(1) The Collector may exempt from payment of land revenue without any limit lands used for sites of hospitals, dispensaries, school (91) market yard and for other public purposes, so long as such lands are used for such purposes and yield no profit to private individuals or local bodies.

(2) Land used for sites of building solely devoted to charitable purposes may be exempted from payment of land revenue by the authority and to the extent specified below, so long as such lands are used for such purposes and yield no profit to private individuals or local bodies:-

By the Collector upon an annual amount of Rs. <sup>1</sup> [100/-]

(4) Exemptions from payment of land revenue granted before 6th October 1937 in respect of any land used for or dedicated to religious purposes shall remain in force for the period specified in the grant and may thereafter be continued in whole or in part according to the discretion of the Collector.

1. Substituted by GHM-87/82/M-LRR/1084/1370/L, dt. 28-4-1987; pub. in Guj. Govt. Gaz.Ext. Pt. IV-B, dt. 30-4-1987, p. 91.

### **36. Conditions attached to grants under rules 32, 34 or 35 :-**

. .

(1) Every grant under rule 32 or 34 shall be made expressly on the following conditions in addition to any others that may be prescribed in particular cases, namely:-

(a) That the land with all fixtures and structures thereon shall be liable to be resumed by the State Government if not used for the specific purpose for which it is granted by such date as the Collector may fix in this behalf or if used for any purpose other than the specific purpose or purposes for which it is granted or if required by the State Government for any public purpose, and that a declaration under the signature of the Collector that the land is so required shall, as between the grantee and the State Government, be conclusive:

(b) that, if the land is at any time resumed by the State Government under condition (a), the compensation payable therefor shall not exceed the amount (if any) paid to the State Government for the grant, together with the cost or value at the time of resumption, whichever is less, of any building or other works authorisedly erected or executed on the land by the grantee.

(2) Where exemption from revenue is granted under rule 35 on land already occupied by the grantee, the following condition shall be imposed, in addition to any others that may be settled in particular cases, namely, that, if the Collector is satisfied that the land is used for any purpose other than the specific purpose or purposes for which exemption is granted, or yields profits to the grantee, it shall, in addition tot he assessment to which it becomes liable under section 48, become liable to such fine as may be fixed in this behalf by the Collector under the provisions of section 66, as if the land having been assessed or held for the purpose of agriculture only had been un- authorizedly used for any purpose unconnected with agriculture.

XXIII. In all cases a Sanad in such form as may fromtime to time be prescribed by Government shall be issued to the grantee by the Collector. Where any land is granted revenue-free with the sanction of State Government for any purpose not mentioned in rules 32, 34 and 35, the form of Sanad to be issued by the Collector will be specially prescribed by the State Government. Every Sanad issued under this rule shall be registered in the register prescribed by section 53, in the form of Appendix O.C. (R. 5634-83). The Collector and all Revenue Officers subordinate to him shall exercise due vigilance to prevent the terms of any such sanad being either violated or evaded.

### **37. Survey numbers how to be disposed of :-**

(1) Any unoccupied survey number not assigned for any special purpose may, at the Collectors discretion, be granted for agricultural purposes to such person as the Collector deems fit, either upon payment of a price fixed by the Collector, or without charge, or may be put up to public auction and sold subject to his

confirmation to the highest bidder.

(2) In the case of such grants an agreement in Form F shall ordinarily be taken from the person Intending to become the occupant.

(3) When the land is granted on inalienable tenure the clause specified in Form I shall be added to the agreement.

(4) When the land is granted on impartibly tenure an agreement in Form F(1), and, when it is also granted inalienable tenure, an agreement in Form 1(1), shall ordinarily be taken from the person intending to become the occupant.

(5) The declaration below the agreement shall be subscribed by at least one respectable witness and by the patel and village accountant of the village in which the land is situate.

### **38. Survey number not already assessed to be assessed before it is disposed of :-**

Where any survey number disposed of under rule 37 has not already been assessed, it shall be assessed by the Collector (after reference to the Superintendent of Land Records) at the rates placed on similar soils in the same or neighboring villages; and the assessment so fixed shall hold good for the period for which the current settlement for the village in which the land is situated has been guaranteed and shall be liable thereafter to revision at every general settlement of the said village.

### **39. Where survey number may be given at reduced assessment :-**

. . -Where it appears that the bringing of any survey number under cultivation or its reclamation for other purposes will be attended with large expense, or where for other special reasons it seems desirable, it shall be lawful for the Collector to grant the survey number revenue- free or at a reduced assessment for a certain term, or revenue free for a certain term and at a reduced for a further term, and to annex such special conditions as the outlay or other reasons aforesaid may seem to him to warrant, and to cancel the grant or levy full assessment on breach of these conditions: Provided that, on the expiry of the said term or terms, the survey number shall be liable to full assessment under the rules then in force for lands to which a settlement for agricultural use has been extended or which are assessed for other uses. (2) Form GI may generally be used in cases under this rule.

### **40. Grants of salt-marsh lands for reclamations :-**

. . Salt land or land occasionally overflowed by salt-water, which is not required to likely to be required for salt manufacture, may, after consultation with the Commissioner of Salt, be leased for purposes of reclamation by the Collector, on the following maximum terms, and with such modifications in particular cases as may be deemed fit:-

(a) no rent shall be charged for the first ten years:

(b) rent at the rate of 60 paise per hectare shall be levied for the next twenty years on the whole area leased, whether reclaimed or not:

(c) after the expiry of 30 years the lease shall be continued in the case of reclaimed lands at the rate at which they would be assessed to land revenue from time to time if they were subjected to survey settlement: and in the case of un-reclaimed lands, if any, at the average rate of reclaimed lands:

(d) any portion of the land used for public roads shall be exempt from the payment of rent:

(e) if the reclamation is not carried on with due diligence within two years, or if half the area is not reclaimed so as to be in a state fit for use for agricultural purposes at the end of ten years, and the whole at the end of twenty years, or if any land once reclaimed as aforesaid is not maintained in a state fit for use for agricultural purposes, the lease shall be liable to cancellation at the discretion of the Collector: Provided that the lessee shall be at liberty during the first ten years to relinquish any area which he cannot reclaim:

(f) if the land reclaimed is used for any non-agricultural purpose, its rent shall be liable to be revised according to the rates under whichever of rules 81 to 85 has been applied to the locality notwithstanding that any of the periods specified above may not have expired:

(g) Form G2 may generally be used in cases under this rule.

### **41. Land in beds of river :-**

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(1) Land situated in the bed of a river and not included in a survey number shall, save as otherwise provided in sees. 46 and 64, ordinarily, be leased annually by auction to the highest bidder for the term of one year or such further period as the Collector thinks fit: Provided that the Collector may, subject to any general or special orders of the State Government, lease such lands without auction to

(2) The accepted bid or the amount of rent payable under sub-rule (1) shall be deemed to be the land Revenue chargeable on such land].

#### **42. Disposal of land for building and other purposes :-**

Unoccupied land required or suitable for building sites or other non- agricultural purpose shall ordinarily be sold after being laid out. in suitable plots by action to the highest bidder whenever the Collector is of opinion that there is a demand for land for any such purpose: but the Collector may in his discretion, dispose of such land by private arrangement, either upon payment of a price fixed by him, or without charge, as he deems fit.

#### **43. Conditions of grants for building :-**

(1) Save in special cases in which the Collector with the sanction of the State Government otherwise directs, or in localities falling under rule 44, land for building sites shall be granted in accordance with the following provisions-

(a) The land shall be granted in perpetuity subject to the provisions of the first paragraph of section 68, and shall be transferable.

(b) Where the land has already been assessed for agriculture. the assessment shall be altered under whichever of rules 81 to 85 has been applied to the locality.

(c) Where the land has not been assessed the Collector shall fix the assessment in accordance with the principles laid down for alteration of assessment in rules 81 to 86 and the provisions of the said rules shall as far as may be, apply.

(d) All such assessments shall be fixed for the period specified in Rule 87(a) and may be commuted when they do not exceed one rupee in accordance with the provisions of rule 88.

(2) In the case of such grants an agreement in Form F. or Form H, as the Collector may deem fit. shall ordinarily be taken from the person intending to become an occupant, and in the case of land in development scheme undertaken by the State Government in any district, or in special cases, an agreement in Form HH shall be taken: Provided that in the case of grant of lands situated within the limits of a municipal Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Act, 1949, an agreement in Form F-2, H-1 or HH-1 shall be taken in lieu of agreement in Form F, H or HH respectively. In the case of grants in which an agreement in Form H, H-1, HH or HH-1 is to be taken, the Collector may, subject to any general or special orders of the State Government, annex such additional conditions to, or omit or vary such of the conditions, in agreement as he thinks fit.

(3) When the land is granted on inalienable tenure, the clause specified in Form I shall be added to the agreement.

(4) The declaration below the agreement shall be subscribed by at least one respectable witness and by the patel and village accountant of the village in which the land is situate.

With a view to prevent ribbon development Government is pleased to direct that no building should be permitted within 6.1 Meter of the read boundary in the case of all roads whether classed as main roads or otherwise.

#### **43A. Terms on which land intended for future building sites may be temporarily disposed of :-**

Unoccupied lands which are eventually intended for building sites within the Bombay Suburban District or any other area, to which the State Government may by notification in the Bombay Government Gazette, extend this rule but of which the immediate disposal for the said purpose appears to the Collector to be undesirable, may be let underwritten leases in a form approved by the State Government for short terms not exceeding in any case seven years at a ground rent equal to double the standard rate of non-agricultural assessment in force in the locality, or at a ground rent which may in special cases or localities be fixed by the Collector.

#### **43B. Disposal of small strips of land adjacent to occupied unalienated building sites :-**

When any small strip of land vesting in Government adjacent to an occupied unalienated building site cannot reasonably be disposed of as a separate site, the Collector may, notwithstanding anything to the contrary contained in any of the rules in tills Chapter, grant such strip to the holder of the said site on the same tenure on which he holds the said site if he agrees to pay-

(a) assessment or rent, as the case may be, for such strip of land at the same rate, if any, at which he pays assessment or rent for the said site, and

(b) such price or premium as the Collector deems adequate having regard to the situation of such strip and any other advantages which are likely to accrue to the holder on account of its disposal to him.

#### **43C. Conditions of grant of land to displaced persons :-**

(1) Unoccupied lands suitable for building sites in the new town-ships and colonies established by Government for Displaced Persons or in other areas near existing towns specially earmarked for allotment to displaced persons may be sold or leased for 99 years to displaced persons or Co-operative Housing Societies formed by such persons, in accordance with the following provisions:-

(i) The sale or lease of the land shall be subject to the provisions of the first paragraph of section 68 of the Code.

(ii) The land may be sold either by auction or by private arrangement. When a land is sold by private arrangement the purchase price shall be reserve price to be determined after taking into account the total price of the land acquired, the cost of the amenities to be provided on Government account and the areas to be left for purposes. When the land is leased, the lease shall be subject to the payment of occupancy price to be determined in the same manner as the purchase price.

(iii) No displaced person, who has not registered himself under the Bombay Refugees Act, 1948, shall be entitled to purchase or take on lease a building site.

(iv) No displaced person who owns a house or a building site in the State of Bombay or anywhere else in India either in the name of his wife or dependent children shall be entitled to purchase or take on lease a building site.

(v) When land is sold on payment of the full price in one installment the occupant shall not, save with the permission of the Collector, be entitled to sell, assign or otherwise transfer (except by way of lease on monthly basis) any right, title or interest in the site purchased within eleven years from the date of sale.

(vi) When the land is leased, the lessee shall not, save with the permission of the Collector be entitled to sell, assign or otherwise transfer his right under the lease within a period of thirty years from the date of the lease, but shall be at liberty to do so thereafter: Provided that the transferee shall take the lease subject to the obligation of observing and fulfilling the conditions prescribed therein: Provided further that the liability of the lessee under the lease shall continue until a written notice of such transfer signed by the lessee or his duly constituted agent is served upon the Collector or other officer authorised by the Collector to receive the same.

(vii) The Collector may permit the sale or other transfer under clause (v) or (vi) if he is satisfied that-

(a) The occupant or the lessee has acquired agricultural land in a district other than that in which the site purchased or leased by him is situated:

(b) The occupant or the lessee has set up his business in and shifted his residence to a place outside the district in which the site purchased is situated:

(c) The occupant or the lessee has died and his heirs are unable, due to circumstances beyond their control, to use the land for the purpose for which it was taken: Provided that the transferee shall undertake to abide by all the terms and conditions on which the site was purchased or taken on lease and provided further that the transfer or assignment is made to a displaced person eligible to hold land and at a price not exceeding the cost of the site (and of any building constructed thereon) plus any additional expenses incurred by the occupant.

(viii) Building shall be erected on the site within such time and subject to such building regulations as may be directed by the State Government.

(ix) The purchase price or the occupancy price in the case of a lease shall be paid in such manner as the Collector with the sanction of the State Government shall decide. Where the purchase price or the occupancy price is to be paid by installments, installments shall be paid by the occupant or the lessee, as the case may be, on or before the tenth day of the calendar month in which it falls due by making a deposit in the Government Treasury and forwarding the challan to the Collector. If the occupant or the lessee fails to pay the amount within one month from the due date, interest at the rate of ten per cent per annum shall be charged on the amount in arrears from the date of expiry of the said one month till the amount in arrear is paid.

(x) If the amount together with such interest thereon as shall be due be not paid within two months from the due or such further period not exceeding six months as the Collector may decide, or if the occupant or the lessee commits a breach of any of the conditions annexed to the sale or lease, the Collector may- (a) resume possession of the land, and (b) forfeit the amount already paid towards the purchase price or occupancy price, as the case may be, and (c) recover the dues as arrears of land revenue.

(2) Where the land is sold under this Rule an agreement in Form HHH-1 shall be taken from the purchaser and where the land is leased, a lease in Form HHH-2 shall be granted to the occupant: Provided that the Collector may, with the sanction of the State Government, annex such additional conditions to, or omit or vary such of the condition, in the agreement or lease as he may think fit.

#### **43D. Grant of land for industrial or other non-industrial purposes in town ships, colonies and areas earmarked for displaced persons. :-**

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(1) Un-occupied lands suitable for industrial purpose or for other non-residential purpose in the new townships and colonies established by Government for displaced persons or in other areas near existing

towns specially earmarked for allotment to displaced persons, may be sold either by public auction or by private arrangements to displaced persons or Co- operative Societies formed by such persons or to other persons in accordance with the following provisions:-

(a) The land shall be granted in perpetuity subject to the provisions of the Code.

(b) Where the land has already been assessed for agriculture, the assessment shall be altered in accordance with provisions of these rules as applicable to the locality.

(c) Where the land has not been assessed the Collector shall fix the assessment and alter assessment in accordance with the provisions of these rules.

(2) Where any such land is sold under sub-rule (1) such sale shall be subject to the conditions specified in Form HHH-1 and an agreement in the said Form shall be taken from the purchaser: Provided that the Collector may annex such additional conditions, to omit, or vary such to the conditions in the agreements as he thinks fit.

**43E. Lease of lands for industrial or non-residential purposes in townships and colonies and areas ear-marked for displaced persons :-**

(1) Unoccupied lands in the areas referred to in rule 43-D may be granted on lease either by public auction or by private arrangement to displaced persons or co-operative societies formed by such persons or to other persons for industrial purposes or other non- residential purposes:- (1) for a term not exceeding 30 years, and (2) at a ground rent equal to double the standard rate of non- agricultural assessment in force in the locality or at such ground rent which the Collector may in special cases or localities fix.

(2) Where any such land is so leased, such lease shall be subject to such further conditions as the Collector may, with the approval of the State Government, impose and the lessee shall execute an agreement in such form as may be approved by the State Government.

**44. In hill stations :-**

In hill stations and other localities as the State Government may direct land shall not be granted for building except on such conditions as are considered desirable regarding the style of building, the period for construction and the observance of municipal or sanitary regulations. Such conditions should be embodied in the instrument (Form H).

**45. Establishment of entirely new village site :-**

Where an entirely new village site is established, or an addition is made to an existing site, the disposal of the last therein shall be made under such of the rules 42, 43, 43-B or 44 as may be applicable.

**46. Substitution of a new village site for an old one :-**

. . -Where a new village site is established, in lieu of a former one which it is determined for any reason to abandon, an agreement shall be taken in Form J, from each occupant before he is permitted under section 50 to enter into the occupation of any lot.

**47. Conditions of grant of land for non-agricultural purposes and alteration of assessment :-**

Where unoccupied land is granted for non-agricultural purposes the Collector shall annex such conditions to the grant as may be directed by the State Government or, in the absence of any order of the State Government, may annex such conditions thereto as he thinks fit; and where the land has already been assessed for the purpose of agriculture, the assessment of such land shall, in the absence of any order of the State Government to the contrary, be altered in accordance with the provisions of rule 81 to 85. Where it has not been assessed, its assessment shall be fixed by the Collector, as far as may be in accordance with the principles laid down, for alteration of assessment in the said rules.

XXIV.

(1) Where unoccupied land of the kind described in Rules 42 and 47 is to be disposed of, it shall, in the first instance, be marked out in convenient lots and mapped in such a manner that persons desirous of becoming occupants may clearly know what plots are available.

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

XXIV-A. In growing important villages in which there are no municipalities before permission is given under sections 65 or 67 of the Land Revenue Code to use for building purposes lands occupied and assessed for agriculture, the following regulations shall be followed in all the districts except Bombay Suburban District which has separate building regulations:-

(1) The Collector shall from time to time select area in which on account of the existence or probability of development by the erection of permanent buildings for residential, business or factory purposes. special

regulation of building is required.

(2) Plans showing the boundaries of such areas should be maintained in the offices of the Collector, Prant Officers and Mamlatdar concerned.

(3) Where necessary and especially when such areas contain undeveloped land, the Collector shall prepare a general layout of each such area sufficiently in advance to meet the probable demands of several years ahead for permission to use the land for building purposes. He shall obtain the assistance of the Consulting Surveyor in preparing such layouts in suitable cases. The layouts shall provide necessary roads for access and if possible also public open spaces. The points of entry of side roads into main roads shall ordinarily be not less than 200 yards from each other measured from the nearest points of the side roads.

