

# Rules Under the Land and Revenue Regulation

ASSAM

India

## Rules Under the Land and Revenue Regulation

### Rule RULES-UNDER-THE-LAND-AND-REVENUE-REGULATION of 1967

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## Chapter I Settlement Rules

### Section IGeneral Provisions

#### 1. [ Definition. [Inserted vide Government Notification No. RSS. 351/64/92, dated 18th May 1967.]

(1)All powers of the Deputy Commissioner under these rules shall be exercised subject to any general or special orders issued from time to time by the State Government.]

#### 1.

(2)In these rules, unless there is anything repugnant in the subject or context-(a)Special cultivation means cultivation which involves, either owing to the nature of the crop or owing to the process of cultivation, a much larger expenditure of capital per acre than is incurred by most of the cultivators in the State. Ordinary cultivation means cultivation other than special cultivation.(b)Waste Land means land at the disposal of the Government, which the Government has not disposed of by lease, grant or otherwise, and which is not included in a forest reserve, or in a forest proposed to be reserved under section 5 of the Assam Forest Regulation, VII of 1891, or in a protected forest constituted under the rules made under the said Regulation, and has not been allotted as a grazing ground under rules framed under section 13 of the Assam Land and Revenue Regulation.(c)[ An Annual Lease means a lease granted for one year only and confers no right in the soil beyond a right of user for the year for which it is given. It confers no right of inheritance beyond the year of issue. It

confers no right of transfer or of sub-letting and shall be liable to cancellation for any transfer or subletting even during the year of issue : [Original rule 1 renumbered as rule 1(2) vide Notification No. RSS. 351/64/92, dated 18th May 1967.] Provided that the State Government may waive their right to cancel an annual lease and may allow its renewal automatically till such time as the State Government may direct in those cases in which the land is mortgaged to Government or to a State-sponsored Co-operative Society.](d)[ A periodic lease, except in the case of town land, means a lease granted for a period longer than one year, and in the case of town land, a lease for a period longer than three years. Subject to and so far as is consistent with any restrictions, conditions, and limitations contained therein, a periodic lease, the term of which is not less than ten years, conveys to the lessee the rights of a land-holder as defined in the Assam Land and Revenue Regulation.] [Deleted vide Notification No. SS 351/64/92, dated 18 May 1967.](e)The terminal year of a local area means the year up to which the rates of land-revenue shall, according to the orders passed by the State Government at the last settlement of that local area, remain in force.(f)Settlement in these rules means the leasing of land at the disposal of the Government and includes the operations of survey, classification and report, preliminary to such leasing.(g)Cost of survey includes cost incurred by the Deputy Commissioner for the pay of the surveyor and of the establishment.(h)[ Timber includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not.] [Added by Notification No. 3004-R dated the 15th October 1935.](i)[ Tree includes palms, bamboos, stumps, brushwood and canes.] [Inserted by Notification No. RSS, 329/53/6, dated the 12th November 1940.]

## **2. Powers of Deputy Commissioners.**

- The disposal of waste land required for ordinary or special cultivation or for building purposes will, vest in the Deputy Commissioner who will dispose of such land by grant, lease or otherwise in the manner and subject to the conditions set-forth in the rules following, provided that the Deputy Commissioner may expressly reserve any such land from settlement :[Provided that no land in any unclassified State Forest containing trees declared as reserved trees under section 32 of the Assam Forest Regulation 1891, shall be settled except with the previous approval of the State Government.] [Added vide Notification No. SS 351/64/92, dated 18 May 1967.] Note. - For orders regarding the disposal of land left by a settlement-holder dying without heirs, see paragraph 84A of the Assam Executive Manual

## **3. Delegation of powers of Deputy Commissioners.**

- [The Deputy Commissioner] [Substituted vide Notification No. SS 351/64/92, dated 18 May 1967.] may, by general or special order, delegate to any Revenue Officer within the district all or any of the powers conferred by these rules including the power to receive applications for land provided that-(i)no officer of lower status than a Sub-Deputy Collector shall pass final orders to issue a periodic lease or to grant settlement of land, and provided that Sub-Deputy Collectors may not exercise such powers if the land in question exceeds [12 bighas or such other area as may be prescribed by the State Government by general or special order from time to time.] [Substituted vide Notification No. SS 351/64/92, dated 18 May 1967.](ii)delegation of powers under rules 18 (1) and (2) may be made only to a Sub-divisional Officer.All orders passed by a subordinate officer under

the provisions of this rule shall be subject to revision by the Deputy Commissioner.[Explanation. - For the purpose of this rule, the words "Sub-divisional Officer" shall include Sub-divisional Officer of a Sadar Subdivision also.] [Substituted vide Notification No. SS 351/64/92, dated 18 May 1967.]

