

SAURASHTRA LAND REFORMS RULES, 1951

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SAURASHTRA LAND REFORMS RULES, 1951

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CHAPTER 1

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1. . :-

These Rules may be called the Saurashtra Land Reforms Rules, 1951 .

2. . :-

In these Rules unless there is anything repugnant in the subject or context: -

(a) "Act" means the Saurashtra Land Reforms Act, 1951 :

(b) "Annexure" means annexure appended to these Rules;

(c) "Form" means a form appended to these rules:

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(d) The word "Mamlatdar" occurring in Rule 4 to Rule 8. Rule 10, Rule 12, Rule 13, Rule 23 to Rule 33, Rule 35 to Rule 37, Rule 39 to Rule 48, Rule 50 to Rule 53, Rule 55 to Rule 60, Rule 62, Rule 63, Rule 64, Rule 73 to Rule 81, Rule 81A, and Rule 84 shall mean the Group Mamlatdar and "Mamlatdar" occurring in rule 67 to Rule 72, Rule 84A, Rule 84B, Rule 84C, Rule 85 to Rule 88 and Rule 90 to Rule 99 and Rule 99A shall mean the Mamlatdar of the Taluka:

Provided that "Mamlatdar" occurring in rule 101 to Rule 104 shall mean either a Group Mamlatdar or a Taluka Mamlatdar as the case may be with reference to context:

Provided further that in areas where there is no Group Mamlatdar, the work 'Mamlatdar' occurring in all the rules mentioned above shall mean the Mamlatdar of the Taluka.

(e) "section" means a section of the Act:

(f) words and expression used but not defined in these Rules shall have the meanings assigned to them in the Act.

3. . :-

For the purposes of implementation of the act, the State shall be divided into groups mentioned in Annexure 1 and every such group shall be in charge of a group Mamlatdar appointed for that purpose. The Government may increase or reduce the area of the groups from time to time as it may deem fit.

4.4 :-

The Mamlatdar shall be a touring officer and shall have his Camp in any village in his group for such time as he may deem fit.

5. :-

The Mamlatdar shall, as far as possible, remain in a village, for the time being his camp, till the bulk of his work in that village is finished.

6. :-

The Mamlatdar may as far as possible fix up his fortnightly programme in advance and declare it to each village a week before the scheduled date of his visit thereto.

7. :-

The Mamlatdar on his appointment as such or as soon as possible thereafter, get, a list from the permanent Taluka Officers of the alienated villages and lands.

8. :-

The Mamlatdar shall on receipt of such list, whether in full or otherwise proceed to prepare records mentioned in Annexure II, for each village through the Talati of that area.

9. :-

There shall be separate subsidiary registers for each category of Girasdar. In particular, there shall be following subsidiary registers:-

(1) Bhayat as defined in Section 2(5) of the Act; Bhayat as defined in Section 5(2) (a) of the Act; Bhayat as defined in Section 5(2) (b) of the Act; Bhayat as defined in Section 5(2) (c) of the Act; Bhayat as defined in Section 5(2) (d) of the Act;

(2) Cadet as defined in Section 2(7) of the Act; Cadet as defined in Section 5(2) (a) of the Act; Cadet as defined in Section 5(2) (b) of the Act; Cadet as defined in Section 5(2) (c) of the Act; Cadet as defined in Section 5(2) (d) of the Act;

(3) Mulgarasia as defined in Section 2(20) of the Act; Mulgarasia as

defined in Section 5(2) (a) of the Act; Mulgarasia as defined in Section 5(2) (b) of the Act; Mulgarasia as defined in Section 5(2) (c) of the Act; Mulgarasia as defined in Section 5(2) (d) of the Act;

(4) Talukdar as defined in Section 2(28) of the Act; Talukdar as defined in Section 5(2) (a) of the Act; Talukdar as defined in Section 5(2) (b) of the Act; Talukdar as defined in Section 5(2) (c) of the Act; Talukdar as defined in Section 5(2) (d) of the Act; (5) Girasdari Majmu villages.

Such subsidiary registers shall contain the information mentioned in the form in Annexure III.

10. . :-

The Mamlatdar shall proceed to implement the provisions of the Act in the following order:

- (a) taking each village in turn;
- (b) taking each estate in village in turn;
- (c) proceeding to allot land for personal cultivation in accordance with the provisions contained in Chapter IV of the Act;
- (d) issuing occupancy certificates to the Girasdars in accordance with the provisions of section 39 of the Act;
- (e) issuing occupancy certificates to the tenant in accordance with the provisions of section 30 of the Act.

11. . :-

A Girasdar or a tenant may entitle to any of the following relief under the Act:-

- (1) Allotment of land for personal cultivation (section 319);
- (2) Issue of an occupancy certificate to a Girasdar (section 39);
- (3) Acquisition of occupancy rights by a tenant (section 28);
- (4) Refund of excess amount of rent etc. recovered by a Girasdar in contravention of section 7 and Rule 8 (Section 9);
- (5) Termination of tenancy and eviction from dwelling house (section 12 to Section 15);
- (6) Restoration of possession of land to a tenant (Section 17).