(4) In such areas, the Collector shall determine the minimum open space to be maintained within each building plot and appurtenant to each main building. Such space shall ordinarily be two-thirds of the plot but may be reduced to one-half when the land is of a very high value or the building are likely to be inhabited by the proper classes and to one-half in areas already densely built over such as bazaars and the central parts of towns where values of lands are very high. Such areas shall be separately shown on the plans maintained under regulation (2).

(5) The Collector shall determine the maximum number of storeys which shall be permitted to be built over the ground-floor in any building in such area. The number of such storeys shall not ordinarily exceed one in areas where the minimum open space required to be maintained is one-half of the plot.

(6) When any part of any such areas selected under regulation (1) is in the vicinity of a railway station, the Collector shall consult the railway authorities as to the manner in which, and conditions on each development of the area for building purposes should be permitted.

(7) In such select area-

(a) no application for permission to use the land for building purposes will be entertained unless the applicant forwards with his application in site and elevation plans drawn to scale;

(b) the grant of the permission shall ordinarily be subject to the following conditions:-

(i) Buildings shall be allowed to be erected on the condition that the occupant provides for suitable access by an existing road or by a projected road which is in conformity with the development scheme.

(ii) Normally every building to be built shall face the main road.

(iii) In case of a chawl it shall not measure more than 100 feet in any direction.

(iv) No building shall be erected within 30 feet of the boundary of main roads.

Note.-(1) The Collector shall define the main roads for the purpose of this regulation.

(2) The intention of this regulation is to provide generously for future widening of roads when motor traffic increases. Consequently, when a road has been declared a main road, this regulation should be enforced as strictly as possible.

(v) No building shall be erected within 15 feet of the boundary of roads other than main roads.

(vi) No building shall be erected within 10 feet of the perimeter of the plot.

(vi-a) An unenclosed porch for parking vehicles open on three sides except for a parapet wall on one side and attached to the main building shall, however, be permitted in one of the open spaces of the plot excepting rear open space, subject to the following conditions:

(1) The porch shall be parallel to the main building and it shall not be more than one story in height, 12 feet in length and 10 feet in width.

(2) A minimum open space of 5 feet shall be maintained between the porch and the plot boundary on that side: and

(3) Top of the porch shall not be used as a terrace.

(vi-b) Areas covered by the porch shall not be counted while computing the built over area of the plot.

(vii) The distance between the main building and the rear boundary of the plot shall not be less than 20 feet.

(viii) When there is more than one building in a plot, the same open space shall be required round each main building as if each main building was in a separate plot: Provided that a ground-floor privy or a ground-floor out-house providing ancillary accommodation such as motor garage, servants quarters, kitchen and store-room appurtenant to the main building and detached therefrom, may be allowed to be erected in the rear of a plot subject to the condition of leaving 10 feet open margin from the rear boundary of the plot.

(ix) In case of a residential building the plinth shall be at least 2 feet above the general level of the ground.

(x) No side of a room used for residential purpose shall be less than 10 feet long. One side of every such room shall abut on the surrounding open land throughout its length.

(xi) Privies shall be at the side or rear of the main building and not less than 10 feet from it. They shall be innocuous to the neighbors they shall not be within 30 feet of a well and shall be screened from public view.

(xii) No cesspool shall be allowed to be constructed unless there exists an agency for clearing them regularly and properly.

(xiii) No cesspool shall be used or made within 100 feet of any well.

- (xiv) No khalkuwa or Khalkoti shall be used for the reception of night soil.
- (xv) No cattle shall be kept in any residential building. No stable or cattle shed shall be constructed within 10 feet of a residential building.
- (xvi) All buildings shall be of puccaa Construction, and no easily combustible materials shall be used in their construction.
- (xvii) Where shops are built, the space between the shop and the road boundary shall be of hard material such as murrum of metal, leveled, well rolled and consolidated.
- (xviii) No addition to or alteration in a building shall be carried out without the previous written permission of the Collector. (c) The Collector may in exceptional cases permit deviation to a small extent from any of the conditions referred to in clause (b).

**47A. . :-**

**1** [

(1) The Collector may permit the construction or retention of a balcony or any other aerial projection over Government land on payment of an annual sum not exceeding 3 percent of the full market value of the land below the balcony or other aerial projection as the case may be, subject to a minimum of twenty five paise.]

(2) The annual payment shall be revised at intervals of not less than 30 years.

(3) A license in Form JJ shall ordinarily be given for such purposes, subject to such additional conditions as the Collector may deem fit to impose.

1. Substituted by No. LRR-1067-50815-L, dt. 29-10-1968.

**47B. . :-**

(1) The Collector or any other officer authorised by Government in this behalf may permit the construction or retention of a window or door over looking or opening on Government land on payment of annual sum of 50 paise for each window or door, as the case may be.

(2) A license in Form JJA shall ordinarily be given for such purposes, subject to such additional conditions as the Collector or authorised officer with the previous sanction of Government may deem fit to impose.

**48. . :-**

Deleted.

**49. . :-**

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**50. . :-**

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**51. . :-**

Deleted.

**52. . :-**

Deleted.

**53. Unoccupied building sites, etc., within municipal limits to be distinguished from lands forming part of public streets :-**

In municipal districts or boroughs, building sites and plots of open ground, which have not been dedicated to public use or already transferred to the municipality, are hereby declared to be specially reserved by the State Government within the meaning of sub-section (2) of section 50 of the Bombay District Municipal Act, 1901 or sub-section (2) of section 63 of the Bombay Municipal Boroughs Act, 1925, as the case may be. This reservation does not apply to small pieces of ground lying between the houses and the road way in an irregular street or road of varying width, which should be recognised as forming part of the street and vesting in the municipality unless private individuals have rights thereto. But separate vacant sites between houses do not vest in the municipality even though they are unenclosed unless they have been transferred to the municipality by the State Government.



#### **54. Form of written permission to occupy under section 60 :-**

. . -The permission in writing to be given by a Mamlatdar under section 60 to enable an intending occupant to enter upon occupation shall be in Form K, or Form KK.

XXV. No such permission shall be given until the Mamlatdar has ascertained that either a lease of an agreement has been duly executed and delivered under one of the rules 37 to 47, 51 or 52 as the case may be.

XXVI. The Mamlatdar who takes the said agreement will be held responsible for exercising due care in ascertaining the identity of the persons signing the same, and their fitness to be accepted as occupants responsible for the payment of land revenue notwithstanding that the agreements have been duly endorsed by witnesses.

#### **54A. Hadi lands :-**

(1) Hadi lands are lands in the district of Kanara assigned for use by and leased to the holders of lands on which spice or coconut gardens or rice crops are grown.

(2) A Hadi land shall not be leased except to the holder of land in respect of which it is assigned.

(3) Terms and conditions of the grant.-Every lease of a Hadi land shall be made subject to the following terms and conditions, namely:-

(a) The person to whom a Hadi land is leased, hereinafter referred to as the wahivatdar, shall execute an agreement in the appended form.

(b) On the wahivatdar ceasing to be the holder of the land in respect of which the Hadi land is assigned, (hereinafter referred to as such land), the lease of such land shall terminate and the wahivatdar shall cease to be entitled to any rights in respect of such land.

(c) The wahivatdar shall not cut, remove, lop or damage in any way any teak, sandalwood, black-wood or ebony trees or sapling thereof growing on such land. He shall not knowingly or wilfully permit or abet the cutting, removing, lopping or damaging of any such tree or sapling thereof by any other person. He shall forthwith report to the nearest revenue or forest officer any damage to, or loss of, any such tree or sapling thereof.

(d) He shall not, except with the previous permission of the Mamlatdar, fell any of the living trees mentioned in the Schedule to this rule. Such permission may be granted by the Mamlatdar on an application made to him and on payment of Rs. 1 per tree to be felled, if the Mamlatdar is satisfied that the wood is required by the wahivatdar for his own use, either for an agricultural purpose or for the construction or repair of his house situated in or near such land.

(e) The wahivatdar shall pay the assessment of such land.

(f) The wahivatdar shall provide at his own expense flag holders and coolies at the time of measurement and classification of such land and shall erect or repair all necessary boundary marks of such land.

(g) The wahivatdar shall not be entitled to sell or transfer his interest in such land to any other person.

(h) If the Collector is at any time of the opinion that the rights conferred by this rule have been or are being abused, he may, subject to the general control of the Government, suspend the exercise of all or any of the said rights or may permit their exercise on payment of such fees as may be fixed by him in his behalf. (1) The Collector may at any time, subject to the sanction of the State Government, determine the lease and take possession of the land or any part of it if it is required for any public purpose. In such case, the Collector shall award to the wahivatdar compensation in respect of reasonable expenses, if any, incurred by him in erecting wall on such land. No compensation shall be payable in respect of the land itself. The decision of the Collector as regards the amount of compensation payable shall be final. For the purposes of this rule a declaration under the signature of the Collector that the land is required for a public purpose shall be conclusive.

(j) On breach of any of the conditions of the lease, the Collector may determine the lease and resume possession of the land.

(4) Rights to be exercised.-The wahivatdar of a Hadi land may, subject to the provisions of this rule, exercise the following only in respect of such land, namely: (a) He may cut grass growing on such land for his own use.

(b) He may clear or break up such land for the purpose of building cattle sheds or temporary huts, sinking wells, digging water channels, clearing paths, erecting threshing floors or sugar cane mills, storing grass, straw, grain, betel nuts or manure, or growing young plants in a nursery.

(c) He may burn undergrowth and lantana on such land provided that due care is taken to prevent the fire spreading to adjoining forests, if any.

(d) He may remove clay, earth and stones for his own use but not for the purposes of manufacture, sale or barter.

(e) He may remove flowers, fruits, leaves, thorns fallen dead wood, honey and wax, for his own use but not for the purposes of manufacture, sale or barter.

- (f) He may graze his cattle on such land.
- (g) He may lop small sap shoots which do not grow into branches during the rainy season.
- (h) He may lop trees and shrubs for preparing manure.

**55. Disposal of land to which foregoing rules are inapplicable :-**

. . Unalienated land to which none of the foregoing rules is applicable and concerning which no other rules have been framed by the State Government, shall be disposed of in such manner, for such period and subject to such special conditions, if any, as the Collector deems fit.

**56. Special forms :-**

The forms appended to these rules shall be used where applicable, but where a grant is made on special terms and none of such forms is suitable and a special form has not been sanctioned, the orders of the State Government shall be obtained regarding the form to be used.

**57. Records :-**

The document evidencing a grant shall be drawn in duplicate and one copy, which shall be retained by the Government Officer concerned or by the State Government, shall be signed by the grantee.

**CHAPTER 7A** Special provisions regarding Occupancies consisting of the former States of Palanpur, Malpur, Magodi, Sathamba, Ambaliara and Idar in the Banaskantha, Sabarkantha and Mehsana Districts

**57A. Definitions :-**

In this chapter,

(1) "Aghat parwana" means:

- (a) in relation to a Ravali land, a parwana granted under rule 18 of the rules made under the Palanpur Agricultural Rights and Succession Act, 1945;
- (b) in relation to a Deesa house site land, a parwana granted under the Deesa Aghat Huk Rules, 1945 of the former. State of Palanpur on payment of the requisite Aghat fee under those rules;
- (c) in relation to a Ravali house site land, a parwana granted under the rules for the conferment of certain rights in respect of house site lands contained in notification No. 91, dated the 28th December, 1920 of the former State of

(2) "Deesa house site land" means house site land lying within the area formerly known as the Deesa cantonment area in the merged territories of the merged State of Palanpur;

(3) "Existing tenure" in relation to any land to which this Chapter applies means the terms and conditions subject to which such land was held immediately before merger;

(4) "Gharthar Huk land" means land situate in the merged territories of the former State of Ambaliara and held under a parwana granted by the said State subject to the condition that the land shall be kept open:

(5) "Khed-huk Vechan land" means land held by an occupant in the merged territories of the former State of Sathamba, and in respect of which the occupant has acquired a transferable right under a parwana granted by the said State:

(6) "Khed-huk Darbari land" means land held by an occupant in the merged territories of the former State of Sathamba on inalienable tenure;

(7) "Khunt mapni land" means land situate in a village site in the merged territories of the former State of Idar and held under a parwana granted by the said State subject to the condition that the land shall be kept open:

(8) "merger" means the cession by the rules of an Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of administration of such State to the pre-reorganisation State of Bombay under section 290-A of the Government of India Act, 1935:

(9) "Occupant" in relation to Ravali land means a Khatedar as defined in the Palanpur Agricultural Rights and Succession Act, 1945;

(10) "Parwanawali land" means land held by an occupant in the merged territories of the former States of Malpur and Magodi in respect of which the occupant has acquired a transferable right under a parwana granted by the said State:

(11) "Parwana Vagarni land" means land held by an occupant in the merged territories of the former States of Malpur and Magodi on inalienable tenure:

(12) "Ravali laad" means agricultural land held by an occupant in the merged territories of the former State of Palanpur subject to the provisions of the Palanpur Agricultural Rights and Succession Act, 1945 and includes a building appurtenant to such land or standing on land held on Ravali tenure and belonging to such occupant;

(13) "Ravali parwana" means a parwana granted in respect of Ravali house site or Wada land under the rules contained in notification No. 91, dated the 28th December, 1920, of the former State of Palanpur

subject to the condition of payment of an annual amount for holding such land as provided in that notification;

(14) "Ravali house site land" or "Ravali Wada land" means a house site land or Wada land, that is to say land appurtenant to a house held in the merged territories of the former State of Palanpur subject to the rules contained in notification No. 91, dated the 28th December, 1920, of the former State of Palanpur.

**57B. Certain occupancies in certain merged territories to be heritable and transferable :-**

An occupancy consisting of,-

- (1) Ravali land held under an Aghat parwana,
- (2) Ravali house site land or Ravali Wada land held under a Ravali parwana or Aghat parwana,
- (3) Parwanawali land,
- (4) Khed huk Vechan land, or
- (5) Deesa house site land held under an Aghat parwana or in respect of which the occupant has paid full Aghat fees in accordance with the Deesa Aghat Huk Rules, 1945 of the former State of Palanpur but no Aghat, parwana has been issued, shall continue to be heritable and transferable property within the meaning of section 73 of the Code.

**57C. Occupancies of certain kinds of land not transferable :-**

(1) An occupancy consisting of,

- (i) Ravali land in respect of which the occupant has not paid the premium in accordance with the provisions of section 29 of the Palanpur Agricultural Rights and Succession Act, 1945 or has paid only a part of such premium.
- (ii) Ravali house site land or Ravali Wada land in respect of which a Ravali parwana or Aghat parwana has not been granted.
- (iii) Parwana Vagarni land or
- (iv) Khed-huk Darbari land, shall continue to be heritable under the existing tenure.

(2) In the case of an occupancy to which sub-rule (1) applies, if an application under the existing tenure was made before merger for the conversion of such occupancy into a transferable property, the occupancy shall become transferable property on payment of such amount as provided in rule 57-E, 57-F, 57-G or 57-H, whichever rule is applicable to the occupancy.

**57D. Khunt Mapni land and Gharthar land :-**

(1) An occupancy consisting of Khunt Mapni land or Gharthar land shall be heritable and transferable subject to the condition that the land shall be kept open: Provided that the occupant may, with the previous permission of the Collector, use the land for any non-agricultural purpose subject to payment of the non-agricultural assessment.

(2) If in contravention of the conditions annexed to the occupancy under the existing tenure, any construction has been made on such land, before the date of the commencement of this Chapter, then from the date of contravention, the land shall be liable to the payment of non-agricultural assessment.

**57E. Acquisition of transferable right in Ravali land :-**

(1) If any Ravali land has been transferred in contravention of the conditions annexed to the tenure by the Palanpur Agricultural Rights and Succession Act, 1945, the transferee shall pay to the State Government an amount equal to two times the assessment of the land within a period of two years from the date of the Notice issued by the Mamlatdar to the transferee in that behalf and on such payment the occupancy shall be transferable.

(2) If an occupant of Ravali land specified in clause (1) of rule 57-C after giving an intimation in that behalf to the Collector pays to the State Government.

- (i) an amount equal to two times the assessment of the land, or
- (ii) where he has already paid a part of such amount the balance amount within a period of two years from the date of such intimation, the Collector shall declare the occupancy to be transferable.

Explanation.-For the purpose of this rule "assessment" means the amount payable as land revenue under the provisions of the Palanpur State Land Revenue Code, 1947 as in force immediately before the application of the Bombay Land Revenue Code, 1879 to the merged territories of the former State of Palanpur.

**57F. Acquisition of transferable right in Ravali, house site and wada lands. :-**

. -  
(1) If an occupant of the Ravali house site land or Ravali Wada land wishes to have his occupancy converted into a transferable property, he shall make an application in that behalf to the Collector, and shall state in the application whether he is willing to pay annual rent at the rate specified in sub-rule (2) or an amount equal to twenty times the annual rent within a period of two years from the date of the application, either in lump sum or by installments, with interest at 5 per cent per annum.

(2) The rate of annual rent shall be-

(a) Where the area of the land does not exceed fifty square- meters-- (i) 50 paise, if the land is situate in a first class village specified in Appendix-A,

(ii) 40 paise, if the land is situate in a second class village specified in Appendix A,

(iii) 30 paise, if the land is situate in a third class village specified in Appendix A:

(b) Where the area of land exceeds fifty square meters.

(i) 50 paise for the first fifty square meters and 40 paise for every additional twenty five square meters or part thereof if the land is situate in such first class village.

(ii) 40 paise for the first fifty square meters and 35 paise for every additional twenty five square meters or part thereof, if the land situate in such second class village.

(iii) 30 paise for the first fifty square meters and 25 paise for every twenty five square meters or part thereof, if the land is situated in such third class village.

(3) Where the occupant has expressed willingness to pay annual rent, he shall execute an agreement to that effect.

(4) If the occupant executes such agreement or where the occupant being willing to pay an amount equal to twenty times the amount of annual rent pays such amount within a period of two years from the date of the application made by him, the Collector shall declare the occupancy to be transferable.