#### **4. Settlement Officer.**

- When a Settlement Officer has been appointed under section 133 of the Assam Land and Revenue Regulation for any local area or class of estates, he shall exercise the powers of a Deputy Commissioner as conferred by these rules, provided that he shall not settle any land which has been expressly reserved by the Deputy Commissioner from settlement :[Provided further that the Deputy Commissioner shall continue to exercise the powers under rule 18] [Added vide Notification No. SS 351/64/92, dated 18 May 1967.],

#### **5. Applications for land.**

- Application for leases of waste land shall [ \* \* \* ] [Deleted vide Notification No. SS 351/64/92, dated 18 May 1967.] be in writing and shall be presented to the Deputy Commissioner, or to such other Officer as may be empowered by the Deputy Commissioner under rule 3. They shall be made in such form as the State Government may from time to time direct.Note. - Deputy Commissioners should indent for a sufficient number of these forms for sale by the Revenue Nazir - (a) to the public and (b) to the stamp vendors for retail sale to the public.

#### **6. Measurement and classification of land.**

- On receipt of an application for land not exceeding 50 bighas in area, the Deputy Commissioner or other officer empowered in this behalf shall, in surveyed areas, unless he sees reason to reject the application summarily, cause the land applied for to be shown on the cadastral map. In unsurveyed areas maps shall be prepared in such cases or class of cases as the Deputy Commissioner may, by general or special order, direct. The land records staff shall at the same time report briefly[Whether the applicant is a person belonging to any of the categories mentioned in rule 8 and] [Inserted vide Notification No. SS 351/64/92, dated 18 May 1967.] whether the land is available for settlement and suitable for the purpose mentioned in the application, and what rates of revenue are applicable to the land under the general or special orders of the State Government, or, if no such orders apply to the land in question, what rates of revenue will be suitable having regard to the rates prevailing in the neighbourhood for land of the same class. Appeals against wrong measurements, classification, or assessment of land revenue will lie as provided by section 147 of Assam land and Revenue Regulation, provided that no appeal shall be entertained after the close of the agricultural year in which the measurement, classification, or assessment of the land was made.

#### **7. Survey of land.**

- When no land records staff is maintained the Deputy Commissioner will cause the survey to be done, and the report required by rule 6 to be submitted, by such other agency as may be available.

## **8. Diposal of application.**

- [After perusing the report and the map and making such further investigation as may seem necessary and settling any dispute that may have arisen the Deputy Commissioner or other officer empowered in this behalf shall either reject the application or grant a lease or allow it in part. Priority of application. - In granting lease, the Deputy Commissioner shall take the following into consideration. :- (i) Settlement for agricultural purpose of lands available in compact block of 50 bighas or more will be made ordinarily with registered Co-operative farming so-societies of actual landless cultivators. ; (ii) When settlement has to be given to individuals, the area should ordinarily be limited to 8 bighas to 12 bighas per family according to the fertility of the soil- In giving settlement to individuals, preference shall be given in the following order :- (a) Settlement holders who have been rendered landless due to flood, erosion or earthquake or due to requisition or acquisition of their land by Government for public purposes. (b) Landless cultivators and displaced persons from Pakistan who are landless cultivators ; (c) Cultivators having less than 8 bighas of land. Note. - (1) A person who holds lands less than 8 bighas in his name or In the name of any member of his family shall be eligible to get settlement of only so much of land as shall, together with his existing holding, not exceed 8 or 12 bighas, as the case may be. (2) The size of the family should also be taken into consideration in giving preference as also in determining the area to be settled with persons of the same category.]

## **9. Priority and Application.**

- Should more than one person apply for the same land, the applications which have been made first shall ordinarily be granted, but the Deputy Commissioner, for reasons to be recorded, may grant any subsequent application and reject the first.