CHAPTER 2

Allotment of Land for Personal Cultivation

12. . :-

A Girasdar may within 90 days from the date of the commencement of the Act, apply to the Mamlatdar for the allotment to him of land for personal cultivation.

13. . :-

Where a part of the estate of such Girasdar applying for allotment to him of land for personal cultivation lies in the jurisdiction of another Mamlatdar, the Mamlatdar of the group in which the major portion of the estate is situate shall hear the application for the whole estate.

14. . :-

An application under rule 12 shall be in Form I and it shall be accompanied by as many additional copies thereof as there are opponents:

15. . :-

Where such application is made by the Girasdar personally on his own account in respect of his exclusive property, it shall be signed by him personally.

16. . :-

Where such application is made by the Girasdar as head of the undivided family under section 23(A) of the Act, the same shall be signed by him as head of the family.

17. . :-

Where such application is made by the Girasdar in a case of a family divided in interest only and claiming land for self cultivation for all the members of the family jointly as a unit under section 23(B) of the Act, the same shall be signed by the senior-most Girasdar.

18. . :-

Where such application is made by the Girasdar whose land was separate from those of other members of the family by metes and bounds before 1st February, 1951, it shall be signed by such Girasdar personally.

19. . :-

Where such application is made by a Girasdar whose father has died after 1st February, 1951 and whose land has been so separated after that date it shall be signed by such Girasdar.

20. . :-

Where such application is made by a Girasdar who before 1st February, 1951, has held land separately with a tenant, deriving title from him, it shall be signed by such Girasdar.

21. . :-

Where such application is made by Girasdar on his own behalf as also on behalf of the other Girasdars who were jointly entitled for allotment of land under the Act, the application shall further contain the names of the persons on whose behalf the allotment is prayed for and the full particulars of the joint estate and the Gharkhed of all such persons.

22. . :-

Where such application is in respect of land covered by the provisions of section 26 of the Act in Majmu village, such application shall contain the names of all the Majmu holders of the said village who claim jointly and the particulars of land already under Gharkhed of the Majmu holders in the said village.

23. . :-

The application shall be presented to the Mamlatdar or the Aval Karkun authorised by him for the purpose or shall be sent by registered post.

24. . :-

An application received in a manner otherwise than above shall be returned by the Mamlatdar or Aval Karkun, as the case may be, to the applicant intimating to him in writing that (1) the application shall be presented to the Mamlatdar or the Aval Karkun authorised for the purpose, or (2) shall be sent by registered post.

25. . :-

(1) The Mamlatdar or the Aval Karkun, as the case may be, shall on receiving the application put an endorsement of date of receipt on the application and shall give or send a receipt for the application to the applicant.

(2) The receipt shall be in Form II .

26. . :-

The Mamlatdar shall scrutinise the application and if it is incomplete or there are any defects he shall get them remedied before proceeding further.

27. . :-

The contents of the application shall then be entered in the register in Form III. After this has been done, a note shall be made on the application as follows: - Entered in the Register on..... Receipt No..... Signature.....Mamlatdar/Aval Karkun.

28. . :-

The Mamlatdar shall reject the application where it appears on the face of the application:

(i) that the relief claimed is not one of the kinds specified in the Act, or

(ii) that the application has been filed beyond the time prescribed in the Act.

The Mamlatdar should send the application so rejected with the order of rejection thereon to the Government.

29. . :-

Where it appears to the Mamlatdar that the subject of the application is not within his jurisdiction, he shall return the same to be presented to the proper authority.

30. . :-

Where the Mamlatdar does not reject the application or return the same, he shall consolidate the application for disposal with any other application that may have been presented by tenant or Girasdar entitled to allotment of land or occupancy certificate.

31. . :-

Where the Mamlatdar does not reject the application or return the same and he is of the opinion that the application is not in respect of the whole estate, he shall call upon the applicant or applicants and such other persons, who are entitled to the allotment of land for personal cultivation from out of the same estate, to submit their applications within a period to be fixed and may postpone the consideration of the application till the required application is received.

32. . :-

Where the Mamlatdar on such scrutiny finds that the tenants of the estate or some of them have not applied for occupancy certificate he shall call upon the tenant or tenants to do so within a fixed period. If no such application is received Within such period the Mamlatdar may proceed to dispose of the application on merits,

without prejudice to the right of the tenant to so apply for an occupancy certificate later on.

33. . :-

Where an application is not rejected under Rule 28 or returned under Rule 29 the Mamlatdar shall issue notice in duplicate to the opponents or to each of the opponents, if there are more than one, requiring him or them to appear before him on the day, time and at the place fixed:

Provided that where the parties are present and they want reasonable time with a view to arrive at a settlement and present an agreement to the Mamlatdar, the Mamlatdar may on an application in writing from both the parties dispense with the issue of a notice.

34. . :-

The notice shall be in Form IV and shall be accompanied by a copy of the application.

35. . :-

The date for hearing the application shall not be normally earlier than fifteen days from the day on which the notice is issued:

Provided that the Mamlatdar may fix an earlier date if he considers it convenient to the parties or for speedy and convenient disposal of the application.