#### **57G. Acquisition of transferable right in Parwana Vagarni and Khed Huk-Darbari land :-**

If an occupant of a Parwana Vagarni land or Khed Huk-Darbari land, after giving an intimation in that behalf to the Collector pays to the State Government within two years from the date of such intimation an amount payable by him in accordance with the conditions attached to the tenure for converting the land into a Parwanawali land or as the case may be, Khed Huk Vechan land, the Collector shall declare the occupancy to be transferable.

#### **57H. Acquisition of heritable and transferable right in Deesa House site land :-**

In the case of any Deesa house site land to which rule 57-B does not apply but in respect of which the holder had applied for an Aghat Parwana under the Deesa Aghat Huk Rules, 1945 but no decision was taken under rule 6 of the said rules, the holder may <sup>1</sup> [by 31st December, 1970], and after giving an intimation in that behalf to the Collector, pay to the State Government an Aghat fee calculated at the rate specified in the table annexed hereto applicable to the land and thereupon the Collector shall declare the occupancy to be heritable and transferable. TABLE

1. Substituted by No. LND-1068/13107-Z, dt. 28-5-69.

#### **57I. Eviction in the case of unauthorised transfers of land :-**

(1) If any Ravali house site land or Ravali Wada land or any interest therein has been transferred before the commencement of this Chapter or is transferred after such commencement in contravention of the terms and conditions of the existing tenure, the holder thereof shall be summarily evicted from the land under section 79-A of the Code: Provided that the Collector may grant the land to the holder on payment of an occupancy price equal to twenty times the non-agricultural assessment of the land.

(2) In the case of any Deesa house site land, in respect of which-

(i) no application for an Aghat Parwana was made within the period prescribed under the Deesa Aghat Huk Rules. 1945, or

(ii) no payment is made in accordance with the provisions of rule 57-H, the holder thereof shall be liable to be summarily evicted from the land under section 79-A of the Code:

#### **57J. Provision of Bombay LXVII of 1948 not affected :-**

Nothing in this Chapter shall affect the provisions of the "Bombay Tenancy and Agricultural Land Act, 1948"

### **CHAPTER 8B CHAPTER**

#### **57K. Definitions :-**

This Chapter unless the context otherwise requires,

(a) "Act" means the Bombay Land Revenue Code, 1879.

(b) "Form" means a form appended to these rules.

(c) "Section" means a section of the Act.

(d) "to cultivate personally" has the same meaning assigned in sub-clause (6) of section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948.

(e) "Economic holding" has the same meaning assigned as in sub-clause (6-A) of section 2 of the Bombay Tenancy and Agricultural Lands Act 1948;

<sup>1</sup> [(ee) "Scheduled Areas" means the Scheduled Areas of the State as referred to in clause (1) of Art. 244 of the Constitution of India.

(f) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

1. Inserted by No. GHM 99/15/M/ADL-1098-128J, dated 22-2-2000. Pub. in G.G.Gaz. pt.IV-B (Ext.), dated 22-2-2000, p.45-1.

**57L. Conditions and circumstances for transfer of land under section 73-AA(1) by the Collector :-**

The Collector may sanction transfer of occupancy of tribal to any other tribal if the sale is at the market value and any of the following conditions are satisfied:-

(i) the transferor is leaving the village permanently for settlement elsewhere for better means of livelihood; or

(ii) the transferor is not rendered landless or without means of livelihood; or

(iii) The transferor is unable to cultivate the land personally due to old age or physical or mental disability and there is no person in his family to undertake the cultivation of the land: or

(iv) the land is being, sold for recovery of dues specified in section 73-AB or other dues recoverable as arrears of land revenue; or

(v) such land is being given in gift whether by way of trust, or otherwise, and such gift is made bonafide by the owner in favour of a member of his family or in accordance with the customs of the tribal people.

<sup>1</sup>[(vi) the land is being sold for construction of a house of agricultural labourers and Small and Marginal farmers.]

(2) Where the permission is granted under any of the conditions specified in clauses (i) to (v) of sub-rule (1) of this rule or rule 3, such permission shall be subject to further condition that the person in whose favour the transfer of the land is made, shall cultivate the land personally. If the purchaser fails to cultivate the land personally within one year from the date on which he took possession or ceases, without Collectors permission to cultivate the land personally within five years

(3) The Collector may sanction transfer of occupancy of tribal person to any non tribal person if any of the following conditions are satisfied and only after obtaining, except for land required for industrial undertaking, <sup>2</sup>[and except in case of clauses (iii) and (iv) below] the previous approval of the State Government.

(i) The land has non-agricultural potentiality and is required for Commercial undertaking. Educational or charitable institution, a cooperative housing society or for such public purpose for bonafide use: or

(ii) The transfer is in favour of a person who has been or is likely to be rendered landless on account of compulsory acquisition of his land for any public purpose: or

(iii) The land being sold for recovery of dues specified in section 73-AB, or other dues recoverable as arrears of land revenue.

<sup>3</sup>[(iv) the land is being sold for construction of a house of agricultural labourers and Small and Marginal farmers.]

<sup>4</sup> [[4] The Collector or as the case may be District Panchayat so far as scheduled Areas are concerned, may sanction transfer of occupancy of any land of a tribal to any tribal or non-tribal, if the following conditions are satisfied:-

(i) The land is acquired by a Tribal from non-tribal through his own means,

(ii) The land is not granted to the tribal under any act or rules.] Amendment in the rule for Scheduled Areas only: For the words "the Collector", wherever they occur, the words "the District Panchayat" shall be substituted.

1. Inserted by GHM-84-140-M-ADL-1984-CMR-2-Z, dt. 20-6-84; pub. in Guj. Govt. Gaz.Ext. Pt. IV-B, dt. 20-6-84, p. 137 w.e.f. 20-6-84.

2. Inserted GHM-84-140-M-ADL-1984-CMR-2-Z, dt. 20-6-84; pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 20-6-84, p. 137 w.e.f. 20-6-84.

3. Added by GHM-84-140-M-ADL-1984-CMR-2-Z,dt. 20-6-84; pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 20-6-84, p. 137 w.e.f. 20-6-84.

4. Added by No. GHM/99/8/M/ADJ/2392/CM/3/J/1, dt. 18:3-99: pub. in Guj. Govt. GazExt. Pt. IV-B, dt. 31-3-99, p. 40.

**57M. Notice to the transferee under clause (a) of sub-section (3) of section 73AA. :-**

. -The notice to be issued by the Collector, under clause (a) of sub-section (3) of section 73-AA to the transferee shall be in form K-1. Amendment in the rule for Scheduled Areas only: For the words "the Collector", wherever they occur, the words "the District Panchayat" shall be substituted.

**57N. Liability for payment of arrears of land revenue in respect of tribal occupancy on restoration to the tribal transferor under clause (a) of sub-section (3) of section 73-AA :-**

The tribal transferor to whom the occupancy is restored under clause (a) of sub-section (3) of section 73-AA, shall be liable to pay the arrears of land revenue in respect of such occupancy from the year in which such transfer was made to the revenue year in which the occupancy is restored to him in not more than 3 annual installments as may be fixed by the Collector. Amendment in the rule for Scheduled Areas only: For the words "the Collector", wherever they occur, the words "the District Panchayat" shall be substituted.

**57O. Period for intimation of acceptance of restoration of the possession of occupancy when the same is ordered to be restored under clause (a) of sub-section (3) of section 73-AA of the Act. :-**

. - The tribal transferor shall intimate to the Collector about his acceptance of the restoration of the occupancy within a period of ninety days from the date of communication of the order of the restoration by the Collector under clause (a) of sub-section (3) of Section 73-AA. Amendment in the rule for Scheduled Areas only: For the words "the Collector", wherever they occur, the words "the District Panchayat" shall be substituted.

**57P. Occupancy price to be charged to the tribal transferor under sub-section (5) of section 73-AA :-**

(a) The tribal transferor shall be granted occupancy under sub-section 73-AA on payment of a nominal occupancy price of one Re for the first occasion and concessional occupancy price at three times the land revenue for the second and subsequent occasions, which should be paid within the period as specified by the Collector from the date of receipt of the notice from the Collector.

(b) When the occupancy is to be granted to a tribal other than the tribal transferor under sub-section (5) of section 73-AA, it shall be granted on payment of occupancy price which shall be twelve times the land revenue payable in respect of the land and when the occupancy is to be granted to a person other than a tribal it shall be granted on payment of market value of the land.

**57Q. Distance for grant of occupancy under sub-section (6) of the section 73-AA :-**

A tribal residing within a distance of eight kilometers from the village in which the occupancy is situated shall be eligible for grant of occupancy under sub-section (6) of section 73-AA of the Act, and when no such tribal intimates his willingness to purchase the occupancy, it shall be granted to other classes of persons in accordance with the priority and conditions laid down for disposal of Government Waste Lands.

**57R. Form of declaration under clause (a) of sub-section (1) of section 73-AD and registration thereof :-**

The declaration required under sub-clause (a) of clause (i) of section 73-AD shall be in Form K-2 and shall be verified in the manner specified in the said Form.

**57S. Manner of verification of declaration furnished under clause (a) of sub-section (1) of section 73-AD :-**

. . -The declaration furnished under clause (a) of sub-section (1) of section 73-AD, shall be verified in the manner as a plaint presented under section 7 of the Mamlatdars Courts Act, 1906.

**CHAPTER 8 Trees and Forest Rights**

**58. General reservations :-**

The extent, to which the right of Government to trees is generally conceded to occupants under the third paragraph of section 40 shall be specified in the notification issued under rule 17. The said general

concession will ordinarily extend to all trees, except the following:-

(a) all road-side trees planted by or under the orders of Government:

(b) teak, black wood, and sandalwood:

(c) trees, the produce of which has hitherto been disposed of by the State Government:

Provided that whenever any land is disposed of after the first introduction of a settlement of land revenue, such trees shall also be disposed of under section 62;

(d) any trees specially reserved in the terms of the grant of the land

**59. Special reservations :-**

Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak, black wood or sandalwood, which for any reason are of special value or utility, shall be specially reserved at the settlement and entries to that effect made in the settlement records.

**60. Disposal of trees on occupied lands :-**

(1) Subject to the provisions of rule 63 the disposal of trees on land occupied or being given out for occupation shall be regulated by the following sub-rules.

(2) Of the trees to which the rights of Government are reserved, such number of kinds as the State Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept for all occupied numbers, over the trees in which the Forest Department has any control or lien; the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be arranged in concert with the Collector, and every number when cleared shall be Forest Department. In districts, where there is no Forest Officer, these functions will be discharged by the Collector alone.

(3) All other reserved trees shall be in charge of the Collector who may dispose of the same or of their produce as he may deem fit, subject to the general rules for the disposal of Government property.

(4) In talukas in which the demarcation of forest has been completed when any unoccupied land containing jungle or valuable trees which have not been included in any forest reserve is granted to any person for cultivation the Collector may offer the trees, or such of the trees as he may see fit, to the occupant. If such person agree to purchase the same, the value shall be recovered from him by the Collector and credited as land revenue. If the occupant refuses to by under this sub-rule or sub-rule (3) than the forest Department should clear the land of trees.

(5) In talukas in which the demarcation of forest reserve has not been completed, the Collector may, if he think fit, consult the Conservator of Forests before any land containing jungle of valuable trees is granted: and if any such land is granted to any person the provision of sub-rule (4) shall apply; in no case shall land be granted which is likely to be required for forests.

**61. . :-**

Whenever the right to unreserved trees in any land is at the disposal of the State Government simultaneously with such land all such trees shall invariably be disposed of to the same who acquires the holding and to any other person.

**62. . :-**

When the right of Government to the trees in a holding has been once disposed of to the occupant, or when all the reserved trees have been once cut and removed either-

(a) at the grant of the land, or

(b) after such grant, or

(c) within five years before such grant. Government will have no further claim to trees, which may afterwards grow in the holding, or which may spring up from the old roots or stumps, so long as the land continues in occupation.

**63. Exception of reserved trees in varkas and beta lands in certain districts from rules 60-62 :-**

(1) Nothing in rules 60 to 62 inclusive shall be deemed to apply to varkas lands in the districts to Thana, Kolaba and Ratnagiri, and beta lands in the district of Kanara, or to any land in the Dindori taluka or the Peth taluka of the Nasik district or to any land on the bank of streams and nalas in the Godhara Taluka of the Panch Mahals District, or to any river-side jambul trees growing in occupied lands on the banks of the rivers Mula, Pravara, Mhais and Mhalungi in the Parner, Rahuri, Sangamer, and Akola Talukas of the Ahmednagar Districts, or (Pending the completion of the acquisition of all occupied lands within the sanctioned demarcation limits of the forest in the Haveli, Purandhar, Junnar and Ambegaon Talukas of

Poona District) and the Patna, Karad and Wai Talukas and the Shirala Peta of the Satara District to any teak trees in such unalienated land.

(2) In the said lands the trees on which the rights of Government are reserved shall be available for cuttings to be made from time to time by or under the orders of the Forest Department, in consultation with the Collector.

(3) The sale of any such tree or of the timber thereof will confer no right to the after-growth from the root or stump of the tree so cut. The reservation of the rights of Government over the trees will extend to all such after-growth also.

## **CHAPTER 9 Disposal of Grazing and Minor Products of Land**

### **64. Sale of produce of Government trees :-**

(1) The produce of Government trees may be sold by auction actually or for a period of years.

(2) Where any such trees are sold under section 41, the sale shall be by auction or other wise as the Collector may direct.

### **65. Grazing and other similar produce to be ordinarily disposed of by sale for periods not exceeding five years :-**

(1) The grazing and or other produce of all unoccupied land vesting in Government whether a survey settlement extends to such land or not, and whether the same is assessed or not and of all land specially reserved for grass or for grazing (except land assigned to villages for free pasturage), may be sold by public auction or otherwise, as the collector deems fit, year by year, or for any term not exceeding five years, either field by field or in tracts, and at such time as the Collector shall determine: Provided that the purchasers rights over such land shall entirely cease on the dates respectively fixed in the following table, unless, under special circumstances, the collector deems it necessary to alter the time so fixed:-

### **66. . :-**

[Deleted].

### **67. Removal of earth, stone, etc., by villagers for their own use without fee with the permission of the revenue patel :-**

(1) With the previous permission in writing of the revenue patel, or where there is no such patel, of the Mamlatdar, but without payment of fee (a) any potter or maker of bricks or tiles may, for the purpose of his trade, (b) any person may for his domestic or agricultural purposes remove earth, stone, kankar, sand, murum or other material from the bed of the sea or from the beds of creeks, rivers and nalas or from any unassessed waste land within the limits of the village in which he resides or in which the land for the benefit of which the materials are required is situated: Provided that no such permission shall be given in respect of lands assigned as burial or burning grounds or for religious purposes.

(2) Nothing in this rule applies to any case falling under rule 69, and where it appears to the revenue patel that any case of which application is made to him under this rule falls under rule 69 he shall refer the application to the Mamlatdar for orders.

### **68. . :-**

(1) With the previous permission in writing removal of stone etc. of the Mamlatdars for building, well etc., within whose jurisdiction the stone, kankar, sand, murum or other material is situated but without payment of any fee, any person may, for the purpose of building a well or for his domestic or agricultural purposes but not for sale or personal gain, remove such material from any of the sources specified in sub-rule (1) of rule 67, provided that the value of the material to be removed, does not exceed [one hundred/fifty rupees].

(2) If any such material lies in a taluka other than the taluka in which the person resides, or in which the land for the benefit of which the material is required is situated then permission under sub- rule (1) shall be granted only with the concurrence of the mamlatdar in whose jurisdiction such person resides or in which such land is situated.

(3) Where the mamlatdar refuses such permission when the same is applied for under sub-rule (1), an appeal shall lie to the Sub- Divisional Officer.

### **69. Excavation :-**



(1) In any case where excavation of the soil is likely to damage or destroy any valuable building or any land required for any special or public purpose or any boundary mark, the previous sanction of the Mamlatdar to any such removal shall be required and he shall refuse permission to the extent necessary to prevent such damage or destruction.

(2) Ports.-No Patel or Mamlatdar may permit removal under rule 67 or 68 from land within port limits, or on the banks or shore of any port without the written concurrence of the "Collector of Salt Revenue" and under such conditions, if any, as he may impose.

(3) Bricks etc.-In any case where it appears to the Mamlatdar that the trade carried on by any potter or maker of bricks or tiles is sufficiently extensive and lucrative to render such a charge fair and equitable he shall refer the case to the competent officer under the Bombay Minor Examination Rules, 1955, for being dealt with under those rules: Provided that no such fees shall be charged in areas to which rule 82-A has been applied.

(4) In such cases or localities as he thinks fit, the Collector may prohibit the Mamlatdar or the revenue patel from giving permission without obtaining his previous sanction: and in any such case all applications for permission shall be referred to the Mamlatdar for the Collectors order.

(5) Where the revenue patel refuses permission when the same is applied for under rule 67 or does not refer the application to the Mamlatdar under sub-rule (4) an appeal shall lie to the Mamlatdar.

#### **70. Removal of earth etc., from village tanks :-**

Any person may, with the sanction of the revenue patel, take free of all charge from village tanks as much earth, stone, kankar, sand, murum or other material as he requires: provided that no stone shall be removed that may have fallen from the banks of built tanks, and that no excavation shall be made within 5 meters of the embankment of any such tank.

#### **CHAPTER 9A Disposal of Water Vesting in Government**

##### **70A. Subject to the provisions of rule 70-AA :-**

No person shall without the previous permission in writing of the Collector or the Mamlatdar duly authorised by him in this behalf make use of any water which is the property of the (Government) for the purpose of irrigating his land unless:

- (i) a water rate is levied for the supply of water to the land under the Bombay Irrigation Act, 1879, or
- (ii) the land is assessed for the advantages accruing to it from such water under the Bombay Land Revenue Code, 1879, or
- (iii) the land is subject to an existing nala chad on account of irrigation by means of a budki or pumping plant or any other contrivance.