## **10. Procedure on application for land exceeding 50 bighas.**

- When the area of the land applied for is more than 50 bighas, the survey, classification and assessment of the land shall be made by or under the control of an officer not lower in rank than a Sub-Deputy Collector who shall submit to the Deputy Commissioner a report on the proceedings. In areas which have been surveyed the boundaries of the land applied for may be shown on the map. The report shall be in such form as the State Government shall direct, and in the case of subdivisions shall be submitted through the Sub-divisional Officer.

## **11. Limit of area.**

- The Deputy Commissioner after persual of the report shall pass such orders as he thinks fit : provided that in the case of settlement of land exceeding [400 bighas] [Substituted for the word 'acres' vide Notification No. RSS 351/64/92, dated 18th May 1967.] in area he shall submit his proceedings to the [State Government] [Substituted for the word 'Commissioner' vide Notification No. RSS 351/64/92, dated 18th May 1967.] for confirmation.

## **12. Survey fees.**

- When the area of the land applied for exceeds 50 bighas, the applicant shall deposit survey fees at the rate of [fifty paise a bigha] [Substituted for the word 'two annas' ] : provided that survey fees need not be levied when the land applied for is included in one or more entire cadastral dags.

## **13. Conversion of annual lease into periodic lease.**

- The Deputy Commissioner or other officer specially empowered in this behalf may convert an annual lease into a periodic lease in accordance with such instructions as a may be issued from time to time for his guidance by the State Government. [\* \* \* ] [Deleted by Notification No. RSS. RSS. 508/50/38, dated 5th May 1961.].

## **13A. [ Settlement of land for non-agricultural purposes. [Inserted by Notification No. RSS.RSS. 320/53/56, dated 23rd April 1058.]**

- Notwithstanding anything in these rules or any order made thereunder, the State Government may, by general or special order, direct that wherever a periodic lease is granted or an annual lease is converted into periodic, it shall be subject to the payment of premium at such rate as may be fixed by the State Government.] [Substituted vide Govt. Notification No.RSS. 351.65/92, dated 18th May 1967.][Provided that settlement of land on periodic basis or conversion of annual land to periodic for purposes other than agricultural shall be made only with the prior approval of the State Government and subject to payment of premium at such rates as may be fixed by the State Government from time to time.] [Add divided Notification No. RSS.RSS. 351/64/92, dated 18th May 1967.]

## **14. Term of periodic leases for ordinary cultivation.**

- In granting periodic leases for ordinarily cultivation, or in converting annual leases into periodic leases for ordinary cultivation, the Deputy Commissioner shall so fix the period that it will expire concurrently with the general settlement of the district or of the local area or the class of estates to which the land belongs.

## **15. Settlement of occupied lands not included in any lease.**

- [No person shall have any right to settlement merely because he is in occupation of land not included in any lease granted by the State Government either to himself or to any other person] [Substituted vide Notification No. RSS. 351/64/92, dated 18th May 1967.].[\*\*\* ] [Deleted vide Notification No. RSS. 351/64/92, dated 18th May 1967.]

## **16. Prohibition to enter into land until issue of lease.**

- [Lease shall be issued on written application only, and no person shall enter into possession of waste land in any area until a lease has been issued to him or otherwise a written permission by Deputy Commissioner has been granted to him, pending issue of such lease, to enter into possession.] [Substituted vide Notification No. RSS. 351/64/92, dated 18th May 1967.]

## **17. Liability to pay revenue.**

- If the occupant to whom settlement is offered accepts it, he shall be liable for the revenue assessed on the land from the commencement of the year in which he first occupied it. If the occupant refuses the settlement offered to him, settlement may be offered to any other person from the commencement of the year succeeding that in which the occupation was discovered, and the actual occupation, notwithstanding his refusal to accept settlement, shall, from the commencement of the year in which he first occupied the land, be held liable for the revenue assessed on it.

## **17A. [ [Inserted vide Notification No. RSS. 351/64/92, dated 18th May 1967.]**

The Deputy Commissioner may at any time on application or of his own motion, assess increment or grant reduction in the revenue in proportion to the change in area of the lease as a result of gain by alluvion or by dereliction' of a river, or loss by diluvion, during the currency of the settlement :Provided that no such revision of the revenue and area of the lease shall be made until the parties concerned had been given reasonable opportunity of being heard.]