36. . :-

The place for hearing of the application shall ordinarily be the place of camping of the Mamlatdar, for the time being unless the Mamlatdar for reasons to be recorded or for the convenience of the parties or for speedy and convenient disposal of the application, fixes another place.

37. . :-

The Mamlatdar shall also require the applicant to appear with his documents and witnesses, if any, on the date, time and at the place fixed for the hearing.

38. . :-

(1) The notice shall be served upon the opponent or opponents either by tendering or delivering the duplicate copy thereof to him or them or to his or their authorised agent, if any.

(2) If the notice cannot be served in the manner prescribed above the same shall be served by fixing a duplicate copy thereof to some conspicuous place on his house or on his land which such notice refers.

(3) The original copy of the notice should be returned to the Mamlatdar duly signed by the opponent as proof of personal service under sub-rule (1) or with an endorsement of substituted service under sub-rule (2):

Provided that no such notice shall be deemed to be void on account of any error in the name or description of any person referred to therein, unless such error has produced substantial injustice.

39. . :-

(1) where the applicant fails to attend at the time and at the place fixed, and whether the opponent appears or not, or

(2) the applicant attends but the opponent fails to attend and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time to enable the opponent to appear and answer on the date fixed in the notice, the Mamlatdar shall proceed to her and decide the application ex-parte or to give a decision from the materials on record:

Provided that if either party satisfies Mamlatdar at any time within thirty days from the date of the order that he was prevented by sufficient cause from attending, it shall be lawful for the Mamlatdar to issue a notice in Form V to the opposite party and if satisfied after hearing the opposite party that the applicant was prevented as alleged, he shall proceed to re-hear the applicant such time and place as he may then fix.

40. . :-

On the date fix for hearing, the Mamlatdar may on taking into consideration the averments in the application and reply thereto of the opponent, if any or after hearing the parties if necessary reduce the points of dispute between the parties in the form of issues.

41. . :-

On the day fixed or any day to which the proceedings are adjourned, the Mamlatdar shall subject to the provisions of rule 39 proceed to hear all the evidence that may be produced by the

parties and shall receive such oral or documentary evidence adduced by the parties as is relevant to the determination of the issue.

42. . :-

The Mamlatdar may refer due notice to and in the presence of the parties summon and examine as a witness any person who has not been summoned or produced and may call for and cause to be produced any document which has not been applied for or produced by either of the parties, where he considers it expedient in the interest of justice so to do and may, if he thinks fit, make a personal inspection of the property in question in the presence of and after due notice to parties. He shall without unnecessary delay record a memorandum after hearing the parties in the spot if present, of any relevant facts observed at such inspection. The memorandum shall form a part of the record of the case.

43. . :-

It shall be lawful for the Mamlatdar or an officer authorised by him, to enter, when necessary for the purposes of measurements, fixing or inspecting boundaries, classification of soil or assessment or for any other purpose connected with the lawful exercise of his office under the provisions of the Act, any land or premises whether belonging to the State or to private individuals and whether fully assessed to the land Revenue or partially or wholly exempt from the same:

Provided always that no building used as human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served on the occupier of the said building not less than two days before such entry and provided also that in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudice of the occupiers.

44. . :-

After evidence has been recorded and parties heard, the Mamlatdar shall record his findings with reasons, on each issue and then pass an order on the application. The order shall be in Form VI.

45. . :-

In arriving at his decision, the Mamlatdar shall first of all determine the Girasdars to whom the land is to be allotted for gharkhed for personal cultivation on the following basis:-

(a) Normal condition of the Girasdars' family should be presumed to

be undivided and they should be allotted gharkhed only to be head of the family on behalf of the family;

(b) In the case of family divided in interest only to all the members of the family jointly as to a single unit.

(c) In the case of Girasdars whose land was separate from that of other members of the family by metes and bounds before 1st February, 1951, to such Girasdars;

(d) In the case of one whose father has died after that date and whose land has been so separate after that date, to such Girasdar; or

(e) In the case of one who before that date has held his land separately with a tenant driving title from him, to such Girasdar.

46. . :-

(1) For determining the Girasdar to whom land should be allotted for personal cultivation, the Mamlatdar should proceed to compute the total area of the agricultural land comprised in the estate of the Girasdar and his family, as the case may be, and each such Girasdar shall be entitled to land for personal cultivation along with other members of his family.

(2) The Mamlatdar shall determine the total area of the estate and deduct the following:-

(i) total area of uncultivable waste,

(ii) total area of cultivable waste,

(iii) total area of Bid, Kharabo, etc.

(iv) total area of sites of the farm buildings dwelling houses and Vadas.

(3) From the remaining agricultural land of the estate, there shall be excluded agricultural land in respect of which the tenant has acquired Chav or Buta Haqq or which is held by Girasdars in any Girasdari Majmu village specified in the second Schedule or in the Vaje or produce of which the State had a share on or before 1st January 1948 or in which there is any mine, minerals stones, coal, kankar, trees, aval or any other similar thing which on or before 1st January 1948 belonged exclusively to the State or to the State jointly with the Girasdar, save and except the land in respect Santi

Vero in respect of such land belongs to State which shall be included in the total area of the agricultural land.