##### **70AA. . :-**

The Collector or the Mamlatdar as the case may be, on the receipt of an application:-

- (a) shall send to the applicant a written acknowledgment of its receipt, and
- (b) may, after due enquiry, either grant or refuse the permission applied for, provided that, when the Collector or the Mamlatdar fails to inform the applicant of his decision within a period of fifteen days from the receipt of the application, the permission applied for shall be deemed to have been granted.

##### **70B. . :-**

The Collector (or the Mamlatdar as the case may be) shall before granting permission under rule 70-A for the use of water which is the property of the (Government) take into consideration the interests of all person already authorised to use such water.

##### **70C. . :-**

The collector (or the Mamlatdar as the case may be) may grant the permission subject to the payment of such water rate, if any, as he may deem fit to impose having regard to the general or special orders passed by the State Government for the levy of water rates for occasional irrigation under section 55 of the Bombay Land Revenue Code, 1879.

##### **70D. . :-**

Any person who without the previous permission of the Collector or the Mamlatdar in writing or before the expiry of fifteen days from the date of receipt of his application by him makes use of any water which is the property of the Government for the purpose of irrigating any land shall be liable to pay such water rate not exceeding Rs. 125 per annum per hectare of land so irrigated as the Collector or the Mamlatdar as the

case may be deemed fit to impose.

**70E. :-**

The water rates payable under rules 70-C and 70-D shall be recoverable as arrears of land revenue.

**70F. :-**

[ No person or Railway Administration shall without the previous permission in writing of the Collector obtained by applying to him in writing thereof use for any non-agricultural purpose any water the right to which vests in the Government in respect of which no rate is leviable under the Bombay Irrigation Act, 1879 (Bom. V of 1879) or any other law in force corresponding thereto.

**70G. :-**

The Collector on receipt of an application under rule 70-F may, after due inquiry particularly in respect of:-

- (a) the exact location of intake works,
- (b) the brief description of intake works,
- (c) the daily and annual consumption of water proposed to be utilised, and
- (d) the fact whether the grant of such permission would cause hardship to human beings and animals for drinking purposes especially when scarcity is apprehended during any period of the year, and after satisfying himself whether it is in the public interest to do so, by order to grant or refuse the permission asked for:

Provided that, if the Collector fails to inform the applicant of his order within a period of three months from the date of receipt of the application, the permission applied for shall be deemed to have been granted and shall continue to be valid, until it is revoked or modified at any time.

**70H. :-**

The permission granted under rule 70-G shall be subject to the payment of rates, if any, as hereinafter provided, namely: -

(a) Where water is required for any commercial or industrial purpose, the rates therefor shall be chargeable at a flat rate of 101 rupees per annum irrespective of the quantity of water taken for the first five years from the date of commencement of functioning of the commercial concerns or industries, whether they are undertaken either by private, public or joint sector and thereafter at 2 rupees per 250 Kilolitres, provided the commercial concerns or industries concerned make their own arrangements for drawing water for the commercial or industrial purposes from any river.

(b) Where water is required for the purposes of a Railway Administration:-

(i) If the water is permitted to be taken from a river or a canal or from a storage work not constructed or maintained by Government, the rate chargeable shall be 1 rupee per 250 kilolitres.

(ii) If the water is permitted to be taken from a tank constructed or maintained by Government or from a river or canal getting its supply from a storage reservoir so constructed and maintained, the rate shall be 6 rupees per 250 kilolitres.

(c) Where water is required for the purposes of a municipality or local authority:-

(i) If the water is taken for drinking or domestic purposes from a natural source vesting in Government upon which Government has not spent anything, no charge shall be levied for the water so taken:

(ii) If water is taken from any source for industrial purpose or for any purpose of profit to the municipality or other local authority or when water is taken for drinking or domestic purpose from a storage reservoir or other work constructed by Government the rate chargeable shall be 2 rupees per 250 kilolitres.

**70I. :-**

Notwithstanding anything contained in rule 70-H if the water is taken with the previous permission of the Collector by persons who have entered into contract for the purposes of the Public Works Department of Government in pursuance of any contracts entered into by them for the construction of development work or other such works, the rate shall be charged according to the following table. TABLE

**70J. :-**

Any person, or Railway Administration who or which uses any water which is the property of the Government for any commercial or industrial purposes without the previous permission of the Collector in writing shall be liable to pay in addition to the requisite rate, such extra rate not exceeding five times the requisite rate as the Collector may determine.

**70K. :-**

The rates payable under rule 70-H, 70-I, 70-J shall be recoverable as arrears of land revenue.

**70L. . :-**

Where any doubt, or dispute arises about the quantity of water used by any persons or Railway Administration or the rate chargeable therefor opinion of the Executive Engineer of the district concerned shall be obtained and such opinion shall be final and no appeal shall lie in respect thereof.]

**CHAPTER 10** Alluvion and Diluvion

**71. Holders of land with shifting boundaries may occupy up to such boundaries :-**

. . -When a holding is bounded on any side by the bank or shore of a river, creek or nala or of the sea. the holder will be permitted, subject to the provisions contained in sections 46, 47, 63 and 64, to occupy and use the land up to such bank or shore, notwithstanding that its position may shift from time to time.

**72. The Collector to dispose of claims under section 47 :-**

(a) Claims to decrease of assessment on account of diluvion under section 47 shall be disposed of by the Collector.

(b) It shall be the duty of the village officers to ascertain and to record the increases due to alluvion and losses due to diluvion in every holding subject to such changes. They shall also report to the Mamlatdar for orders when the area of any newly formed alluvial or island, or of any abandoned river bed, or land lost by diluvion exceeds the limits prescribed in secs. 46, 47 and 64.

**CHAPTER 11** Assignment of Land for Special Purposes

**73. Cattle stands and dhobis and potters grounds :-**

. ,

(1) Gurcharan (gairan) or grazing ground for cattle, burial and burning grounds, spots near villages on which the village cattle stand, and lands for the use of village dhobis and potters, and for other recognised public needs may be assigned by the other recognised public needs may be assigned by the Collector for these purposes respectively, according to the reasonable requirements of the villagers without charge: and he may for sufficient reasons at any time revoke such assignment.

(2) Orders under this rule shall be passed in writing and recorded.

**CHAPTER 12** Relinquishments

**74. Endorsement as to identity required below rajinamas :-**

. .

(1) Every notice given under section 74 shall in Form L and the declaration below the notice shall be subscribed by two respectable witnesses.

(2) The Mamlatdar who receives any such notice will be held responsible for exercising due care in ascertaining the identity of the person who has signed the same, notwithstanding that such notice has been duly endorsed as hereinbefore required.

XXVII. All notices received under section 74 shall be kept in the records of the village accountant until the expiry of one year after the end of the year in which they were given and afterwards in the records of the Mamlatdar for least 12 years. Entry will at once be made in the Diary of Mutations and at certified in due course: this will ensure sufficient record.

**74A. . :-**

(1) Subject to the provisions of section 74 and 76 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879). the holder or holders of any land held for service intending to relinquish the same or any part thereof, that is, to resign or surrender it in favour of Government, shall make an application to the Collector of the district in which such land or part thereof is situate. Such application shall be in writing and shall be signed by the holder or, if there are joint holders, by all such joint holders. If the land is held hereditarily for service, the application shall be accompanied by the consent in writing of all persons who may, at the date of the application, have a present hereditary interest in the land.

(2) If the holder of any of the joint holders or any person having the present hereditary interest is affected with a legal disability, the application or consent as the case may be, shall be signed by his legal representative entitled to act or enter into contracts on his behalf.

**74B. . :-**

On the receipt of such application, the Collector may, after holding an inquiry himself or causing such inquiry to be held by an officer not lower in rank than a Mamlatdar or Mahalkari, and on being satisfied that the requirements of sub- rule (1) have been duly complied, with, direct that the land shall, subject to rights, encumbrances or equities (other than those of Government, the applicant and any other person consenting to the relinquishment) lawfully subsisting in favour of any person, be entered in Government records as unalienated unoccupied land, and the land shall thereupon cease to be land held for service. The Collector may grant permission to occupy the said land or any portion thereof to any person who made or consented to the relinquishment on such terms and conditions as he thinks fit.

**CHAPTER 13** Restrictions on use of Land

**75. Cultivation of unarable land in survey number when prohibited :-**

(1) Land included as unarable (pot kharah) in a survey number assessed for purposes of agriculture only is of two kinds: -

(a) that which is classed an unfit for agriculture at the time of survey including the farm building or threshing-floors of the holder;

(b) that which is not assessed because it is reserved or assigned for public purposes; or because it is occupied by a road or recognized footpath, or by a tank or stream used by persons other than the holder for irrigation or for drinking or domestic purposes, or used for a burial or burning ground by any community, or by the public: or because it is assigned for village potteries.

(a) Class (a) may be brought under cultivation at time by the holder and no additional assessment shall be charged therefor.

The cultivation of class (b) is hereby prohibited under section 48, sub-section (3):

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

**76. . :-**

(1) No occupant of unalienated land, whether assessed for any purpose or not, shall use the same or any part thereof for the manufacture of salt without the previous permission in writing of the Collector of the district.

(2) The Collector may, in consultation with the Collector of Central Excises and Salt Revenue, Bombay, grant permission for the use of such land for such purpose, subject to the payment of non-agricultural assessment leviable on the land, and to such further conditions as the Collector may, subject to the general or special orders of the State Government, impose.

**77. Removal of earth, stone etc. prohibited, if injurious to cultivation and for purposes of trade, etc :-**

Save as provided in sec. 65 and rule 76, no occupant of land assessed or held for purposes of agriculture only, and no person claiming under or acting by authority of any such occupant, shall excavate or remove earth, stone other than loose surface stones, kankar sand, muram or any other material of the soil thereof, or make any other use of the land (a) so as, in the opinion of the Collector, thereby to destroy or materially injure the land for cultivation or (b) for purposes of trade or profit or any other purpose except his own domestic or agricultural purposes.

**78. Removal of earth, stone, etc., from building site prohibited except on certain conditions :-**

No holder of land assessed or held as a building site, or lease-holder of a building site in a hill station, and no person claiming under any such holder or lease- holder, shall, subject to any special provision in the conditions annexed to his holding under section 62, section 67 or otherwise, or prescribed by his lease, excavate or remove for at purpose whatever earth stone other than loose surface stones, kankar, sand, murum or any other material of the soil thereof, except with the previous permission in writing of the Collector, and in accordance with such terms (including the payment of fees for any such excavation or removal) as the Collector in each case thinks fit to prescribe having regard to the provisions of the Bombay Minor Mineral Extraction Rules, 1955.

**79. Excavation of unalienated land within site of village, town or city prohibited except for certain purpose :-**

(1) No unalienated land within the site of city, town or village shall be excavated without the previous written permission of the Collector, for any purpose except the laying of foundations for buildings, the sinking of wells and the making of grain-pits.

(2) When permission is granted by the Collector to excavate any such land as aforesaid for any purpose other than those above mentioned, such excavation shall not be made otherwise than in accordance with such terms (including the payment of fees for any such excavation) as the Collector in each case thinks fit to prescribe having regard to the provisions of Bombay Minor Mineral Extraction Rules, 1955.

**79A. Period for filing an application :-**

[

(1) An application for compensation under clause (a) of sub-section (5) of section 69-A of the Act shall be made on or before 31st December, <sup>1</sup> [1987].

(2) Application for compensation under clause (d) of sub-section (5) of section 69-A of the Act shall be made in Form L-L]

1. Substituted by GHM-84-243-M/LTA/1084/Y, dt. 20-12-84, Pub. in Guj. Govt. Gaz. Ext. dt. 20-12-84, p. 268 w.e.f. 20-12-1984.

**CHAPTER 14** Imposition and Revision of Non-Agricultural Assessment Alteration of Assessment in the case of Unalienated Lands

**80. Alteration of assessment when land assessed or held for agricultural purposes is used for non-agricultural purposes :-**

[ Where unalienated land assessed or held for purpose of agriculture only is subsequently permitted or deemed to have been permitted to be used or is used, for any purpose unconnected with agriculture, or where unalienated land assessed or held for a non-agricultural purpose is subsequently permitted or deemed to have been permitted to be used, or is used, for any other non-agricultural purpose, the assessment upon the land so permitted or deemed to have been permitted to be used, or, as the case may be, so used shall (except in cases provided for in rules 43, 76 and except as otherwise directed by the State Government) be altered under sub-section (2) of section 48 and such alteration shall be made by the Collector in accordance with the rules contained in this Chapter].

**80A. . :-**

[x x x]

**80AA. Revision of non-agricultural assessment of lands in merged territories :-**

Where non-agricultural assessment in respect of any land held or used for any non-agricultural purpose in merged territories and merged areas has been fixed in accordance with the law prevailing in such territories immediately before their merger, then irrespective of the facts whether or not the term for which such assessment is payable has been fixed or whether where such term has been fixed but the term has not expired, it shall be lawful for the Collector to revise from time to time the rate of non-agricultural assessment on such land in accordance with the rules contained in this chapter.

Explanation.-For the purposes of these rules the expression "merged area" shall have the meaning assigned to it in clause (1) of section 2 of the Bombay Merged Areas (Amendment of laws) Act, 1949 (Bom. XXX of 1949).

**80AAA. Revision of non-agricultural assessment :-**

[Where non- agricultural assessment in respect of any land held or used for any non-agricultural purpose has been fixed at the rate in force immediately before the coming into force of the Gujarat Land Revenue (Amendment) Rules, 1977 then irrespective of whether or not the term for which such assessment is payable has been fixed or whether such term, if it has been fixed has not expired, it shall be lawful for the Collector to revise from time to time the rate of non-agricultural assessment in respect of such land in accordance with the rules contained in this Chapter.]

**80B. . :-**

When land which is held or used for any non-agricultural purpose is assessed under the provisions of section 52, such assessment shall be fixed and revised by the Collector from time to time in accordance with the rules contained in this Chapter.

## 81. :-

Ordinary rates of non-agricultural assessment, <sup>1</sup>[

(1) For the purpose of determining generally the rate of non-agricultural assessment leviable, the Collector shall, from time to time, by a notification in the Official Gazette,- (a) divide villages, towns and cities into the following classes, namely:- <sup>2</sup>[

Class A : The cities of Ahmedabad, Vadodara, Surat, Rajkot, Bhavnagar and Jamnagar].

Class B :

(i) Cities and towns other than those in Class-A above and having a population exceeding 50,000;

(ii) such industrial and allied areas as may be notified in this behalf by the State Government from time to time irrespective of the population in such area.

Class C : Cities and towns with a population of more than 10,000 and upto 50,000 inclusive of the population in areas falling under clause (ii) of Class B within those cities and towns.

Class D : Towns and villages with a population of more than 5,000 and upto 10,000 inclusive of the population in areas falling under clause (ii) of class B within those towns and villages.

Class E : Villages with a population upto 5,000 inclusive of the population in areas falling under clause (ii) of class B within those villages, (b) determine areas adjoining such village, towns and cities into following classes, namely:-

Class I-The peripheral area of five kilometres adjoining the cities falling under Class A.

Class II-The peripheral areas of one Kilometre adjoining the cities and towns falling under class B.

Class III-The peripheral area of one kilometre adjoining the cities and towns under Class C.

Explanation I-For the purpose of this rule "population" means population as ascertained at the last preceding census of which relevant figures have been published.

Explanation II-Where a village, town or any part thereof falling in a particular class on the basis of its population also falls within the adjoining peripheral area of another city, town or village specified in relation to such other city, town or village in clause (b) and falling in a different class then that village, town, city, or part thereof shall be reckoned in that one of such two classes where higher rates of non-agricultural assessment are applicable.]

<sup>3</sup>[(2) The Assessment shall then be fixed by the collector on the lands used for non-agricultural purpose with reference to the nature of the non-agricultural use of such lands at the rates shown in Table A or Table B whichever may be applicable <sup>4</sup>[with effect from the commencement of the revenue year 1989-90], namely:- <sup>5</sup>[TABLE-A Rate per square metre per annum in paise on lands situated in villages, towns or cities referred to in clause (a) of sub-rule (1).

Class of	Residential	Industrial Use		Commercial	
	City, town	use	Village Industry	Others Industry	or
	village				other uses
	A	12	6	20	30
	B	8	4	12	16
	C	6	3	8	12
	D	4	2	6	8
	E	1	1	1	1

TABLE-B Rate per square metre per annum in paise on lands situated in peripheral areas referred to in clause (b) of sub-rule (1).

Class of	Residential	Industrial	Commercial

Peripheral areas	use	use	or other use
I	8	12	16
II	6	8	12
III	4	6	8]:

<sup>6</sup>[Provided further that in respect of lands situate within sites of towns or cities falling under any Class A, B or C. (a) assessment at 33 1/3% of the rate applicable to them when put to industrial or commercial use: and (b) 10% of the rate applicable to them when put to residential use on or after the 1st August, 1981: Provided also that where any lands situate in any town or city is already put to residential use before the 1st August, 1981, it shall not be liable to any assessment: Provided also that no assessment shall be fixed by the Collector in respect of lands situate within sites of towns or cities falling under either class D or E.]

<sup>7</sup> [

(3) The non-agricultural assessment fixed by the Collector under sub-rule (2) shall remain in force till such time as it is altered by him under the general or special orders of the Government.]

1. Substituted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

2. Substituted by No. GHM-92/36/M-LRR-1089-150-K, dt. 8-4-92, pb. in Guj. Govt. Gaz. Ext.Pt. IV-B, dt. 8-4-92, p. 77.

3. Substituted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

4. Substituted by No. GHM-92/36/M-LRR-1089-150-K, dt. 8-4-92, pb. in Guj. Govt. Gaz. Ext.Pt. IV-B, dt. 8-4-92, p. 77.

5. Substituted by No. GHM-92/36/M-LRR-1089-150-K, dt. 8-4-92, pb. in Guj. Govt. Gaz. Ext.Pt. IV-B, dt. 8-4-92, p. 77.

6. Inserted by No. GHM-82-18-LRR-1081-815-K, dt. 21-1-82, Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 21-1-82, p. 18 with retrospective effect from 1-8-1981.

7. Substituted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

## **82. . :-**

<sup>1</sup> [xxx].

1. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

## **82A. . :-**

Notwithstanding anything in <sup>1</sup>[rule 81] in any area to which the State Government may by notification in the Official Gazette direct that this rule shall be applied an additional rate of Rs. 10 for every lakh of bricks manufactured in any one year shall be levied in addition to the annual assessment at the rate determined in accordance with the provisions of rule 81 <sup>2</sup> [x x x] and if such rate is less than Rs. 40 at the rate of Rs. 100 per hectare on land used for the manufacture of brick. Provided that where exact accounts of manufacture are not available, the Collector shall be at liberty to fix the number according to the known capacity of the kiln, and his decision shall be final.

1. Substituted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

2. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**82AA. . :-**

<sup>1</sup> [xxx].

1. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**83. . :-**

[Cancelled].

**84. Grant of permission in hill stations, etc :-**

In hill stations and such other as the State Government may direct, permission shall not be granted under section 65 except on such conditions as are considered desirable, regarding the style of building, the period for constructions and the observance of municipal or sanitary regulation. Such conditions shall be embodied in the Sanad.

**84A. Notwithstanding anything contained in these rules :-**

<sup>1</sup> [

(1) When any unoccupied unalienated agricultural land is sold or leased or when any occupied unalienated agricultural land is permitted to be used for a non-agricultural purpose or when any land held or assessed for non-agricultural purpose the specific purpose for which the land should be used shall be stated in the order or the agreement or sanad or other instrument under which the sale or lease of land is made or the permission for conversion of use from agricultural to non-agricultural purpose or from one non-agricultural purpose to another is granted].

(2) In every such case, it shall be lawful for the Collector to levy such fine and assessment or rent as the Collector may deem fit for a change in the specific use of the land, with or without the Collectors previous permission.

1. Substituted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**85. Assessment leviable on compounds; reduced in certain cases :-**

Non-agricultural assessment shall ordinarily be levied upon the whole of the land within the compound of a building and not merely upon the land covered with building.

XXVII-A. (1) The concession of paying 3/8ths of the non-agricultural assessment leviable in respect of non-agricultural plots which obtains at present only in the Bombay Suburban District and in Ahmedabad city and its Suburbs under the orders mentioned below\* should be reduced and non-agricultural plots in the whole. Province should with effect from 1st August 1947 be given the concession of paying 5/8ths of the non-agricultural assessment payable under the rules. This concession should, however, be restricted only to non-commercial and non-industrial, non-agricultural uses of lands:- \*Government Resolution No. 144/24, dated the 6th July 1928.

(2) As regards plots held under existing agreements or sanads where the built up area of plots particularly in the Bombay Suburban District and in Ahmedabad city and its suburbs has been limited to 1/4th or 1/3rd only, a change in the limit to 1/3rd or 1/2, as the case may be, may be allowed during the period of the existing guarantee or non-agricultural assessment if the occupants thereof apply for it and agree in the proper legal form to make only non-commercial or non-industrial use of the plots and pay 5/8ths of the full non-agricultural assessment of the plots.

(3) A change in the limit of built up area as in (2) above may also be allowed in respect of plots at present used for commercial or industrial purpose particularly in the Bombay Suburban District and the Ahmedabad city and its suburbs provided that their occupants apply for it and agree in the proper legal form to pay non-agricultural assessment at the full rates leviable in respect of the plots.

**86. . :-**

[xxx].

**86A. . :-**

<sup>1</sup> [xxx].

1. Deleted No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.



**87. Granting of sanads :-**

[Whenever unalienated land held or used for agriculture is permitted or deemed to be permitted to be used for a non-agricultural purpose or whenever land held or used for non- agricultural purpose is permitted or deemed to have been permitted to be used for any other non-agricultural purpose under the relevant provisions of the Code. and is assessed under the provisions of rule 81 to 85, a Sanad shall be granted in Form M].

**88. . :-**

[x x x].

**89. . :-**

[x x x].

**90. . :-**

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

1. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**91. Re-imposition of agricultural assessment :-**

(1) When any holding, which has been assessed or of which the assessment has been

(2) Such agricultural assessment shall be subject to the same conditions as to periodical and the same rules and provisions of law as if they had been imposed at the ordinary revenue settlement of the village in which the land is situated: Provided that if the holder has paid any lump sum as commuted assessment for any period, he shall not be entitled to any refund or to any change in the conditions of his lease or agreement until the period for which the commutation has been paid expires. Alteration of Assessment in Surveyed and Settled Alienated Villages

**92. . :-**

[x x x].

**93. . :-**

[x x x].

**94. . :-**

[x x x].

**95. . :-**

[x x x].

**96. . :-**

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

1. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**96A. Re-imposition of agricultural assessment in surveyed and settled alienated villages :-**

The provisions of rule 91 shall apply also to the holdings assessed to non-agricultural use in surveyed and settled alienated villages.

**97. . :-**

[x x x]

**98. . :-**

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

1. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**99. . :-**

<sup>1</sup> [x x x]

1. Deleted by No.GHM-78-34-(A)M-LRR-1077-43064-L, dt. 24-1-1978: Pub. in Guj. Govt. Gaz. Ext. Pt. IV-B, dt. 24-1-78, p. 49 with retrospective effect from 1-9-1976.

**100. Quantum of fine :-**

[Any fine imposed by the Collector under the conditions annexed to the grant under section 62 or under the terms and conditions imposed under section 67 shall be fixed by him at his discretion and subject to rule 101 may extend to forty times non-agricultural assessment imposed under this Chapter].

**101. Maximum fine leviable for unauthorised use for building, brick making etc :-**

When the material of the soil of any occupied land is employed for bricks or tiles or pottery or for any other non-agricultural purposes, without the permission of the Collector being first obtained and the value of the land is thereby adversely affected, a fine may be levied at a rate not exceeding double the rate prescribed in rule 100.

**102. Saving of special cases :-**

[Notwithstanding anything contained in rules 100 and 101, the Collector may, in such case as the State Government deem exceptional or unusual, impose a fine whether under the conditions annexed to grant under section 62 or under the terms and conditions imposed under section 67, at such rates as may be fixed by State Government in that behalf].

**103. Limit of fine under section 61 :-**

[The limit of fine to be levied under section 61, when land is unauthorisedly occupied and used for non-agricultural purpose shall be 100 times the non-agricultural assessment payable under this Chapter: Provided that a fine upto Rs. 250 may be levied in any such case irrespective of the area of the land involved].

**CHAPTER 15** Records of Rights

**104. . :-**

The record of rights and mutations, the index of lands and the register of disputed cases shall be kept in forms O.P and Q respectively: provided that in sites surveyed under section 131. these forms may be modified by the Director of Land Records to suit the requirements of cities, the record of rights being termed the "Property Register". After the original preparation of the Records, all later entries altering or transferring those rights are termed "mutations".

**105. . :-**

(1) When the record of rights is first introduced in any village, as soon as the preparation has begun, the village accountant shall cause notice thereof to be given by beat of drum and shall paste a written notice in the chavdi. He shall also write at the head of the record a certificate that such notice was duly given.

(2) Prior to the preparation of the fair copy of the record of rights. the village accountant shall prepare a rough copy of the record in form of an Index of Lands with all rights noted against each parcel. Until the fair copy is prepared, such rough copy shall be used as and be deemed to be the register of mutations, and the provisions of the code and of these rules which apply to the said register shall apply so far as may be to such rough copy, and the provisions of rule 111 respecting the introduction of the rewritten copy of the index shall apply so far as may be to the introduction of this first fair copy of the record.

**106. . :-**

(1) Every mutation shall be posted in the Diary by the village accountant and examined by the Circle

Inspector and shall be read out and explained by the latter to all persons present.

(2) The Circle Inspector shall initial all entries so examined.

(3) If any person adversely affected admits an entry to be correct. the Circle Inspector shall note the admission.

(4) If any interested person disputes the correctness of an entry. the Circle Inspector shall not erase but shall correct any errors admitted by all parties either by bracketing the errors and inserting

**107. . :-**

(1) The entries in the Diary of mutations shall be further tested and revised by a revenue office not lower in rank than a Mamlatdars First Karkun.

(2) Any entry found by such officer to correct shall be certified by him.

(3) Any entry found to be incorrect, if no dispute is brought to his notice, be corrected as in rule 106(4) and certified by him. such correction shall be a new mutation for the purpose of section 135-D(2).

(4) Where such officer finds that there is a dispute regarding any entry examined by him, he shall enter the dispute in the register of disputed cases and the dispute shall be disposed of under rule 108. Such officer shall, wherever possible, himself dispose of the dispute under the said rule forthwith.

(5) An appeal only shall lie against any entry certified under sub-rule (2) or corrected under sub-rule (3) otherwise than by the Collector himself, to the same authority to which an appeal lies in a case decided under rule 108.

**108. . :-**

(1) Disputes entered in the register of disputed cases shall ordinarily be disposed of by the Mamlatdars First Karkun or by the Mamlatdar, but may be disposed of by the District Inspector of Land Records or by any revenue officer of superior rank to that of First Karkun.

(2) The enquiry shall ordinarily be made in the village in which the land is situate or where the interested parties reside.

(3) The officer making the enquiry shall record his order disposing of the dispute in the said register, and shall then make such entry in the Diary of mutations as may be necessary.

(4) Such officer shall certify the entry in the Diary of mutations to be correct.

(5) An appeal against an order under this rule shall, if the order has been made by the Mamlatdars First Karkun. the Mamlatdar, the District Inspector or Revenue Officer of lower rank than that of a Deputy Collector, lie to the Sub-Divisional Officer, or to an officer appointed by the State Government in this behalf, and if the order has been made by the Sub-Divisional Officer, the Superintendent of Land Records Officer of a rank not lower than that of a Deputy Collector, to the Collector: such appeal shall be presented within sixty days from the date on which the copy of the order was served on the appellant or was otherwise intimated to him:

Provided that the appellate authority may after recording its reasons in writing admit an appeal after the aforesaid period of sixty days if it is satisfied that the appellant had sufficient cause for not presenting the appeal within such period. Subject to the provisions of sub-rule (6) the decision of the appellate authority shall be final. There shall be no appeal against the order of the Collector. No second appeal shall lie in any case.

(6) The Commissioner may call for and examine the record of any enquiry or the proceedings of any subordinate revenue officer held under rules 106, 107 and sub-rules (1) to (5) of this rule for the purpose of satisfying himself as to the regularity of such proceedings and as to the legality or propriety of any decision or order passed in such proceedings. If, in any case. it shall appear to the Commissioner that any proceedings so called for or any decision or order made in such proceeding should be modified, annulled or reversed, he may pass such order thereon as he deems fit.

(7) If the appellate order or the order passed in revision by the Commissioner confirms the previous decision it shall be noted in the remarks column against the entry which is confirmed. If it alters it, the change shall be entered as a fresh, but not disputable, mutation.

**109. . :-**

Entries in tile Diary of mutations shall ordinarily be transferred to the index of lands as soon as certified.

**110. . :-**

The index of lands shall be rewritten incorporating all mutations recorded up to the date prescribed by the sub- divisional officer whenever that officer, in view of the number of entries in the Diary of mutations, shall so direct.

**111.** . :-

(1) When the re-written index of land is reported to be complete, the Collector or sub-divisional officer shall fix a date for its inspection and shall cause notice thereof to be given calling upon all persons interested to appear on such date at a specified place in or in the immediate vicinity of the village concerned, and notifying that any such persons may before such date inspect the Index on application.

(2) On the date and at the place appointed the Collector or sub- divisional officer shall compare the new copy with the old index and the Diary of mutations, cause such portions thereof to be read out as any of the persons present may desire to hear, read and make any correction that may be necessary.

(3) Such officer shall then sign the new Index and subscribe below it a certificate that the entries therein have been duly tested and found correct.

**112.** . :-

Where a revenue officer or a village accountant issues any summons or notice under section 135-E(1) or G, he shall follow the provisions of section 190 or 191, as the case may be.

**113.** . :-

Record of such tenancies as are not perpetual or notified under section 135-B(2) shall be kept in form R. The entries therein shall be tested by the Circle Inspector when he examines the crops, and by other officers of higher rank. When any error is discovered by any of these Inspecting Officers, they may correct it and initial the corrected entry. The register will be compiled every ten years, but there will be no notification. When any dispute as to such tenancies is found to exist, a note of the fact may be made in the register, but no entry will be made in the register of disputed cases, nor will any revenue officer decide the dispute.

**CHAPTER 15A** Agriculturist Pass Book

**113A.** Supply of Agriculturist pass-book :-

(1) The agriculturist pass-book (hereinafter referred to as "the pass-book") shall be supplied to each Khatedar in a village by the Competent Authority in the Form R1 appended to these rules.

(2) The Competent Authority shall prepare two copies of the passbook, out of which duplicate shall be retained and maintained by him and the Original copy shall be given to the agriculturist at free of cost.

(3) The agriculturist or the joint holder of land whose name appears in the pass-book shall be considered as agriculturist for all the purposes.

**113B.** Responsibility of the Competent Authority :-

Every entry other than entry referred to in rules 113-F and 113-G in the pass-book shall be made personally by the Competent Authority from the revenue records of the village. The Competent Authority shall carry out and effect the changes occurring in the agriculturist holding and shall be held duty bound and responsible for the correctness of every entry made by him in the pass-book. All entries relating to revenue record shall be made in accordance with the relevant revenue records.

**113C.** Entries from record of rights :-

Only certified entries in the record of rights shall be entered in the pass-book.

**113D.** Official copy of the pass-book to be kept up-to-date :-

..

(1) The Competent Authority shall make necessary changes in the record of rights of the holding in the concerned duplicate copy of the pass-book from time to time and keep it posted up-to-date.

(2) On receiving the notice of demand regarding Government dues recoverable from the agriculturist, the village accountant shall request the Competent Authority within seven days from the receipt of such notice, to make necessary remarks to that effect in the duplicate copy of the pass-book.

**113E.** Agriculturist pass-book to be kept up-to-date :-

(1) The agriculturist shall produce his pass-book before the Competent Authority within fifteen days from the date of change of any entry or if there is no change of entry at least every six months to get the

changes in the record of rights effected in his copy by the Competent Authority, unless the agriculturist desires to have such changes being posted earlier. The Competent Authority shall acknowledge the receipt of such pass-book in writing to the agriculturist.

(2) Where the Competent Authority has to make any entry or remarks in the pass-book, he may call for the original pass-book from the agriculturist whereupon it shall be the duty of the agriculturist to forward his pass-book to the Competent Authority to keep it up-to-date.

(3) Every change in the record of rights pertaining to the holding, after it is effected in the agriculturist's pass-book shall be signed and the pass-book shall be returned within a period of one week after it is authenticated by the Competent Authority.

(4) When the pass-book is produced before the Competent Authority and there is no change to be effected, the Competent Authority shall make remarks in the pass-book to the effect that no change is to be posted on the date relevant to the production of the pass-book and shall sign and authenticate the same.

**113F. Registering authority to make transfer entries in the pass-book :-**

(1) The registering authority after registering documents of transfer of any agricultural land, shall make necessary entries of such transfer in the pass-book, produced by the agriculturist before him and thereafter return the pass-book to the agriculturist.

**113G. . :-**

Entries to be made by the Bank in the pass-book

(1) The Bank shall make necessary entries in the relevant columns of the pass-book regarding the financial assistance or loan given to the agriculturist and the charge or the mortgage created on land e.g. mortgage, or charge the total amount of mortgage or charge and the total amount of interest due on the loan from the agriculturist in the relevant columns of the pass-book in respect of the land.

(2) The Bank shall send an extract of the entries made in the pass-book to the Competent Authority within seven days from the date of the transaction. The Competent Authority shall cause the entry to be made in the pass-book maintained by him.

(3) The Bank shall send an extract of the release of the mortgage in writing to the Competent Authority within seven days from the date of release of the mortgage or charge on the land.

**113H. Alteration in the pass-book :-**

(1) No person shall make any change, alter or delete any entry in the pass-book other than the person who is authorised to make any such entry or change in the pass-book.

(2) Any person who unauthorisedly makes, alters or deletes any entry in the pass-book or furnishes false information to the Competent Authority, shall be liable to penalty as provided in Sec. 135-T of the Bombay Land Revenue Code, 1879.

**113I. Issue of the true copy of the pass-book :-**

(1) Where the agriculturist applies with an affidavit to the Mamlatdar to effect that the pass-book issued to him has been lost or destroyed, the Mamlatdar shall, after due verification, direct for issue of true copy of the pass-book on payment of such fees as may be determined by the Government from time to time.

(2) When the pass-book issued to the agriculturist has been filled up, or has been damaged or mutilated and can no longer be used, the agriculturist shall apply for issue of true copy of pass-book alongwith old pass-book, and on satisfaction of the correctness of informations given in the application, the Mamlatdar shall direct the Competent Authority for the issue of true copy of the pass-book to the Agriculturist on payment of such fees as may be determined by the Government from time to time.

(3) A copy of the order made by the Mamlatdar under Sub-rule (1) or (2) shall be sent to the Competent Authority alongwith pass-book, if any, for complying with the directions.

(4) On receipt of the order under sub-rule (3), the Competent Authority shall issue the true copy of the pass-book to the Agriculturist which shall be marked as "True copy" in red ink.

**113J. Issue of additional pass-book to the joint holders :-**

(1) Where the pass-book is issued in the name of occupant whose name appears first amongst the joint holders of the land and if any joint holder applies for the copy of the pass-book the Mamlatdar after due verification shall direct the Competent Authority to issue an additional copy of the pass-book on payment of such fees as may be determined by the Government from time to time.

(2) Whenever additional copy of the pass-book has been provided to the joint holder, the Bank and sub-registrar shall consider such pass-book to be valid document for the purpose of advancing financial assistance or as the case may be, for registration of any document limited to share of the joint holder only.

**113K. Issue of the pass-book to heirs of agriculturist :-**

. .

(1) Once the pass-book is given to the agriculturist, it shall not be necessary to issue a new pass-book to a person who becomes sole holder by succession.

(2) On application made by the successor of the deceased holder alongwith the pass-book given to the deceased holder, the Competent Authority shall, after making such inquiries, transfer the pass-book into the name of the successor.