## **18. Ejectment.**

(1)Subject as hereinafter provided, the Deputy Commissioner may eject any person from land over which no person has acquired the rights of a proprietor, landholder, or settlement-holder.(2)When such person has entered into possession of land that has previously been reserved roads or roadside land or for the grazing of village cattle or for other public purposes, or has entered into possession of land from which he has been excluded by general or special orders and when further, there is no bona fide claim of right involved he may be ejected or ordered to vacate the land forthwith, and the Deputy Commissioner may sell, confiscate or destroy any crop raised, or any building or other construction erected without authority on the land.(3)(a)[(1)In all other cases ejectment shall be preceded by publication of a notice in the manner prescribed below requiring the occupant generally to vacate the land specified in the notice, within 15 days of the date of publication of the notice on the land concerned or in a prominent place in the vicinity thereof, and to remove any buildings, houses, fences, or crops, etc., which may have been raised on such land, provided that the Deputy Commissioner may give time to any particular occupant to harvest the crops, if any growing on such land. Any buildings, houses, fences, crops, etc., which have not been removed in accordance with such notice shall be confiscated to the Government.] [Substituted by Notification No. RSS. 508/59/38, dated 5th May 1961.](3)(b)The notice referred to in clause (a) of sub-rule (3) above shall be published by affixing a copy thereof in the Notice Board of the office of the Deputy Commissioner

or the Sub divisional Officer, as the case may be, and also in the Notice Board of the office of the Sub-Deputy Collector within whose jurisdiction the land is situated. A notice shall also be published by affixing a copy thereof on the land concerned or in a prominent place in the vicinity thereof.(4)Any person or persons required by notice to vacate under the last preceding sub rule the land which the person or persons occupy, shall comply with the requisition within the time prescribed in the notice, running from the date of its service.(5)Any person or persons intentionally disobeying an order or requisition to vacate under sub-rule (2) or (3) shall be liable to a penalty which may extend to two hundred rupees, and, in case such disobedience is continued to a further penalty which may extend to fifty rupees for each day during which such breach continues.(5)[(a) Any person who having been once evicted under sub-rule (2) or sub-rule (3) from any land encroaches on any land over which no person has acquired the right of a proprietor, land-holder or .settlement holder, shall on conviction before a Magistrate, be liable to imprisonment which may extend to six months or line which may extend to one thousand rupees or both.] [Added by Notification No. RSS. 508/59/39, dated 5th May 1961.](6)[ Nothing in sub-rule (3) of this rule shall apply to any person who has refused an offer of settlement in respect of the land of which he is in possession.] [Substituted vide Notification No. RSS. 351/64/92, dated 18th May 1967.] [\*\*\*] [Deleted by Notification No. RSS. 508/59/38, dated 5th May 1961.]

## **19. Land revenue and minimum assessment.**

- The land-revenue payable on account of any lease shall be determined by such general orders regarding the assessment of land-revenue as may have been issued by the State Government when confirming the last Settlement of the local area or class of estates in question. Where no such general orders exist, the special orders of the State Government shall be taken.[Provided that the minimum assessment of an estate shall be one rupee.] [Added by Notification No. 3462-R., dated the 10th November 1931.]

## **20. Fraction in assessment.**

- In fixing the total demand on an estate fractions of a paisa shall not be taken into account. Any fractions of a paisa less than half paisa shall be neglected ; half a paisa or more shall be counted as a whole paisa if the assessment of an estate amounts to one hundred rupees or more, any fraction of a rupee less than fifty paisa shall be omitted and fifty paisa or more shall be treated as one rupee.