47. . :-

After determining the agricultural land from out of this which can be given to the Girasdar for personal cultivations as above, the Mamlatdar shall proceed to determine the classification for the purposes of making allotments under section 5 of the Act as follows:-

(a) A Girasdar shall be deemed to belong to A class if total area of agricultural land comprised in his estate exceeds eight hundred acres;

(b) A Girasdar shall be deemed to belong to B class if the total area of agricultural land comprised in his estate exceeds one hundred and twenty acres but does not exceed eight hundred acres;

(c) A Girasdar shall be deemed to belong to C class if the total area of agricultural land comprised in his estate does not exceed one hundred and twenty acres.

48. . :-

After determining the classification, the Mamlatdar shall proceed to determine the quantum of land allowable to the Girasdar for personal cultivation in the following manner:-

(i) Subject to the provisions of Chapter IV of the Act, the Girasdars of A class shall be allotted land for personal cultivation to such an extent as when added to the area of Gharkhed in his estate land of Khalsa land, if any, in his possession would make up the total area of agricultural land to three economic holdings;

(ii) Subject to the provisions of Chapter IV of the Act, the Girasdar of B class shall be allotted land for personal cultivation to such an extent as when added to the area of Gharkhed in the estate and of Khalsa land, if any, in his possession would make up the total area in the case of those having land in excess of-

(a) 120 acres but not exceeding 320 acres-	1 economic holdings.
(b) 320 acres but not exceeding 540 acres-	2 economic holdings.
(c) 540 acres but not exceeding 800 acres-	2 economic holdings.

(iii) Subject to the provisions of Chapter IV of the Act, C class Girasdar shall be allotted land for personal cultivation, half of the

total area of the land held by each of his tenants:

Provided that the total area held by the C class Girasdar made up of Gharkhed in his estate and any bid land or cultivable waste which he desires to utilise for personal cultivation and khalsa land, if any, in his possession together with the land allotted under the provisions of section 24 shall not exceed-

(a) One economic holding, in the case of one in whose estate agricultural land does not exceed eighty acres;

(b) 1 1/2 economic holdings, in the case of one in whose estate agricultural land exceeds eighty acres but does not exceed one hundred and twenty acres.

49. . :-

Allotted of land in the case of Girasdari majmu villages specified in the second Schedule of the Act shall be made in the following manner:-

(a) 1 /6th of the total area of land under cultivation shall be allotted for personal cultivation amongst majmu holders of the village jointly in full satisfaction of land for personal cultivation in that village.

(b) For the purposes of allotment under this rule, the land already under personal cultivation of the majmu holders in the said village shall be taken into account.

(c) The total area of land in the said village shall not be taken into consideration for determining the land for personal cultivation in any other village either in favour or against such majmu holders.

50. . :-

(1) In making allotment of land to any Girasdar of A class or B class, the Mamlatdar shall have due regard to the provisions contained in section 22 and for allotment of land to C class to the provisions contained in section 24 . In case arising under section 22 (b) and (e) and proviso to sub-section (1) of section 24 , the land will be taken from tenants proportionately to the excess or the holdings, as the case may be:

Provided however that where the proportionate excess or holding to be given by a tenant as above works hard in any individual case, the Mamlatdar may decide the proportion of land to be given by

each of the tenant in a manner just and equitable.

51. . :-

(1) In making allotment of land to any Girasdar of A class or B class the Mamlatdar shall, for the purpose of determining the proportion of Bagayat and Jarayat land, have due regard to the provisions contained in section 22 (d). The proportion of Bagayat and Jarayat land and also of good, medium and poor land to be allotted to a Girasdar from the holding of a tenant shall, as far as may be, have the same proportion as existed in the estate of the Girasdar. If in the whole estate of the Girasdar of 1,000 acres, there were 600 acres of uncultivated land, 350 acres of Jarayat land and 50 acres of Bagayat land, the proportion of land of Jarayat and Bagayat in the land to be allotted with be 7/1 (i.e. 350/50).

(2) In making allotment of land to any Girasdar of A class or B class, the allotment under section 22 (d) shall, as far as practicable, be made in the form of contiguous blocks of ten acres or more. The Mamlatdar may allow or encourage interchange of land between tenants in order to make up compact blocks of ten acres or more.

52. . :-

For the purpose of allotment of land for personal cultivation wherever there is agreement between the parties, the Mamlatdar shall follow the terms of the agreement in passing his orders under the provisions of the Act.

53. . :-

After an order has been passed on the application, the Mamlatdar shall cause to be entered in the Register in Form VII the particulars of the case and the order passed.

54. . :-

A copy of entries made in the Register in Form VII shall be sent to the Collector for recording the particulars in the Register in Form VIII to be maintained in his office.

55. . :-

Unless the execution is ordered to be stayed by the Collector in appeal or by the Tribunal in revision, the Mamlatdar shall execute his order in the manner provided in section 20 of the Saurashtra Mamlatdar's Courts Ordinance, 1948, and note the fact of such execution with the date of execution under his signature in the Form III.

56. . :-

Any party to the case may, on application to the Mamlatdar, be supplied with certified copies of relevant extracts from the Register in Form VI on payment of the charges prescribed under the Bombay Land Revenue Rules as applied to the State.