(3) Where the deceased holder has more than one successor and the holding is held jointly by them, the pass-book shall be issued to the elder successor for the joint holding and other successor may apply for additional pass-book in accordance with the provisions of rule 113-J.

(4) Where the deceased holder has more than one successor and the holding is divided amongst themselves, a separate pass-book may be issued to each successor according to their division of land.]

**CHAPTER 16 Recovery of Land Revenue Costs and Conversion Tax**

**114. Land Revenue where and to whom to be paid :-**

All payments of land revenue shall be made to the officers of the village in which such revenue is due: Provided that, with the sanction of the Collector. such payment may in special cases be made into a Government Treasury within the district to which the payment appertains. Provided further that where the Collector acting under the general or special orders of Government, declares any village in a taluka to be a centre for the payment of land revenue in respect of such villages as the Collector specifies in that behalf, payment of the land revenue due in the villages so specified, to the officers of those villages shall be made at the centre so declared.

**114A. Publication of declaration under rule 114 :-**

Any declaration made by the Collector under rule 114 shall be made known by affixing a copy thereof in the chavdi or some other public building in the village concerned or in such other manner as the Collector may deem expedient.

**114AA. . :-**

(1) In cases where the non-agricultural assessment is fixed under rule 87, the assessment, if it does not exceed one rupee, may with the consent of the Collector instead of being rendered annually, be commuted at any time by the occupant for a lump payment for the term or residual part of the term for which it is fixed. The lump payment shall be equal to three-quarters of the aggregate amount of the assessment due for the said term or residual part thereof, as the case may be, or twenty times the assessment, whichever is less, A note of such payment or commutation shall be made in 01- at the foot of the sanad or lease granted in respect of the land under rule 87(b). On the expiry of the period for which it has been commuted the assessment, whether revised or not, shall again be leviable unless it is again commuted under this rule.

(2) The lessee of any land the rent of which is fixed under rule 51 may in the like manner commute such rent if it does not exceed one rupee.

(3) The Collector may, by general or special order, authorise the commutation of any other item of annually recurring land revenue which does not exceed one rupee, for a period not exceeding fifty years.

(4) The provision of sub-rule (1) shall apply mutatis mutandis to every case of commutation of rent or other items of land revenue under sub-rule (2) or (3).

**115. . :-**

[

(i) The Collectors shall classify the villagers in their districts into the following three classes:-

Class I \Kharif 1 \ (Kharif villages).

Class II \Kharif 2 \ (Kharif villages where main \ \ crop is cotton).

Class III \Rabi \ (Rabi villages).

(ii) The Collectors decision regarding classification of a village as above shall be final].

**116. . :-**

[

(1) The land Revenue payable in respect of lands assessed for purpose of agriculture only shall be paid in one installment on the following dates.- Class I Class III Class II\ Villages Villages Villages \up to 15th March up to 15th April

(2) Provided that the Collector shall be competent to fix every year the date of making initial demands for payment of Land Revenue in

**117. Other land revenue :-**

Land revenue, other than due upon agricultural land shall ordinarily be paid in one installment, at the time of the first installment of agricultural land revenue or on such other date as the Collector thinks fit in any case to prescribe; but in special cases the Collector may in his discretion allow the payment to be made in two or more installments on dates which shall be fixed by him.

**117A. Cost recoverable under section 135-G :-**

. .

(1) The cost of the preparation or revision of maps or plans including all contingent expenses assessed in respect of any land under section 135-G shall subject to the provisions of sub-rule (2), be recovered in the following manner, that is to say:-

(i) Where such cost does not exceed the amount of assessment levied on the land, it shall be recovered in lump sum on the date fixed for the payment of the first installment of agricultural land revenue or on such other date as the Collector thinks fit in any case to prescribe.

(ii) Where such cost exceeds that amount of assessment levied on the land, it shall ordinarily be recovered in such a manner that in addition to the assessment payable, in respect of the land, the occupant or the superior holder shall not be required to pay in any year a sum exceeding the amount of such assessment.

(iii) For the purposes of clause (ii) the Collector may in his discretion allow the payment of the cost referred to in clause (i) to be made in equal or nearly equal annual installments not exceeding three. The amount of each installment shall be payable on the date referred to in clause (i).

(2) If in the case of the cost assessed in respect of lands in any local area, the State Government is satisfied that the recovery of the whole of the amount of such cost is likely to cause hardship to the occupants or the superior holders of such lands, it may, by general or special orders, reduce the amount of the cost so assessed to such extent as it may deem fit, having regard to the amount of assessment payable in respect of such lands.

(3) The provisions of rules 114 and 114-A shall mutatis mutandis apply to the recovery of the cost referred to in sub-rule (1).

**117B. . :-**

[ Manner and time of payment of conversion tax: The Conversion Tax payable under section 67-A shall be paid in advance by a challan in the Government Treasury. A demand notice shall be issued by the Collector for this purpose. Such a demand notice shall state that necessary orders for permission under section 65 or as the case may be, section 65-A shall be issued after production of the challan before the Collector].

**117C. The costs where and to whom to be paid :-**

[

(i) In such cases in which the recovery proceeding have to be adopted because of the default in payment by the defaulter <sup>1</sup> [5%] recoverable as arrears of land revenue under any Law for the time being in force shall be recovered as the costs recoverable from the defaulters as arrears of land revenue, in the manner provided therefor in the said code that is to say.

(ii) The notice of demand in Form "S" prescribed under rule 118 of the Gujarat Land Revenue Rules, 1972, shall be issued by the Collector on or after day following that on which the arrear accrues.

(iii) The costs under these rules, shall be paid by means of challan in a Government Treasury that may be specified by the Collector in this behalf.]

1. Substituted by GHM-83-M-96-(A)LRR-2171-109334-L, dt. 13-5-83: Pub. in Guj. Govt. Gaz. Pt. IV-B, Ext. Dt. 16-5-83, p. 113 w.e.f. 16-5-1983.

**118. Form of notice of demand :-**

The notice of demand to be issued under section 152 shall be in Form S.

**119. Duties of village officers :-**

- (a) It shall be the duty of the village officers to warn land holders verbally from time to time of the dates on which their installments without resort to notices of demand or other compulsory processes.
- (b) Village officers shall report to the Mamlatdar the names of land-holders who, they have reason to believe, will not punctually pay their installments, in order that precautionary measures under sections 140-145 may be, when necessary, adopted in time: and shall immediately report any case where the produce of any land on which the assessment has not been paid is attached by a Civil Court.

**119A. Superior holder may make only one application under section 86 in respect of inferior holders or co-sharers in his holdings in one and the same village :-**

A superior holder seeking assistance under section 86 for the recovery of rent or land revenue payable to him by inferior holders, or by co sharers in his holding may make one application in respect of all or any number of the inferior holders or co-sharers if the land in respect of which the rent or the land revenue is payable by them is situated in one and the same village.

XXVIII. Whenever the consolidated demand is ordered to be half suspended or half remitted, the division shall be so made that no fraction less than a whole anna shall be taken in the portion to be suspended or remitted.

XXIX. Whenever an amount is suspended, the suspension shall always be conditional upon the payment of the amount which is not suspended. When, for instance, half the revenue is suspended, but any revenue-payer defaults in respect of any remaining unsuspended revenue the suspension shall be canceled so that the suspended amount also becomes due for the current year (Section 148).

Revenue which has not been suspended shall include unauthorised arrears of previous years, provided that the grant of suspensions shall not be contingent on the collection of such arrears when the Collector by special orders so directs. GENERAL CALAMITIES (R. 4966-24 of 1st May 1929).-Suspensions of Consolidated Land Revenue

XXX. When the Collector has ascertained by local inquiries that owing to a partial or total failure or destruction of the crops throughout any tract on account of drought or any other cause, it will be necessary to suspend the collection of land revenue (or judi under the Gordon and Pedder settlements) assessed for agriculture in any area, he is authorised, especially when the tract is already impoverished or the previous harvests have been poor, to grant suspensions according to the scale given below to all occupants, agriculturists and non-agriculturists alike and to superior holders of alienated land (R. 9402-19) without inquiry into the circumstances of individuals:- Classification of crops \Amount of assessment to be suspended. 4 annas and under Over 4 annas, under 6 annas 6 annas and over \The whole Half None the normal crop, or average of satisfactory seasons is reckoned at 12 annas.

XXX-A. For the purposes of the suspension of revenue, annewari is required only when there is doubt as to whether the season is below 6 annas, or, if there are suspended arrears, when there is doubt as to whether the season is below 8 or 11 annas according as the amount of arrears to be collected is half or the whole of one years assessment. (R. 6365-28 of 2nd February 1931). Prior to the annewari being taken in hand by the Circle Inspectors, the Mamlatdar should endeavour to arrange to do the annewari of one village in conjunction with them and any educated people interested in agriculture who may care to attend, more especially representative of the District of Taluka Local Board or the Taluka Agricultural Development Association or of important mercantile firms interested in crop out-turn.

The procedure for making the anna valuation is thus laid down in Government Resolution No. L.C. 1145-B, dated 24th June 1927-

(i) A committee shall be formed for every village for which an anna valuation is to be prepared consisting of the Circle Inspector (as chairman), the Kulkarni, the Patil and two representative agriculturists. The representative agriculturists may be elected by the village panchayat established by law in villages in which such a body exists and in other villages the rayats may elect a panel of ten from amongst whom the Circle Inspector will be bound to select two to serve on the committee. If the elections are not duly made in time, the Circle Inspector may select the two representative agriculturists. In talukas in which Circle Inspectors have been replaced by a Revenue Inspector, the latter shall take the place of the Circle Inspector and perform his duties in villages which can be visited by him and which shall be previously fixed by him in consultation with the Mamlatdar. In the remaining villages which cannot be visited by him, the Patil shall take the place of Circle Inspector and perform his duties with the aid of the village accountant so far as he finds such aid necessary.

(ii) The Circle Inspector shall give not less than 3 clear days notice of his visit.

(iii) The committee shall meet in the month preceding the harvesting of the main crops and record its opinion as to what the anna valuation should be for each of them.

(iv) This opinion shall be signed by each member who (if the Committee is not unanimous) shall record his opinion over his own signature or mark.

(v) The opinion or opinions thus recorded shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a provisional decision.



(vi) The Mamlatdar shall fix a date by which the opinion or opinions referred to in section (v) above shall reach him.

(vii) If the opinion or opinions are not received by that date, he shall make his provisional decision on such other date as may be available.

(viii) The Mamlatdar shall publish his provisional decision in the Taluka Kacheri and shall communicate the decision concerning each village to the Revenue Patil, for publication in the Chavdi and by beat of drum and in two or three prominent places in the village besides the Chavdi and to the two representative agriculturists who officiated on the Committee.

(ix) Any objection to the provisional decision of the Mamlatdar shall be made within 15 days from the date of its publication and he shall take into account all objections which have been submitted to his superior officers in person or by petition.

(x) Unless the Mamlatdar, on a consideration of the objections or for any other reason, sees fit to amend his provisional decision, such decision shall stand as his final decision. In any case where he amends his provisional decision, the amended decision shall be published in the same manner.

(xi) If the Collector revises the Mamlatdar's decision, this further decision shall similarly be published.

(xii) In all cases, in which there is no agreement among the members of the annewari committee or, if the Mamlatdar is unable to accept the opinion of the annewari committee, he should issue orders for the undertaking of actual tests (by cutting the crop in one guntha of each crop) at not less than (3) places in each disputed village. (The tests should be carried out by the Circle Inspector in the presence of the Committee: and the Mamlatdar should check the result of the tests, carried out by each Circle Inspector to the extent of 10 per cent (by himself carrying out similar tests in the same villages).

If the disputed villages constitute a homogenous tract, the total number of tests, to be carried out by each Circle Inspector may be limited to 30.

If the areas are scattered and a large number of tests is considered necessary experienced clerks and Aval Karkuns (from the Taluka Officer) may be deputed to some of the villages for making such tests.

The Prant Officer should carry out at least one test in each Circle in his charge. In the case of Taluka wherein integrated Gram-Sevaks have been increased and where consequently the number of circle has been increased the Collector may suitably reduce the scale of latest per circle for the Prant Officer when the circles containing villages with disputed annewari is large. The Collector should also check the results of the tests in all the Talukas concerned by himself carrying out similar tests (in the same village) as far as possible.

In order to complete these tests and verification expeditiously every officer carrying out a test should dispatch the same day, to his immediate superior, a report showing the details of the test in the form prescribed under Appendix O-Q1. The recorded weight will be the weight of the fresh grain taken from the years (and not of the dried grain). Care should be, therefore, taken to make due allowance for dryness and for grain with chaff (on account of its being wet). The Director of Agriculture should supply the triage percentage of all commonly grown varieties of all main crops of each district in order to secure uniformity in the matter of finding out the equivalent dry weight of wet grains.

All officers concerned should tour briskly during the period, so that test may be completed, before the bulk of the crop is harvested. For the purpose of these tests, the Collector should fix in respect of each crop, for the district as a whole, an average soil classification, in consultation with the Prant Officers, District Agricultural Officers and the Mamlatdars.

As regards the figures of standard normal yield, as soon as the results of mere recent crop cutting experiments become available, the present standard normal yields would be revised and communicated to the Collectors by the Agricultural Department.

The average soil classification figures for each crop will continue to be determined by the Collector for the district as a whole, until the Agricultural Department is able to supply the standard normal yield figures taluka wise. The average soil classification for each crop would then also have to be fixed taluka wise.

In selecting the plot for the crop-cutting experiments, an average plot of an average cultivator should be chosen as a representative sample.

(xiii) The Collector may select any field in any village of a crop test with view to checking the accuracy of any anna valuation.

(xiv) The Collector or the Mamlatdar, as the case may be, should supply to the public on payment of the copying fees, information relating to the anna valuation of the crops of a village embodied in the following documents:- (1) the opinion of the Village Committee as to the anna valuation of each of the main crops, (2) the provisional decision of the Mamlatdar, (3) the final decision of the Mamlatdar, if any, (4) the Collector's decision. Where possible the Mamlatdar's decision should contain the area as well as the anna valuation of each of the main crops of a village. The information should be furnished in the form appended to R. 4966-24 of 19th June. 1930. Copies of the annewari proceedings should be given free of charge to members of annewari committees.

XXXI. Where the area affected is homogeneous or whole villages are more or less uniformly affected, the suspensions should be announced for such tract or villages without detailed inspection.

XXXI-A. In case of an abnormally heavy fall in prices below the price level on which the current settlement

is based Government will consider the propriety of issuing special order for relief.

XXXII. The Collector shall cause the occupants and superior holders of alienated land whose revenue is suspended to understand distinctly that such suspension is provisional only, and that it will be decided subsequently whether the revenue suspended shall be ultimately remitted or collected. B-Remissions of Land Revenue.

XXXIII. Remissions should be granted to occupants and to superior holders of alienated land in the manner explained below; there should be no inquiry into the circumstances of individuals.

(i) Except as provided in sub-paragraph (ii), the grant of remission should depend on the character of the three seasons following that in which the assessment is suspended. The oldest arrears shall be remitted first (R. 9402-19) Suspended revenue should be collected to the extent permissible under the table given below. In accordance with this table, all suspended arrears which either (a) in Gujarat and the Konkan are in excess of one years revenue, or (b) in the Deccan are in excess of two years revenue, or (c) are more than three years old should ordinarily be remitted by the Collector-

(ii) In the tracts noted below\*, the grant of remission should depend on the character of the four seasons following that in which the assessment is suspended. In other respects the instruction in sub- paragraph (i) will apply except that the suspended arrears shall not be due for remission until they are more than four years old (R. 4966/24 of 27th March 1928):-

\*Sholapur district.- Bijapur district-(excluding the villages Hippargi, Shurapali, Chik- Padasalgi and Hire Padasalgi of Jamhandi taluka). Ahmednagar district-(excluding Akola, Kopargaon and Sangamner talukas). Poona district-Indapur, Baramati, Sirur and Dhond talukas. Dbarwar district-Gadag, Ren and Nevalgund talukas and Mundargi and Nargund Pethas and the villages Magadi, Gajanur, Yeawatti, Madalli and Yetnalli or Shrihatti taluka.

South Satara district- Jath taluka and the following 18 villages of Khanapur taluka:- (1) Atpadi, (2) Sherewadi, (3) Vithalpur, (4) Dighanchi, (5) Galvewad, (6) Bonibewadi, (7) Awalai, (8) Palskhel, (9) Ptmpr Khurd, (10) Nimbavade, (11) Kantholi, (12) Lingivare, (13) Madgule, (14) Umbergaon. (15) Rajewadi, (16) Shetfale, (17) Pethsurpur, (18) Karagni,

Belgaum district-The following 60 villages of Ramdurg taluka:- (1) Bennur, (2) Hiremulangi, (3) Hire-Tadasi, (4) Hettiheli, (5) Idgal, (6) M. Kallapur, (7) M. Khanapur, (8) M. Timmapur, (9) Aniguddi, (10) Baturki, (11) Channapur, (12) Hanamapur, (S.U.), (13) Kalamad, (14) Mukavi, (15) Naganpur, (16) Obalapur, (17) Rajanal, (18) Timmapur, (19) Umatar, (20) Chik-Tadasi, (21) Chik- Mulangi, (22) Hoskoti, (23) Lingadhal, (24) Nandihal, (25) Narapur, (26) Rokadakatti, (27) Ravadikop, (28) Hampiholi, (29) Mardgi, (30) Aurwadi, (31) Chikop, (32) Dodmangadi, (33) Kilabnur, (34) Ramkalkop, (35) Turnur, (36) Sangal, (37) Chinchhabudi, (38) Ghatakunr, (39) Halagatti, (40) Kelachi, (41) Kuttur, (42) Manihal, (43) Mudenur, (44) Surban, (45) Hanampur, (46) Hoskeri, (47) Jalikatti, (48) Jagankeppa, (49) Kadalikop, (50) Kallur, (51) Kardigudda, (52) Kakhanayankop, (53) Maskatti, (54) Mudenkop, (55) Mullur, (56) Sappable, (57) Vankatpur, (58) Gennagar, (59) Hooligop.