## **21. Royalty on timber.**

- The following provisions shall apply to case of all leases for ordinary cultivation :- (a)No royalty shall be payable on any forest produce except timber\* [sold, bartered, mortgaged, given or otherwise transferred or removed for transfer], The Timber [sold, bartered, mortgaged, given or otherwise transferred or removed for transfer] [Substituted vide Notification No. RSS. 351/64/92, dated 18th May 1967.] shall be liable to the full royalty under the rule relating to Unclassed State Forests.(b)Before a lease is granted the applicant may (and shall if, for special reasons to be recorded, the Deputy Commissioner so require) clear his liability for royalty upon all timber afterwards [sold, bartered, mortgaged, given or otherwise transferred or removed for transfer] by

the pre-payment of a sum representing the full royalty on all trees which are likely to be [sold, bartered, mortgaged, given or otherwise transferred or removed for transfer]. The sum to be so paid shall be estimated by the Deputy Commissioner either on the basis of rate per bigha, or in such other manner as may be fair and equitable. The estimate of the Deputy Commissioner shall be final. The pre-payment shall be made either in one installment or in such series of installments as the Deputy Commissioner may, by general or special order, determine.(c)At any time during the pendency of a lease the lessee may in the manner set forth in clause (b) clear his liability in respect of all trees still standing on the land.(d)Notwithstanding anything contained in the preceding clauses, trees which were planted,or began to grow, on the land during the pendency of a lease shall be exempted from all payment of royalty even if [sold, bartered, mortgaged, given or otherwise transferred or removed for transfer] [Substituted for the words 'sold or removed for sale' vide Notification No. 1449 R, dated the 20th March 1940, Scet.508 of 1940.]. When land has been settled continuously for twenty years, all trees standing thereon shall be presumed to have been planted, or to have begun to grow, during the pendency of the lease.(e)If no trees other than trees exempted under clause (d) are standing upon the land of a lessee, he may at any time apply to the Deputy Commissioner for an endorsement to this effect upon his lease, and the Deputy Commissioner, after ascertaining that the allegation is correct, shall make such endorsement free of charge.(f)Subject to the payment of such royalty, if any, as is due under clauses (a),(b) or (c) of this rule, the holder of a periodic or annual patta shall be entitled to cut down or sell any tree standing on the land covered by his lease provided that the holder of an annual patta shall not be entitled to cut down or lop branches from trees of such classes and within such areas as may be notified in this behalf by the State Government.[Note 1. - The words "notified in this behalf by the State Government" in rule 21 (f) refer only to notifications issued from time to time under this rule and not to other notifications issued by the State Government. [Inserted by G. S. No. 34 to the fifth edition of this Manual.]Note 2. - Leases for land settled with reasons carrying on special cultivation for allotment to the labour force under their control for ordinary cultivation shall for the purpose of timber valuation be governed by rule 37 to 39.]

## **22. Refund of value of timber or resignation of a grant.**

- In any case in which settlement holder has paid royalty for timber standing on his estate he may, in case he here after resigns the whole or any portion of his estate, be granted a refund of the value of the timber of trees standing thereon subject to the following provisions.-(i)Where the area resigned is a compact area of 250 acres or upwards the settlement-holder shall be entitled to a refund, in respect of all unused timber, of the royalty paid at the time of settlement.(ii)Where the area resigned is not a compact area of 250 acres, refund of the royalty paid at the time of settlement in respect of all unused timber may be made at the discretion of the Commissioner.(iii)Where a settlement holder resigns land on which valuable trees have been planted subsequent to settlement, a fair valuation of the trees standing on the land may be paid to the settlement holder at the discretion of the State Government.(iv)When a refund is claimed under clause (i) or (ii) it shall be for the settlement-holder to prove the amount of royalty paid at the time of settlement in respect of the area resigned. The Deputy Commissioner shall cause a Forest Officer to estimate what proportion the value of the standing trees bears to the value of trees of the time of settlement, and the amount of the refund shall bear the same proportion to the amount of royalty paid at the time of settlement :



provided that the Commissioner may at his discretion authorise a Forest Officer to assess the timber at its present market value in situ, in cases where it is not possible to prove the amount of royalty paid in respect of the the area resigned.

### **23. Road side land.**

(1) Nothing in these rules shall entitle any person to obtain a lease in respect of land within 75 feet of the centre line of a public road. Any person occupying or encroaching on such land shall be liable to ejectment under Rule 18 of the Rules. Explanation. - The expression "public road" includes (I) any road maintained by the State Government or by a local authority and (11) any other road declared by the State Government to be a public road for the purpose of this rule. (2) Except under the general or special order of the State Government, no new periodic lease shall be issued in respect of land within one chain (66 Feet) of the 75 feet reservation from the centre line of the road maintained by the State Government. Note. - This rule applies to existing and not to projected roads. It is, however, open to the Public Works Department to apply to the Deputy Commissioner to utilise his powers under rule 2 so as to reserve from settlement Otherwise than on annual lease land lying within 141 feet from the centre line of a projected road.