57. . :-

In giving his decision, the Mamlatdar shall also suggest, as far as possible, the ways and the methods by which the holdings of the Girasdar or his tenant, where it is or becomes less than an economic holding, be supplemented by additional land in the same or the neighboring village:

Provided that the Mamlatdar shall have due regard to the priority for additional land to be given as under:-

(1) A Girasdar or a cultivator who is left with less than an economic holding:

(2) A tenant who is evicted before the commencement of this Act and who is without any land:

(3) Any other agriculturist.

58. . :-

Where a Girasdar is entitled to half the agricultural land of any cultivator, the Mamlatdar may call upon the cultivator to prepare lots of the agricultural land in equal shares and the Mamlatdar may then call upon the Girasdar to select one of the lots.

59. . :-

The government direct the Mamlatdar to work in consultation with or in co-operation with a local committee consisting of the representatives of the Girasdar and the cultivators in that Area. The Mamlatdar shall, as far as possible, work in co-operation with such a committee.

60. . :-

The opinion of the committee shall be recorded by the Mamlatdar and where the decision of the Mamlatdar differs from the opinion of the committee, the Mamlatdar shall record his reasons for not accepting the opinion of the committee.

61. . :-

Execution of orders for allotment may take place at any time before Vaishakh Sudi 3, provided that in case of lands in Bhal Area, where

only one crop is taken and sowing takes place in Aswin, execution of orders of allotment may take place at any time before Bhadarva Sudi 15th:

Provided further that where at the date of allotment order any crops are standing on the land allotted, actual or khas possession of the land shall not be given to the Girasdar but the land shall be demarcated for giving such possession after the tenant shall have ripened and removed such standing crops and after such removal, the actual or khas possession shall automatically go to the Girasdar: and

Provided further that where allotment orders have been passed before Vaishakh Sudi 3 or Bhadarva Sudi 15 and possession has not been delivered before the said date because of any stay granted by the Collector in appeal or the Revenue Tribunal in revision application, the orders may be executed at any time after Vaishakh Sudi 3 or Bhadarva Sudi 15, as the case may be, provided that the tenant has not sown any crop thereon.

CHAPTER 3

Issue of Occupancy Certificate to a Girasdar

62. . :-

The Mamlatdar may, either on his own motion or on an application received in this behalf from a Girasdar, issue an occupancy certificate to the Girasdar in respect of the Gharkhed comprised in his estate and the land allotted to him for personal cultivation. Application for an occupancy certificate to be made by a Girasdar shall be in Form IX.

63. . :-

On receiving the application as per rule 62, the Mamlatdar shall follow the procedure contained in rules 24, 25, 26 and 27.

64. . :-

The Mamlatdar shall, after making such inquiry as he deems fit to satisfy himself regarding the right of the applicant, the Gharkhed comprised in the estate and the land allotted to a Girasdar in accordance with provisions of Chapter IV of the Act, issue an occupancy certificate to the Girasdar.

65. . :-

The occupancy certificate shall be in Form X.

CHAPTER 4

66. . :-

(1) Subject to the provisions contained in Chapter IV of the Act, regarding allotment of land for personal cultivation, a tenant shall at any time be entitled to acquire occupancy rights in respect of his holding on payment of such amounts as shall be equal to six times the assessment payable in respect to the agricultural land included in such holding:

Provided that a tenant who has acquired chav or buta hak shall not be liable to any payment.

(2) In the case of holding in respect of which or in the produce of which the interest of the Girasdar is limited, the tenant shall pay an amount reduced in proportion to the limited interest of the Girasdar in the holding calculated as in the illustration show below: A girasdar having 15 percent interest in the produce will be entitled to 15 percent of the amount which is equivalent to six times the assessment payable by the tenant under section 28 of the Act.

67. . :-

The application by a tenant shall be presented to the Mamlatdar and shall be accompanied by a payment as deposit of six times the assessment payable in respect of the agricultural land included in his holding. The application shall be in Form XI.

68. . :-

On receiving the application, the Mamlatdar shall follow the procedure in rules 24, 25, 26 and 27.

69. . :-

The Mamlatdar shall also give to the tenant a copy of the treasury challan showing the amount deposited by him in the treasury.

70. . :-

Where the amount tendered by a tenant is less than six times the assessment but not less than three times the assessment and if the tenant asks for advance of money from the Saurashtra Central Co-operative Land Mortgage Bank, Rajkot, the Mamlatdar shall credit the amount so tendered, in the Personal Deposit Account of the Bank in the Treasury in the first instance and shall also after making necessary inquiry and on his being satisfied about the inability of the tenant to make the payment in full, recommend to the Saurashtra Co-operative Land Mortgage Bank Ltd., payment of

an advance of an amount not exceeding three times the assessment in respect of the holding of the tenant.

71. . :-

The Mamlatdar shall, in making inquiries before recommending an application for advance of money, ordinarily follow the provision contained in the Saurashtra Taqavi Rules. He may, however, accept the recommendations of the local committee without making inquiries through the Circle Inspector.

72. . :-

The Mamlatdar shall, with the receipted challan of the amount paid by the Bank towards the six times the assessment payable by the tenant under section 28 , which will be inclusive of the amount previously paid by the tenant as also the amount advanced to him by the Bank as a result of recommendations under rule 70, forward the applications to the Group Mamlatdar.