North Satara district-The following 58 villages of Phaltan taluka:- (1) Phaltan, (2) Somanthali, (3) Pimparad, (4) Rajuri, (5) Kuravali- Budruk. (6) Andhrud, (7) Jawali, (8) Mirdhe, (9) Barad, (10) Vadale, (11) Sonawadi Budruk, (12) Sonawadi Khurd, (13) Bhadali Budruk (14) Bhadali Khurd, (15) Vinchumi, (16) Kuravali Khurd, (17) Tawadi, (18) Vakhari, (19) Mandav Khadak, (20) Dalwadi, (21) Nelos, (22) Malawadi. (23) Vadgaon, (24) Korale, (25) Bibi, (26) Aljapur, (27) Kapasi, (28) Adarki Khurd, (29) Adarki Budruk, (30) Saple, (31) Keparde, (32) Tambave, (33) Aradgaon, (34) Hingangaon, (35) Saswad, (36) Nanal, (37) Mirgaon, (38) Khadki, (39) Vadjal, (40) Nimbhore, (41) Surwadi, (42) Kalhal, (43) Kalaj, (44) Taradgaon, (45) Tadawale, (46) Kapadgaon, (47) Koregaon, (48) Tirkawadi, (49) Dudhbavi, (50) Saskal, (51) Nargudi, (52) Kapadi Khurd, (53) Watliar, (54) Tatarady, (55) Tathavade, (56) Dhaval, (57) Upalvad, (58) Girawai (59) Vagheshi.

(iii) The amount of suspended revenue to be collected with any particular installment should be fixed by the Collector and announced before the collector of the installment begins.

(iv) Cases in which owing to the impoverishment of a tract by a succession of bad seasons or for any special reasons, it appears to the Collector desirable to remit or to collect suspended revenue otherwise than in accordance with the ordinary rule, should be reported through the Divisional Officer for the orders of Government.

XXXIV. When water rate is fixed under section 55, Land Revenue Code or when the land revenue assessment includes a separate or separable assessment charged for water advantages then, if the water fails to such an extent that no irrigated crop or an irrigated crop not exceeding 4/6 annas can be grown, the whole/half of the water rate fixed under section 55 or of the separate or separable assessment charged for water advantages should, in case of all occupants and superior holders be remitted without suspensions (Rr 5087-07, 5325- 08). The Collector has been delegated power to remit water rates fixed under section 55 of the Land Revenue Code. If such remissions are extensive the Collector should first consult the Irrigation Officer of the District and in case of difference of opinion, should refer the case to Government.

XXXV. When much land which would ordinarily be sown is left unsown because present or recent calamity renders sowing impossible the case is identical with that of failure of crops and should be similarly treated.

XXXVI. Suspensions may be granted to superior holders (including Mewasdars (R. 11946-07) in accordance

with the orders and the provision of section 84-A of the Bombay Land Revenue Code. Such grant entails the suspension and remission of rent (other than crop share) payable by the inferior holders or tenants to the extent provided by that section, under which the Collectors must also record his order.

## II. Local Calamities

XXXVII. (a) Relief to be given on the occasion of local calamities, including loss by fire or flood of harvested crops or other property and loss of crop by theft or mischief by unknown persons, should be determined by the investigation of individual cases. (b) In cases where the owner of the crop or other property which has been destroyed, damaged or stolen is a person primarily liable for the payment of land Revenue, the relief shall be given by suspension or remission of land revenue. Before the relief is granted the resources of such person should be taken into account. If the loss amounts to total or nearly total loss of crops, immediate remission is preferable to suspension.

In case of total loss of crops due to local calamities such as fire, flood, loss of crops by theft or mischief, the Collectors can grant remission up to Rs. 500 and Commissioner upto Rs. 1,000. (c) In cases where the owner of the crop or other property, which has been destroyed, damaged, or stolen, is a person who is not primarily liable for the payment of land revenue to Government, the relief shall be given, as follows, after the Collector has passed the order of suspension or remission of land revenue payable by the superior holders of Government:- (i) In areas to which section 13 of the Bombay Tenancy and Agricultural Lands Act, 1948, is not extended, the relief shall be given by suspension or remission of rent of land revenue payable by such person to the superior holder to the extent, provided in section 84-A of the Bombay Land Revenue Code, 1879.

(ii) In areas to which section 13 of the Bombay Tenancy and Agricultural Lands Act, 1948 is extended- (a) If such person is an inferior holder other than a tenant, the relief shall be given in the manner provided in sub- clause (i) above; (b) If such person is a tenant, it is not necessary for the Collector to take any action for the suspension or remission of the rent payable by such persons, since under section 13 of the Bombay Tenancy and Agricultural Lands Act, it is obligatory on the landlord to suspend or remit the rent payable by the tenant in the same proportion in which the land revenue payable by the landlord is suspended or remitted.

(iii) In all cases falling under clauses (i) and (ii), the Collector shall before granting the relief, take into consideration the resources of such persons and of his superior holder of landlord, as the case may be.

## General

XXXVIII. (R. 8714-12) In order to carry out these rules it is essential that each autumn, not later than 1st October each Sub- Divisional Officer, should obtain from each Mamlatdar, a list of the villages in the taluka (printed lists should be available). This list should show against each village the full normal years demand of fixed consolidated revenue in round figures, omitting annas. The next column should show the total amount of suspended revenue in each village. When these suspension are not given uniformly to all occupants this fact should be made clear, together with the proportion (half, whole or more than one years demand) which stands suspended. The next column should show the Mamlatdars Final anna valuation for the village. For orders as to methods of valuation see Rr. 3750-09, 7392-11 and 7760-12 para 2 and 7773-B, 27-A, duplicate of these statements must also be sent to the Collector.

XXXIX. Upon this information the Remission and Suspension Rules can be applied. If there is no suspended revenue, no orders about its collection will be needed. If the crops are plainly well above 6 annas there will be no suspension for the current year. If they are unmistakably above 11 annas, the collection of the current revenue together with one full year demand of suspended revenue could be ordered without further enquiry. But when the reported anna valuation is close to one of the critical figures- say  $5\frac{1}{2}$  to  $6\frac{1}{2}$  so that perhaps suspensions may be needed in the current year, or  $10\frac{1}{2}$  annas, so that it is doubtful whether two years dues can be demanded- then a careful test of the valuation must be made. For this purpose the Sub-Divisional Officer will, if necessary, go out on inspection in October (R. 438.12). It is imperative that the crops should be seen before they are reaped and the Sub-Divisional Officer must ensure that the list reaches him in time for this to be done and should call for and proceed to act on the Mamlatdars provisional estimates should there be danger of his final estimates being received too late. He will select villages for test from the list so as to take a fair sample of the average condition of the taluka and should specially select villages for which the figures are critical.

XL. Reports of the extent and result of this test must be submitted weekly to the Collector. Duplicates of the original lists have been sent to the Collector, so that as he receives the results of the test he can modify his estimate of the effect upon the probable demand and collections for the year. He can also see that proper progress is made in the tests. The Collector must see that reports required by Order XLIII below (F. 2225-10) are submitted promptly. He must not wait until the last tests have taken and the conditions of both kharif and rabi crops ascertained. If this first estimate requires material modification, he should intimate the revised figures later. These estimates can be made upon the schedules showing the normal demand (or indeed upon the District Returns up to the end of July which will exhibit by talukas the exact suspended revenue). He should not attempt accuracy to a single rupee and not delay while figures are collected, a task that should not be placed upon the subordinate establishment (R. 8714-12).

XLI. Only in cases where same special remission of water-revenue, or collection of the full revenue from

irrigated holdings while other holdings are granted suspensions, has been ordered, will it be necessary to collect estimates (or actual figures) of the financial effect in detail from the villages concerned. The general intention of these orders is that the villages should be the unit, not the aggregate khata or the single field.

XLII. The lists of suspensions and remissions should be published in the following manner:-As soon as the statement for any village is sanctioned, the Mamlatdar should cause a copy to be sent to the Village Officers, should be required to read and explain the orders to all the villagers and to post the copy in a conspicuous place in the village chavdi if any, or otherwise in some building to which the villagers report. The Collectors order if any, under sec. 84-A should be published and explained in the same manner. The village officers should be required at the same time to enter in the rayats ledger (village form VIII-B the remissions and suspensions which have been sanctioned and in due course to note in the rent column of the Tenancy Register (Form XII) for each hissa concerned the suspension or remission granted by the Collectors orders under section 84-A under these orders are of a general character, when they may be recorded in a remark at the end of the register. All Revenue Officers from Circle Inspectors upwards should satisfy themselves (by personal observation) that the publication has been made as directed and that any torn or defaced notice has been replaced and (by direct inquiry) that the remissions and suspensions and the Collectors orders under section 84-A have been read and explained to the villagers. The Circle Inspectors and other Taluka Officers must examine not less than 25 per cent of the rayats receipt of the entries in the tenancy register within three months after the remission and suspensions have been declared, giving special attention to receipts and entries affected by the orders. The District Official should pay special attention to ensure that this examination has been properly carried out.

In alienated villages the same procedure should be followed throughout as far as practicable and in those in which Form VIII- A and B and the Tenancy Register or corresponding forms do not exist, the Inamdar should be invited to provide every inferior holder who entitled to remission or suspension and whose dues are not collected through the Village Officers with a combined demand and receipt from showing the remission sanctioned for each and the balance due for payment.

XLIII. The Collector, as soon as he issues his orders, should report to the Government his proceedings as regards both suspension and remission of land revenue, stating fully the reasons for these orders and the extent of their application, with other relevant particulars.

#### **CHAPTER 17** Disposal of Forfeited Land

##### **120. Restoration or grant on inalienable tenure :-**

Where the Collector thinks it advisable that the holding of a defaulter should, after forfeiture, be either restored to the defaulter or given out with or without any occupancy price to any other person, subject to the condition that he shall not transfer it in any way to another person without the previous sanction in writing of the Collector, the Collector, after having declared such holding to be forfeited to the State Government, may, without having resort to any of the other means provided in the Code for the recovery of an arrear of land revenue, restore, or give it out (as the case may be) accordingly, and shall take an agreement in form T.

XLV. Where Rule 120 is not applied, resort should not be had to forfeiture of land unless it appears to the Collector that the arrears cannot be readily recovered by any of the other means provided in Chapter XI of the Code,

##### **121. Partial forfeiture :-**

Where the land in respect of which an arrear is due consists of two more survey numbers or of two or more sub-division of survey numbers or of two or more estates separately assessed, and the Collector is of opinion that the whole amount of such arrear could be realized by the sale of less than all of such survey numbers, portion or estates, he shall restrict forfeiture of such one or more survey numbers or the sub-divisions as prove sufficient to realize the arrears.

##### **122. 122 :-**

. [Deleted].

##### **123. Disposal of forfeited land otherwise than by sale in certain cases :-**

Forfeited land shall not be put up for sale in the following cases but shall be disposed of in the manner hereinafter prescribed for the particular case under which it falls, namely:-

(a) Where the Collector thinks that, owing to general agricultural depression or to the want of demand for such land, or to a combination of the neighboring land-holders, or for any other special cause, there will be no bidders at the sale, or that the highest amount bid will be considerably below the reasonable value, he shall cause the land to be entered in the land records as unoccupied.

(b) Where the Collector finds that the land is likely to be required either immediately or within a reasonable

time for any of the purposes described in section 38, he shall take steps at once to assign it for such purpose.

(c) In the case of a forfeited alienated holding, where the Collector considers it expedient to allow the land to continue in the possession of its actual holder or tenant, as an occupant of unalienated land, annulling the alienation, he shall pass order accordingly for its continuance.

(d) In the case of an inferior holding forfeited on account of an arrear of rent or land revenue due to a superior holder, for the recovery of which assistance is being rendered under sections 86 and 87, the Collector may in his discretion transfer the holding to the superior holder thereof, subject to such tenures, rights, encumbrances or equities (if any) as he may direct under section 56.

(e) In any other case, where the Collector considers it is expedient that the disposal of a forfeited holding should otherwise than by sale, and obtains the sanction of the State Government thereto, he shall dispose of it in accordance with the particular order for its disposal passed or sanctioned by the State Government.

#### **124. Forfeited land to be sold for recovery of arrears in other cases :-**

In cases not falling under rule 120, 121, 122 or 123, forfeited land shall, subject to the provisions of the rule 126, be put up for sale for recovery of the arrears due.

#### **125. Rules and orders applicable to sales of forfeited land :-**

(1) Every sale of forfeited land shall be made subject to the same rules as are applicable to the sale of unoccupied unalienated land so far the same are consistent with the provisions of Chapter XI.

(2) The Collector should ordinarily set aside the sale under section 179. if in his opinion-

(a) the bidding at such sale has not been bona fide; or

(b) there has been collusion to recover the holding without payment in full of the arrears and charges due to the State Government or the superior holder; or

(c) there has been some material irregularity or mistake of fraud, in publishing or conducting such sale, which is likely to have affected the amount of the highest bid or otherwise to have caused substantial injury to any person.

#### **126. Restoration of forfeited land :-**

(1) It shall be in the discretion of the Collector to restore any forfeited land at any time previous to any sale or other disposal under these rules on payment of the arrear in respect of which the forfeiture was incurred together with all costs and charges lawfully due by the defaulter, or on the security being given to his satisfaction for the payment of the said arrear, costs and charges within a reasonable period: Provided that no forfeited alienated holding, which is not held for service, shall be restored as alienated land without the previous sanction of- (a) the Collector if it is assessed up to Rs. 100: (b) the State Government if it is assessed at more than Rs. 100.

(2) Where in the case of a forfeited alienated land held for service by a watandar the Collector is satisfied that the failure to pay the land revenue due thereupon arose solely from the inability of the defaulter to meet the demand, he may deduct from the forfeited land a portion of which the price would be likely to equal the amount of the arrear recoverable, and deal with such portion in accordance with such of rules 122 to 125 as are applicable, and restore the remainder of the forfeited land to the defaulter, or may restore the entire forfeited land to the defaulter, and either remit the arrear of land revenue due, or make such arrangements for its being paid in the future as he thinks fit.

XLVI. Recovery of land revenue due on forfeited land which is not sold.-Where land which has been forfeited for default in payment of the land revenue is not sold, the arrear payable by the defaulter shall ordinarily be remitted without having recourse to further compulsory process against him. But it is not intended that the right of recovering arrears from defaulters by other means, notwithstanding that their holding have been forfeited and disposed of without being sold, should be altogether relinquished: in special cases the Collector may, with the sanction of the Divisional Officer enforce that right.

### **CHAPTER 18 Sales**

#### **127. Auction sales under rule 42 where to be held :-**

Auctions held under rules 37(1), 41, 42 and 50(2) shall ordinarily be conducted in the town or village in which the land is situated.

#### **128. Upset price may be fixed :-**

Where any land or other property is sold by public auction, an upset price shall, if the Collector thinks fit,

be placed thereon:

Provided that where in the opinion of the Collector difficulty is likely to be experienced in effecting speedy recovery of the arrears or bidders are likely to be deterred from offering bids, no such upset price shall be placed.

### **129. Sales how to be conducted :-**

(1) Every sale by auction under these rules, or in pursuance of any of the provisions of the Code, shall be conducted, so far as may be, in accordance with section 165, 166, 170 to 177 (both inclusive) and 180. The proclamation and written notice of sale required to be issued under section 165 and 166 shall be in one of the forms U or W, with such modifications, if any, as may be necessary:

Provided that, in conducting the following sales, namely:- (a) sales of the right of grazing and of the right to take or cut grass in waste lands, (b) sales of the right to take the fruit of specified Government trees for a specified period, and (c) sales of dead-wood, the procedure shall be in accordance with such orders as may from time to time be made by the Collector either generally or in a particular case instead of the procedure prescribed in section 165 and 166.

(3) In case of sales for the recovery of dues other than land revenue, the Collector may, for the reasons to be recorded in writing, condone any delay in the payment of the full amount of purchase money if in his opinion the delay is negligible and was caused by any reason beyond the control of the purchaser.

[(4) Where at any sale held under the provisions of this Chapter, there is no bidder or the bids made are inadequate or nominal, it shall be lawful for the Collector to authorise any of his subordinates to purchase such property on behalf of the State Government for such bid as such subordinate may make:

Provided that the Collector, may while authorising such subordinate, specify such minimum amount of the bid for which such property may be purchased, as he may consider proper].

## **CHAPTER 19 Appeals**

### **130. Form and contents :-**

Every appeal shall be made in the form of a petition addressed to the authority to whom an appeal lies, and shall be drawn up in concise, intelligible and respectful language; and shall bear the signature or mark of the appellant or of his duly authorized agent.

(2) The petition should give the following particulars:- the name, father's name, occupation and place of residence or address of the appellant: the name and address of the writer of the petition.

(3) The petition should also contain a brief and unexaggerated statement of the facts on which the appellant relies in support, of his appeal and the grounds of the appellants objection to the order or decision appealed against.

### **131. Presentation :-**

(1) Appeals may either be presented to the authority to whom an appeal lies in person or be forwarded to him by post.

(2) Where an appeal is sent by post, the postage on the cover containing it must invariably be fully prepaid.

### **132. Rejection of appeal without enquiry into their merits :-**

Inattention in any material respect to the requirements of rule 130 or 131 will render an appeal liable to be rejected without enquiry into its merits.

## **CHAPTER 20 Penalties**

### **133. Breaches of the rules how punishable :-**

Breaches of rules hereunder mentioned shall be punishable on conviction before a Magistrate as follows:-

(1) Whoever commits a breach of rules 67, 68, 69, 70 or 78, by excavating or removing earth, stone, kankar, sand, muram or any other material of the soil without due authority: with imprisonment which may extend to one month, or with fine which may extend to five rupees.

(2) Whoever commits a breach of rules 75, 76, 77 or 79, by using or excavating land in a prohibited manner, or for a prohibited purpose, without due authority: with fine which may extend to five hundred rupees.