### **24. Resignation.**

- [If any settlement holder wishes to relinquish the whole of his estate, or any entire fields (dags) within his estate he shall, after paying all the land revenue due from him in respect of the estate or fields proposed to be relinquished, tender a written petition to the Deputy Commissioner or other officer empowered in this behalf. The latest date for filing such petition shall be the 15th February. If the latest date falls on a Gazetted holiday, petitions for relinquishment may be tendered on the first opening day after such holiday.] [Added vide Notification No. RSS. 351/64/92. Dated 18th May 1967]

### **25. Settlement of land previously resigned.**

- Notwithstanding anything contained in these rules, if it be proved that the applicant for, or 'occupant of, any land relinquished during the previous year, the settlement, if any with him shall be on an annual lease and he shall be liable to be assessed on such land at 50 per cent, above the rates at which he would otherwise have been assessed. On expiry of such annual lease, resettlement shall be made with the settlement-holder if he desires it, at the ordinary rates, and under the ordinary rules.

### **26. Confirmation and cancellation of settlements.**

- Subject to the general control of the State Government, the Commissioner shall have power to confirm all settlements, and also to cancel any settlement made in contravention of these rules, [after giving the lease-holder an opportunity of being heard.] [Added vide Notification No. RSS. 351/64/92. Dated 18th May 1967]

## **27. Settlement of town lands.**

- [Non-application of these rules to town land-Unless otherwise directed by the State Government, nothing in these rules shall apply to the land included in a military cantonment. The State Government may, from time to time, prescribe special rules for the settlement of land within two miles of a military cantonment or a municipality, or within half a mile of a small town notified under the Assam Municipal Act, 1956, or a town land declared under, under the Assam Land Revenue Reassessment Act 1936 or the Assam Land and Revenue Regulation 1886. But unless and until such rules have been prescribed, the settlement of such land shall be effected under the foregoing rules, provided that no periodic lease shall be issued for such land except where it has, or is likely to have, no non-agricultural value] [Substituted vide Notification No. RSS. 351/64/92. Dated 18th May 1967].

## **28.**

[Land within two miles of a military cantonment or a municipality or within half a mile of a small town notified under the Assam Municipal Act, 1956, or town-land area declared under the Assam Land Revenue Re-assessment Act, 1936, or the Assam Land and Revenue Regulation 1886, may be settled on periodic lease for purpose other than agricultural on such terms as may be approved by the State Government.] [Substituted vide Notification No. RSS. 351/64/92, Dated 18th May 1967.]Section IISpecial provisions relating to applications for special cultivation.

## **29.**

The following additional rules shall apply only to applications for waste land for special cultivation.

## **30. Applications to be in writing.**

- Leases for special cultivation will be issued on written application only.

## **31. Lands which may not be leased under this Section.**

(1)Ordinarily, waste land of the following description shall not be leased under this Section without the special sanction of the State Government.(a)Land in forests reserved, or proposed to be reserved, under section 5 of the Assam Forest Regulation VII of 1819, and land in unclassed forests containing trees declared as reserved trees under Section 32 of the Assam Forest Regulation 1891.(b)Land specially valuable for grazing or for the supply of fuel and other forest produce;(c)Land known or supposed to contain valuable minerals;(d)Land claimed by wild tribes, or over which the inhabitants of neighbouring villages claim special privileges.(2)The Deputy Commissioner shall refer all applications received for special cultivation to the Divisional Forest Officer for report on (1) (a) (b) above.Note. When examining an application referred to him under this rule, a Forest Officer should consider whether the timber on the land or any part of it can be advantageously disposed of under rule 39.

### **32. Land applied for to be compact.**

- If the area applied for exceeds 50 acres, it must be compact and such as might be enclosed within a ring fence. If the land touches a public road or navigable river, the length of the road or river, frontage must not exceed one-half the depth of the area applied for; but if for any special reasons the State Government see fit to relax this restriction they may do so.