73. . :-

The Mamlatdar in charge of the Group shall pass a receipt to the Taluka Mamlatdar in Form XII.

74. . :-

The Mamlatdar shall, on receipt of such application, cause the same to be entered in the register in Form III

75. . :-

The Mamlatdar shall ascertain from his register if any application has been received from the Girasdar of any other tenant.

76. . :-

If any application has been so received the Mamlatdar shall proceed to dispose of the application from the tenant along with such application or applications.

77. . :-

If the Mamlatdar is satisfied that no application is received, the Mamlatdar shall ascertain whether the Girasdar is entitled to allotment of land for personal cultivation.

78. . :-

If the Mamlatdar is satisfied after such an enquiry that the Girasdar is not entitled to any land for personal cultivation, he shall proceed to dispose of the application on merits.

79. . :-

If the Mamlatdar is satisfied that the Girasdar may be entitled to allotment of land for personal cultivations, the Mamlatdar shall proceed to call upon the Girasdar to submit application within a period to be fixed. In the case of refusal or failure on the part of the Girasdar to submit such an application, the Mamlatdar may proceed to dispose of the application on merits.

80. . :-

(1) The Mamlatdar shall then proceed to hold the inquiry on such application and shall follow the provisions contained in rules 28 to 44.

(2) If at any time before payment of compensation to the Girasdar under section 33 of the Act, it is brought to the notice of the Mamlatdar that the occupancy holding in respect of which the occupancy certificate is applied for or is issued, is subject to any mortgage by the Girasdar to any person and there is a dispute as to the persons to whom the amount or any part of it is payable, the Mamlatdar shall hold the amount in deposit and refer the parties to a civil court.

81. . :-

After an order has been passed on the application, the Mamlatdar shall cause to be entered in the statement of particulars in Form VII, the particular of the case and the order passed. A copy of such entries shall be sent to the Collector for introducing the same in Register in Form VIII.

81-A. . :-

An order, under section 30 (1) of the Act, shall be in Form XII-A.

82. . :-

The occupancy certificate shall be in Form XIII and shall be delivered to the applicant after the final orders are passed.

83. . :-

A 'Khedutvahi' shall also be delivered to the applicant in respect of the land in which he is given occupancy rights.

84. . :-

Any party to the case may on application to the Mamlatdar be supplied with certified copies of relevant extracts of the above order on payment of the charges prescribed under the Bombay Land Revenue Rules as applied to the State.

84A. . :-

A widow-Jivaidar may submit her application for the maintenance allowance under section 35A to the Mamlatdar in form No. XIII-A.

84B. . :-

On receiving an application under Rule 84-A and before making such inquiry as may be necessary, the Mamlatdar shall follow the procedure prescribed in rules 24, 25, 26 and 27.

84C. . :-

The order of the Mamlatdar in respect of an application mentioned in rule 84-A shall be in form No. XIII-B.

CHAPTER 4A

Acquisition of Occupancy Right by the Settlement Commissioner on Behalf of Certain Tenants.

84D. . :-

The Manner in which the Mamlatdar may make inquiry under section 41A(1) will be the same as Prescribed in Rules 66 to 84-A:

Provided that the words "The Settlement Commissioner" will be read for the words "the tenant or the applicant" occurring in these Rules.

84E. . :-

The Occupancy Certificate shall be in form No. XIII-C and shall be delivered to the Settlement Commissioner who may be declared to hold it as an occupant in trust and on behalf of the tenant.

84F. . :-

After the amount of compensation referred to in clause (a) of section 41B is recovered in full from the tenant, the Settlement Commissioner shall transfer such occupancy certificate to the tenant by an endorsement on the occupancy certificate in form XIII-C. The endorsement shall be signed by the Settlement Commissioner after specifying any condition about recovery to be made from the said Tenant, if any.

CHAPTER 5

Refund of excess amount of rent (Section 9)

85. . :-

(1) Where a Girasdar has recovered any rent, cess, hak, rate, tax or received any service from any tenant in contravention of the provisions of section 7 or section 8 of the Act, the Mamlatdar may

commence an inquiry-

- (i) either of his own motion, or
- (ii) on application by a tenant in that behalf.

(2) Such application by a tenant shall be in Form XIV.

(3) Where an application has been presented by a tenant under sub-rule (2) the Mamlatdar shall follow the provisions contained in Rules 24, 25, 26 and 27.

86. . :-

While making an inquiry under section 9 of the Act, the Mamlatdar shall follow the procedure contained in Rules 28 to 44.

87. . :-

(1) The Mamlatdar may, after inquiry in the manner stated above, direct the Girasdar-

(a) to pay to the Government as penalty such sum not exceeding one thousand rupees as the Mamlatdar may deem fit;

(b) where the Girasdar has made any unlawful recovery from the tenant, to refund such amount to the tenant;

(c) where the Girasdar has received any service from any tenant, to pay to the tenant such sum by way of compensation as the Mamlatdar deems fit.