(3) Breach of any, rules 67, 70, 72(b), 119(a), 119(b), 134 or 135 committed by a village officer or city surveyor- (a) by taking or levying any fees for preparing any document or copy or extract of any document which he is bound by any such rule to prepare without charge, or (b) by charging any fee (i) for

granting any permission or inspection which he is authorized by any such rule to grant, or (ii) for making any search for records, for which no fee can lawfully be charged, (c) by refusing without reasonable cause an inspection of land records which he is required by any such rule to permit with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, (d) by refusing or neglecting to prepare any document or copy or extract of any document or to sign or to certify the same, in the manner prescribed by any such rule, or (e) by neglecting to make any report or to perform any duty which he is required by any such rule to make or to perform: with fine which may extend to five hundred rupees.

#### **CHAPTER 21** Certain Documents to be prepared Free of Charge

##### **134. Village accountants to prepare certain documents without charge when so desired :-**

(1) It shall be the duty of every village accountant, if so requested by any occupant or by any person about to become an occupant, of land in his village, to prepare any agreement that may be necessary under either rules 37, 43 and 43-B, 46 or 120 without fee or charge of any kind, and any notice of relinquishment under section 74.

(2) A village accountant who prepares any such agreement or notice shall affix his signature beneath the words "written by" on the lower left hand corner of such agreement or notice.

#### **CHAPTER 22** Copies, Inspection and Searches I-Inspection

##### **135. Certain documents to be open to inspection :-**

Documents, maps, registers, accounts and records, the right of inspection of which is provided for in section 91 of the Indian Registration Act (XVI of 1908) and in section 213 and all public documents which any person has, under the provisions of any law for the time being in force, a right to inspect, shall be open to inspection in the office of the officer in charge of the same during the usual office hours every day, except Sundays and public holidays, on payment of the fee hereinafter prescribed in this behalf: and not otherwise:

Provided that no fee shall be charged for inspection (with the permission of the officer in charge) of the Enquiry Proceedings or Register or Property Register of a City Survey by a Municipal Official for municipal purposes:

Provided also that no fee shall be charged for inspection (with the permission of the officer in charge) of the Enquiry Proceedings or Register or Property register of a City Survey or Village Records by an Officer of the Panchayat established or deemed to have been established under the Bombay Village Panchayats Act, 1933, for the purposes of such Panchayat:

Provided further that no fee shall be charged for the inspection of village records by officer or a member of any Co-operative Society for the business of the Society.

II-Extracts and Copies

##### **136. Uncertified copies :-**

(1) No uncertified copy or extract shall be obtainable of or from any documents other than those prescribed in rule 135, nor otherwise than under this rule.

(2) Any person may himself or by an agent make a copy of any public document or of any person of any public document of which he has duly obtained inspection but no copy so made shall be certified by any public officer.

##### **137. Village accountants to grant certified copies of certain records :-**

(1) So long as the originals are in their charge, all village accountants, and in the cities surveyed under section 131 all City Surveyors, shall themselves and grant applications for certified copies of any serial number (entry) in the record of right, register of mutations (Property Register) or of a map of a survey number of sub-division thereof.

(2) The Collector may, in his discretion in respect of his whole district or any part thereof, also empower village accountants to receive and grant applications for certified copies of village forms Nos. (old) 1, 3, 5, 6, 9, 11, 13, 14 and 18; (New) Nos. I, III, VII-XII combined, VIII-A and B, IX, XI, XII, XIV and XV, and of orders for levying miscellaneous land revenue.

(3) Such copies shall after comparison with the original be certified by the accountants as true, and given to the applicants direct within seven (307a) days from their application.

##### **138. Mamlatdars generally to grant certified copies of village papers :-**

Except as provided in rule 137 every application for a certified copy of any public document in the charge of a village accountant shall be made to the Mamlatdar to whom he is subordinate, who shall cause the copy to be prepared, compared with the original and signed in token of correctness by the village accountant. The copy shall then be certified and made over to the applicant by the Mamlatdar.

**139. Officers in charge of document generally to grant certified copy :-**

In all other cases the officers in charge of any public document described in rule 135 shall, and in the case of any public document or portion thereon other than those described in rule 135 may, cause to be prepared and give certified copies of the same or of any portion thereon under his own signature to any person applying for such copy on payment of the fees thereafter prescribed. The officer in charge of a map of a survey number or sub-division of a survey number prescribed under clause (a) of section 135-B on the basis of survey by place-table shall, at the written request of an applicant, and on payment of the additional fees hereinafter prescribed in this behalf, cause the scaled-off perimeter measurements to be shown on the copy of such map to be given to the applicant after first recording these measurements on the original, and shall clearly state both on such copy and on the original that the measurements shown are not the measurements taken in the field (bandh-maps) but have been scaled off the place-table plan in the office:

Provided that (a) No copy shall be granted of any record, map or plan which has been printed or lithographed and published under the authority of the State Government and is on sale: but shall extracts of not more than five fields and plots may be granted under rule 142 (5B) and (6):

(b) that no copy of any document is to be given in any case in which the grant would be prejudicial to the public interest.

XLVII. Subject to the provisions of the rules, the grant of copies of some documents is obligatory, while of others it is optional. Ordinarily the letters are given, but every application must be carefully considered by the officer to whom it is made who will be guided by the administrative orders of Government and his superior officers; and in any doubtful case he must obtain the order of his immediate superior.

XLVII. No copy of any official correspondence, or any opinion of a Government officer, or of any order embodying any such opinion shall be given by any officer, subordinate to a Collector or to the Survey Commissioner without the previous permission of those authorities.

**140. Receipt to be endorsed on copy :-**

On every certified copy or extract granted under these rules and delivered otherwise than through the agency of the value payable post there shall be endorsed by the officer who receives the fees for the same a receipt in the following form: - Received Rs.....Paise.....as fees for this certified copy Dated.....of 19..... (Signed) A.B.

**140A. Officers in charge of certified copies to grant true copies of such copies :-**

Notwithstanding anything contained in rules 136 to 140 every officer in charge of a certified copy of any public document shall on an application made to him by any person prepare and give to him a true copy of such certified copy of the document under his own signature on payment of the fees hereinafter prescribed. On every such copy it shall be clearly stated by such officer that it is a true copy of the certified copy of the document. When such copy is delivered otherwise than through the agency of the value payable post there shall be endorsed on it by the officer who receives the fees for the same a receipt in the following form:-

Received Rs.....Paise.....as fee for this true copy of the certified copy. Dated.....of 19.....

III-Searches

**141. Search fees when to be charged :-**

When an application is made for an inspection or copy of any public document or of any portion of a public document and such application does not distinctly describe the number, date and nature of the document required; or if the description given in such application is incorrect, and it shall in consequence be necessary for the officer in charge of the document to search his records in order to find, if, a fee, at the rate hereinafter prescribed, shall be payable by the applicant for such search whether the inspection or copy for which he applies, on examination of the said document by the said officer, be granted or not.

**142. Fees :-**

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Provided that:-

(a) When any fee is required to be recovered through the agency of the value payable post, postage and postal commissions shall be levied in addition and where the total amount of fee together with postage and commission, if divided by five, leaves a remainder, such remainder shall be rounded off to five paise.



(b) Any revenue officer shall be entitled to receive free of any charge a certified copy of the final order recorded in his own case]. (aa) [Deleted].

(b) where the total amount of copying and comparing fees, if divided by five, leave a remainder, such remainder shall be- (1) ignored, if it is less than two naye paise, and (2) rounded to five naye paise, if it is equal to or exceeds two naye paise

#### **143. Fees how to be paid :-**

Every fee payable in accordance with the foregoing table shall either be paid in advance or recovered in pursuance of a specific request through the agency of the value payable post.

XLIX. (1) The fees levied for making each copy may be paid to the particular copyist by whom each document is prepared, or a 11 the fees for copies collected in an office during the month may be distributed at the end of the month at the discretion of the head of the office amongst the persons employed by him as copyists.

(2) Copies should not be made by paid members of the office establishment unless no other persons competent to make them are available. The fees for copies so made and all comparing fees should be credited to Government and the work done in office hours.

(3) The price of forms and papers supplied should be credited to Government under Account Rules: see p. 199, Rev. Accounts Manual:

Provided that in case of copies granted by village officers all the fees permitted under rule 142 shall be retained by them.

V-Miscellaneous

#### **144. Application how to be made :-**

Every application must be made in writing and except in the case of an application for inspection made to a village account must be duly stamped. The application may contain a request that the copy, extract or translation, be forwarded by value payable post (unregistered book-packet) to any Post Office which is also a money order office.

L. When an application for transmission of copies by V.P. post is received by the Accountant of a village in which there is no money order office, he should send the copies with the application to the Mamlatdar for posting and recovery of the dues.

LI. Every such application shall be numbered and filed by the receiving officer and shall be endorsed with the date on which it was presented or received, the amount of fees, if any, received either at the time of presentation or subsequently at any time and the date and manner in which the application was disposed of. Copies, extracts and translation shall ordinarily be ready for delivery or be forwarded within fifteen days of the presentation or receipt of the application. But see rule 137(3).

LII. In considering any application purporting to be made under sections 90 and 91 of the Indian Registration Act, 1877, or under section 213 or under any other law which grants to any person a right of inspection special care must be taken to see that the public document with respect to which such application is made is one to which the law relied upon is applicable and that the applicant is a person entitled to inspection (and therefore, if he requires it under section 76 of the Indian Evidence Act, to a copy) before granting the application as a matter of right.

#### **145. Stamp duty or court-fee payable in addition :-**

. . -Nothing in these rules affects the provisions of the Stamp Act (II of 1899) or Court Fees Act (VII of 1870). The stamp duty or court-fee with which an application, copy or extract made or furnished under these rules may be chargeable in addition to the fees prescribed herein and care is to be taken that the requirements of the Stamp Act and Court Fees Act are properly fulfilled in respect of every such application, copy or extract.

#### **146. Repeal and saving :-**

The Land Revenue Rules (1921) as adopted and applied to the Saurashtra area of the State of Gujarat and the Land Revenue Rules (1921) as extended to the Kutch area of the State of the Gujarat are hereby repealed: Provided that unless a different intention appears, the repeal shall not:-

(a) Revive anything not in force or existing at the time at which the repeal takes effect; or

(b) after the previous operation of the rules so repealed or anything duly done or suffered thereunder: or

(c) after any right, privilege, obligation of liability acquired, accrued or incurred under the rules so repealed; or

(d) after any penalty, forfeiture or punishment incurred in respect of any offence committed against the rules so repealed, or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation,

liability, penalty, forfeiture or punishment as aforesaid;

(f) affect the levy, assessment, collection or refund of any sum due on account of land revenue, any quit-rents, nazaranas, succession duties and forfeiture, and any cesses, profits from lands, emoluments fees, charge and costs which may have become payable or leviable under the rules so repealed; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed and any such sum due on account of land revenue and any quit-rents, nazaranas, succession duties and forfeitures and any cesses, profits from lands, emoluments, fees, charges, penalties, fines and costs may be paid, levied, assessed or collected or refund thereof made as if these rules had not been extended:

Provided further, but subject to the preceding proviso, anything done or action taken including any orders, notifications and forms made or issued and in force immediately before the extension of these rules all notices issued and all enquiries made under the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under these rules.]

## **SCHEDULE 1**

### **SCHEDULE**

1. Balghe, Vitex altissima. 2. Karimutal, Ougenia dalbergioides. 3. Shiwani, Gmelina arborea. 4. Hirda, Terminalia chebula. 5. Honni, Pterocarpus marsupium. 6. Jhall, Shorea talura. 7. Matti, Terminalia tomentosa. 8. Nandi (Nana), Lagerstroemia microcarpa. 9. Phansas, Artocarpus integrifolia. 10. Wonte, Artocarpus lakoocha. 11. Bokli or Nanja, Mimosa elengi. 12. Heddi, Adina cordifolia. 13. Sagdi, Schleicheria trijuga. 14. God Hunshi, Albizzia odoratissima. 15. Holimatti, Terminalia arjuna. 16. Sampige, Flacourtia montana. 17. Haiga or Kabsi, Hopea wightiana. 18. Manjuti, Adenanthura Pavonina. 19. Surhonni, Calophyllum tomentosum. 20. Hebbalsu or Patphanas, Artocarpus hirsuta. 21. Jamba, Xylla Xylocarpa. 22. Mashi or phudgus, Alseodaphne semicarpifolia. 23. Kavanchi, Bridellia retusa. 24. Kalam, Stephergyne parvifolia. 25. Siris, Albizzia lebbek. 26. Belati, Albizzia procera. 27. Kharsing or Gensu, Stereospermum xylocarpum. 28. Hongal or Kubul, Terminalia paniculata. 29. Dadsal, Grewia tiliaefolia. 30. Dindal, Anogeissus latifolia. 31. Womb, Saccopetalum tomentosum. 32. Devdarlal, Chikrassia tabularis. 33. Dewdar pandra, Cedrela toona. 34. Mhowra, Bassia latifolia. 35. Moha or Ippi, Bassialongifolia. 36. Bobbi or Irai, Calophyllum, wightianum. Agreement An agreement made this.....day of.....one thousand nine hundred and forty..... between the Governor of Bombay (hereinafter referred to as "the Government") of the one part and..... inhabitant of..... Taluka..... (hereinafter referred to as "the wahivatdar" which expression shall include his heirs, executors, administrators and assigns) of the other part; Whereas the wahivatdar has applied to the Government of Bombay (hereinafter referred to as "the Government") that the permission may be granted to him for occupation of the Hadi land comprised in survey No..... area.....assessment..... attached to survey Nos..... in the village of.....in the taluka of..... (hereinafter referred to as "the said Hadi land") and that his name be entered in the Government records as the wahivatdar of the said Hadi land: And whereas permission has been granted by the Government to the wahivatdar to occupy the said Hadi land subject to the terms and conditions hereinafter mentioned. It is hereby agreed as follows:- (a) The wahivatdar shall pay the assessment of the said Hadi land fixed from time and the local fund cess. (b) The wahivatdar shall not permit the said Hadi land to be occupied by any person other than the holder of the land to which it is assigned. (c) On the wahivatdar ceasing to be the holder of the land in respect of which the Hadi land is assigned, the occupancy of the said Hadi land shall terminate and the wahivatdar shall cease to any rights in respect of the said Hadi land. (d) The wahivatdar shall not cut, remove, for damage in any way any teak, sandalwood, black wood, or ebony trees or sapling thereof growing on the said Hadi land. He shall not knowingly or wilfully permit or abet the cutting, removing, lopping or damaging of any such trees or sapling thereof by any other person. He shall forthwith report to the nearest revenue or forest officer any damage to, or loss of, any such tree or sapling thereof. (e) The wahivatdar shall not, except with the previous permission of the Mamlatdar of..... (hereinafter referred to as "the Mamlatdar") fell any of the living trees mentioned in the Schedule to this agreement. Such permission may be granted by the Mamlatdar on an application made to him and on payment of Rs. e1 per tree to be felled, if the Mamlatdar is satisfied that the wood is required by the wahivatdar for his own use, either for an agricultural purpose or for the construction or repair of his house situated in or near the said land. (f) The wahivatdar shall provide at his own expenses flag holders and coolies at the time of measurement and classification of the said Hadi land and shall erect, maintain or repair all necessary boundary marks of the said Hadi land. (g) The wahivatdar shall not be entitled to sell or transfer his interest in the said Hadi land to any other person. (h) The Collector of..... (hereinafter referred to as "the Collector") may at any time, subject to the sanction of the Government, determine the occupancy and take possession of the said Hadi land or any part of it if it is required for any public purpose. In such case, the Collector shall award to the wahivatdar compensation in respect of reasonable expenses if any, incurred by him in sinking a well on the said Hadi land. No compensation shall be payable in respect of the land itself. The decision of the Collector as regards the amount of compensation payable shall be final. A declaration under the signature of the Collector that the land is required for a public purpose shall be conclusive. (i) The wahivatdar shall surrender the said Hadi land to the Government in case the garden or the other land to which it is assigned is sold away or in any way disposed of to any other person or is relinquished or possession thereof is otherwise transferred by him. (j) On breach of any of the conditions of this Agreement, the Collector may determine the occupancy and resume possession of the said Hadi land. (k) Subject to the provisions of this Agreement, the wahivatdar is entitled to the following rights in respect of the said Hadi land and no other, namely:- (i) He may cut grass growing on the said Hadi land for his own use. (ii) He may clear or break up the said Hadi land for the purpose of building cattle sheds or temporary huts, sinking wells, digging water channels, clearing paths, erecting threshing floors or sugar cane mills storing grass, straw, grain, betelnuts or manure, or growing young plants in a nursery. He may erect a wall round the said Hadi land for the proper protection of trees in it. (iii) He may burn undergrowth lantana on the said Hadi land provided that due care is taken to prevent the fire spreading to adjoining forests, if any. (iv) He may remove clay, earth and stones for his own use but not for the purposes of manufacture, sale or barter. (v) He may remove flowers, fruits, leaves, thorns, fallen dead wood, honey and wax, for his own use but not for the purposes of manufacture, sale or barter. (vi) He may graze his cattle on the said Hadi land. (vii) He may lop small sap shoots which do not grow into branches during the rainy season. (viii) He may lop trees and shrubs for preparing manner. (1) If the Collector is at any time of the opinion that the rights conferred by this Agreement have been or are being abused by the wahivatdar, he may, subject to the general control of the Commissioner..... Division. suspend the exercise of all or any of the said rights or may permit their exercise of all or any of the said rights or may permit their exercise on payment of such fees as may be fixed by him in this behalf. (m) At the determination of the said occupancy the wahivatdar shall quietly deliver up the Collector on behalf of the Government the said Hadi land. (n) The wahivatdar shall observe all the rules made by the Government of Bombay from time to time in respect of Hadi lands in the Kanara District.

## **SCHEDULE 2**

SCHEDULE

Same as under sub-rule (4)(h), hence not reproduced. In witness whereof the Collector of.....hath on behalf of the Governor of Bombay set his hand and the seal of his office and the..... (wahivatdar).....has also hereunto set his hand the day and year first above written. Signed, sealed and delivered by.....Collector of.....in the presence of..... 1. 2. Seal Signed and delivered by the abovenamed wahivatdar.....in the presence of..... 1. 2. Exceptional Cases