### **33. Deposit of cost of survey and of demarcation of boundaries.**

- If the area applied for exceeds 50 acres, the applicant shall at the time of presenting his application deposit a sum to cover cost of survey at the rate of [three rupees] [Substitute vide Notification No. RSS. 351/64/92, Dated 18th May 1967] per acre when the survey is to be carried out by a Government officer and at (Substitute vide Notification No. RSS.351/64/92, Dated 18th May 1967) [two rupees] per acre when it is effected by an approved private surveyor. This sum shall be calculated on the area as estimated by the applicant. In cases in which the area applied for exceeds 10,000 acres if the State Government are satisfied that the charge so calculated is seriously in excess of the actual cost of survey, they may refund so much of the deposit as seems, to them to be excessive. The Deputy Commissioner shall ascertain from the applicant whether he desires to clear and demarcate the boundaries himself prior to survey; if so, he may be permitted to do so in the manner required by the Deputy Commissioner. If the Deputy Commissioner undertakes the clearing and preliminary demarcation of boundaries on behalf of the applicant, the applicant shall deposit, in addition to the cost of survey, the cost of clearing and demarcation as estimated by the Deputy Commissioner and shall point out the boundaries to the surveyor. On the failure of the applicant to make the deposits required by this rule within one month of the date of application, or to point out the boundaries to the surveyor after due notice, or to clear or demarcate the boundaries if he elects to do so, the application, in the absence of good cause shown within a time to be fixed by the Deputy Commissioner, shall be rejected. Note. If at any stage of the proceedings there is any unreasonable delay on the part of the applicant in answering enquiries or signing maps or leases, the application should be struck off after due warning has been given to the applicant in writing.

### **34. Survey of land.**

- After deposit of cost of survey and demarcation under rule 33, the Deputy Commissioner shall cause the land to be surveyed, and a map prepared on the scale of 16 inches to the mile or on such other scale as the State Government may for special reasons direct in any case or class of cases.

### **35. Boundary marks.**

- During the progress of the survey the surveyor shall erect permanent boundary marks at all boundary angles and at intervals of twenty chains or less along all boundary lines not marked by clearly defined natural features. In no circumstances shall a waste land lease be issued, or possession given to the applicant, until the map has been prepared and the boundary marks have been reported by the surveyor to have been erected as required by this rule.

### **36. By whom survey to be made.**

- The surveyor appointed to survey lands under rule 33 shall not be below the rank of a Sub-Deputy Collector, or a person declared by the State Government to be an approved surveyor, or a person certified by the Director of Surveys to be qualified for the survey of such land. The Director of surveys will take such steps as he considers necessary to check the work done and will countersign all maps of areas of 50 acres and over which have not been prepared by the ordinary district staff, before they are finally submitted to the Deputy Commissioner for his acceptance. All areas of 50 acres and over must be surveyed on a theodolite traverse basis.

### **37. Valuation of timber.**

- The Deputy Commissioner, shall, as soon as possible after an application has been filed under this Section and admitted by him, cause a Forest Officer to make an estimate of the full royalty valuation of the trees on the land applied for. The Forest Officer shall submit his valuation if the royalty at full rate would not exceed Rs 1,000 to the Deputy Commissioner, and the Deputy Commissioner, if he does not approve of it, may refer the matter to the Conservator, whose decision shall, subject to the orders of the State Government be final, If the royalty at full rates would exceed Rs 1,000, the Forest Officer shall before sending his valuations to the Deputy Commissioner, submit it for confirmation to the Conservator, who may reduce it up to a maximum of 50 per cent, if he considers that it is too high, having regard to the inaccessibility of the timber to a market or to any other consideration. Should the Conservator consider that a larger reduction is called for than 50 per cent on the Forest Officer's valuation, he will report the case to the State Government for sanction to such reduction. If the applicant is dissatisfied with the valuation fixed by the Conservator he may appeal to the State Government. [\* \* \*] [Deleted vide Notification No. RSS. 351/64/92, dated 18th May 1967]

### **38.**

[In special cases, payment of the value of timber on the land may be postponed for such time and under such conditions as the State Government may decide.] [Substituted vide Notification No. RSS. 351/64/92, dated 18th May 1967 ]

### **39. Prior disposal of timber.**

- Nothing in these rules shall prevent the Deputy Commissioner from disposing of the timber or any part of it on the land applied for before settlement is completed. Any such disposal of the timber shall be arranged as soon as possible after the receipt of the report of the Divisional Forest Officer under rule

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(2), and a definite period not exceeding two years shall be fixed within which the timber disposed of shall be removed. If and when timber is so disposed of by the Deputy Commissioner, the valuation

of the remaining timber shall be made as soon as possible, provided also that the lessee shall be given the right of entering for the purpose of commencing cultivation, previous to such valuation being completed, if he so desires.