(2) The Mamlatdar may also recommend to Government that the fine recovered from the Girasdar wholly or in part may be paid to the tenants. In that case, the Mamlatdar shall specify the amount. The order of the Mamlatdar shall be recorded in Form XV.

CHAPTER 6

Termination of tenancy and eviction from dwelling house(Sections 12-15)

88. . :-

A Girasdar may make an application to the Mamlatdar to terminate the tenancy of a tenant on any of the grounds mentioned in section 12 of the Act or for ejectment of a tenant from a dwelling house under section 14 of the Act.

89. . :-

An application as above shall be in Form XVI and it shall be accompanied by as many copies thereof as there are opponents.

90. . :-

On receiving the application, the Mamlatdar shall follow the procedure contained in Rules 24, 25, 26 and 27.

91. . :-

The Mamlatdar shall commence the inquiry on the application and shall follow the procedure contained in Rules 28 to 44.

92. . :-

Mamlatdar shall record his order in Form XVIII.

CHAPTER 7

Restoration of Possession of Land to Tenant

93. . :-

Applications for the restoration of possession may be filed in the following cases-

(1) where any land was reserved by a Girasdar for personal cultivation at any time after the 1st January 1948 but before the 20th May 1950 and an application disputing such reservation has been made by a tenant before the 20th May 1950 and is pending at the commencement of the Act in such case, the competent authority before whom such application is pending shall decide whether the land shall be Gharkhed in accordance with the provisions of the Saurashtra Gharkhed Tenancy Settlement and Agricultural Lands Ordinance, 1949.

(2) where reservation was made in respect of any land by a Girasdar at any time after the 20th May 1950, an application disputing such reservation may be made by a tenant within ninety days from the commencement of the Act and the Mamlatdar shall decide whether the reservation of the land was made illegally:

(3) where reservation was made at any time between the 1st January 1948 and the 20th May 1950 but the land was let out to another tenant after the 20th May 1950, an application disputing such letting out may be made within ninety days from the commencement of the Act.

94. . :-

In the cases referred to in Rule 93, the Mamlatdar shall proceed to dispose of application in accordance with the provisions of the Saurashtra Gharkhed Tenancy Settlement and Agricultural Lands Ordinance, 1949.

95. . :-

If the Mamlatdar decides that the reservation of any land was made illegally or that the tenant was entitled to restoration of the land, he shall direct that the possession of such land shall be restored to the tenant. Application by a tenant under clause (2) and (3) of Rule 93 shall be in Form XVIII.

96. . :-

On receiving the application, the Mamlatdar shall follow the procedure contained in Rules 24, 25, 26 and 27.

97. . :-

In any inquiry under section 17 of the Act, the Mamlatdar shall follow the provisions contained in Rules 28 to 44.

98. . :-

The Mamlatdar shall pass an order in Form XIX.

CHAPTER 8

Miscellaneous

99. . :-

The Mamlatdar shall, for the purposes of determining the assessment on any land under section 44 of the Act, follow the following procedure-

(1) In a village where there is khalsa as well as non-khalsa land, the assessment of the non-khalsa land in that village shall be the same as the average of the assessment or the Udhad of the khalsa land in that village:

Provided, however, that in the case of very rich land or garden land with fruit trees situated in a village, if the assessment of such land, calculated on the basis of average rate of assessment in the village, is low having regard to the produce of such land, the assessment of such land shall be calculated at four times, three times or double the average rate of assessment prevailing in the village according as such land is classified as Uttam, Madhyam or Kanishtha having regard to the quality of the land or soil and the number of fruit trees growing or standing on such land.

(2) In a village which is wholly non-khalsa, the assessment for that village shall be calculated on an arithmetic average of the assessment or Udhad leviable in the surrounding and adjoining khalsa lands or villages. Note.-(1) In calculating the assessment as above, no khalsa village is to be omitted.

(2) A khalsa village includes a village which is partly khalsa:

(3) Where there is no khalsa village or villages adjoining a non-khalsa village or a group of non-khalsa villages, the assessment of such bordering non-khalsa village in that group which is adjacent to any one or more khalsa villages shall first be determined. The assessment of such non-khalsa village will then be taken into consideration for other adjoining non-khalsa villages inside the group and so on.

Illustration.- The sketch given here below shows a group of nonkhalsa villages, assessment of which is to be determined.

Sketch not reproduced

The villages shown by alphabetical letters are non-khalsa villages, while those by numerical figures are khalsa.

R and T are villages on the outermost border of the group. The assessment of non-khalsa village R should be determined on the basis of the average of the averages of assessment, or Udhad of the khalsa villages 3, 4, 12 and 13. Similarly, the assessment of non-khalsa village T should be determined on the basis of the averages of the assessment or udhad of khalsa villages 7 and 8 and other khalsa villages, if any, adjoining non-khalsa village T.

The assessment of non-khalsa village H should be determined on the basis of the average of the averages of assessments or Udhad of khalsa villages

1 and 2 of non-khalsa village	I from that of 2, 3, R
"	J from that of R, 4. & K
"	K from that

	of 4, 5, & 14
"	L from that of 5, 6,
"	M from that of 6, 7,
"	N from that of 7.T&8
"	O from that of 8, 9, 10
"	P from that of 10, 11, and

"

Q from
that of 1, & 11

Assessment of B, C, D, E, F and G will then be determined from that of the assessment determined as above for the adjoining non-khalsa village and that of A will be determined from the assessment determined for the non-khalsa villages adjoining that village:

Provided that where the assessment so worked out is manifestly unfair the Mamlatdar shall send a report to the Government and the Government may modify it keeping in view the above principles.

99A. . :-

The assessment determined according to the procedure laid down in Rule 99 of above shall be published by the Mamlatdar by affixing a copy of his order determining the assessment at the village Chora or any conspicuous part of any public place in the village concerned and the Mamlatdar shall also simultaneously publish the same at his office:

Provided that where the assessment so worked out is, in the opinion of the Mamlatdar, manifestly unfair, the Mamlatdar shall send a report to the Government through the Collector of the District and the Government may modify it keeping in view the above principles and the publication by the Mamlatdar of such modified rates will be sufficient for the purpose of the Act and the Rules:

Provided further that where there is an objection filed by any person concerned within two months from the date of publication by the Mamlatdar on the ground that the assessment so worked out is manifestly unfair, the Mamlatdar shall send his report on the objection petition to the Government through the Collector of the District and the Government may modify it keeping in view the above principles and the publication by the Collector of such modified rates will be sufficient publication for the purposes of the Act and the Rules.

100. . :-

Where the calculations of assessment are already made according to rule 99 and are available they shall be deemed to have been made under the rule.

101. . :-

(1) The Collector in appeal and the Tribunal in revision may confirm: modify or rescind the order in appeal or revision, as the case may be, or may pass such other order as may seem legal and just in accordance with the provisions of the Act.

(2) The order of the Collector in appeal or of the Tribunal in revision shall be executed in the manner provided for execution of the order of the Mamlatdar under section 50 of the Act.

102. . :-

The final order in appeal or the revision, as the case may be, shall, when communicated to the Mamlatdar, be recorded by him in the relevant Registers.

103. Court fees :-

(1) Every application made to a Mamlatdar- under the Act and the Rules shall bear a court fee stamp of annas eight and every-memorandum of appeal or application made to the Collector shall bear a court-fee stamp of Rupees two.

(2) Every revision application made to the Saurashtra Revenue Tribunal under the Act and the Rules shall bear a court-fee stamp of Rupees five.

104. . :-

Save with the express permission in writing of the Collector no pleader shall be entitled to appear before any Mamlatdar on matter of proceedings arising out of the Act.

105. . :-

The Government will, for the purpose of determining whether any person should be included as a Girasdar, i.e. any Talukdar. Bhagdar, Bhayat, Cadet or Mulgirasia for the purpose of the Act [section 2 (15)], appoint a Committee of three persons, of whom one shall be the Chairman.

106. . :-

Any person intending to be declared as Girasdar for the purposes of the Act under section 2 (15) shall apply to the Chairman of the Committee on or before 15th October 1951.

107. . :-

The Committee may, after making such inquiries as it deems fit

determine whether the person should be included as 'Girasrlar for the Act and may recommend to the Government accordingly for such declaration.

108. . :-

The Government may, on the recommendation of such Committees by notification in the official gazette, declare any such person to be a Girasdar for the purposes of the Act.

109. . :-

The Government may either of hits own motion on or an application in this behalf under section 26 (8) from time to time by notification in the official gazette, amend, add to or subtract from the Second Schedule of the Act the name of any village.

110. . :-

An application for adding or subtracting from the -Second Schedule of the Act, the name of any village shall be given to the Government and the Government after making such inquiry as it deems fit may amend, add to or subtract from the Schedule the name of any village and notify the same and on the issue of such notification, the Schedule shall be deemed to have been amended accordingly.

111. . :-

The Commissioner shall perform the following functions:-

(a) He will be the controlling and supervising authority with a view that the Act and Rules made thereunder are properly administered;

(b) In respect of the officers employed for performing the functions for carrying out duties and exercising the powers which are conferred on them by the Act and the Rules made thereunder, the Commissioner shall subject to the provisions of section 63 have the powers and control which has over the officers subordinate to him;

(c) He will cause to be maintained in each village a Register in Form VII showing the details of a Girasdar" Gharkhed land, the details of his other land over which tenants have acquired occupancy rights (section 30), the amount of compensation to be paid by each tenant, the amount of compensation to be paid by Government under section 33 and the rehabilitation grant to be paid under section 42 :

(d) He will cause such Registers to be maintained-

(i) Village-wise in a Taluka/Mahal,

(ii) Taluka/Mahal-wise in Collector's office, and

(iii) District-wise in his own office:

(e) He may also prescribe from time to time such other Registers as he may deem necessary to carry out the purposes of the Act and the Rules.

112. . :-

The Officer authorized under sub-section (3) of section 63 of the Act to hear the parties concerned in matters referred to him by Government under the provisions of the said section shall, for the purpose of giving to the parties concerned an opportunity to be heard, follow, as far as practicable the procedure prescribed in Rules 8, 9 and 10 of the Saurashtra land Reforms and the Saurashtra Barkhali Abolition (Tribunal Procedure). Rules, 1952.