#### **40. Liability to payment of premium.**

- In addition to the land-revenue payable under rule 17 and the value of the timber assessed under rule 37, an applicant to whom a lease for special cultivation is granted shall be liable to pay premium [\* \* \*] [Deleted vide Notification No. 3052-R., dated the 24th September 1931]. The rate of premium shall be fixed by the State Government from time to time for each locality. The premium (Added by the Notification No. RSS.329/53/56 Dated 23rd April 1958) shall be payable on or before the date of the issue of the lease unless the State Government otherwise direct.

#### **40A. Premium on land taken up for ordinary cultivation found to be cultivated with tea.**

- The settlement-holder of any land taken up for ordinary cultivation after the date of publication of Notification No. 3052-R., dated the 24th September 1931, in the Assam Gazette, and found to be under special cultivation, shall be liable to pay premium at the rate fixed by the State Government for that locality. [Premium shall be payable immediately and without reference to the period of settlement mentioned in the rule 45] [Substituted vide Notification No. R. 555/64/92, dated 18 May 1967].

#### **41.**

[\* \* \*] [Deleted vide Notification No. RSS 351/64/92, dated 18th May 1967]]

#### **42. Payment of revenue.**

- Full revenue shall be due on the whole area from the commencement of the agricultural year in which the lease was signed, or any portion of the land occupied, whichever is earlier.

#### **43. No right of transfer in certain cases.**

- When any person obtains a lease for special cultivation wholly or partly free of premium it shall be a special condition thereof (in consideration of the area settled free of premium) that he shall not transfer the estate or any portion thereof by gift, sale, exchange, usufructuary mortgage, or sub-lease, or in any other manner whatsoever within 10 years of the date of issue of the lease, except with the previous consent in writing of the Deputy Commissioner and upon such terms as the Deputy Commissioner may prescribe; and any transfer made without such consent shall be null and void: Provided that the Deputy Commissioner shall not withhold his consent in any case in which the applicant pays the full premium together with any suspended revenue due in respect of the area transferred.

#### **44. Unpaid premium and suspended revenue when due.**

- Notwithstanding anything hereinbefore contained -(i)If the estate falls into arrears on account of land revenue or local rate, or any part of it is relinquished, or(ii)If in the opinion of the Deputy Commissioner reasonable progress is not being made in development of the grant, the whole of the suspended premium and the suspended revenue if any, shall be payable immediately, and may be recovered as an arrear of land revenue

#### **45. Right of a lessee.**

- Subject to the special conditions laid down, a lease for special cultivation shall confer a permanent heritable and transferable right. The term of the lease shall be 15 years after which the holder shall be entitled to settlement on a periodic Khiraj lease for special cultivation at the rates then current in the district.

#### **46. Reservations between adjoining grants.**

- In the case of all leases of land exceeding 50 acres and not exceeding 600 acres granted under these rules, the Deputy Commissioner shall reserve from settlement (a) any land which in his opinion is required for public passage and (b) a strip of land at least 100 feet wide between the new grant and adjoining grants (if any).In the case of lease of land exceeding 600 acres, the Deputy Commissioner shall, in addition, divide the land into convenient blocks and reserve similar strips between each pair of adjoining blocks.If in any particular instance the Deputy Commissioner is unable to follow this rule, he shall report the departure together with his reasons to the Commissioner, who may pass such orders as he thinks fit.Provided that if at any time it appears to the Commissioner that the continuance of any reservation made under this rule, excepting those over which the public have acquired a right-of-way, is unnecessary, he may cancel such reservation and settle the land over which the reservation was made in such manner either by exchange with land already settled, or other wise, as may appear to him desirable.

#### **47. Register of applications.**

- A register shall be kept by the Deputy Commissioner of all applications for lease of waste lands for special cultivation.[Section III] [(This is new Section introduced by Notification N. 44-R, dated the 4th January 1940, in substitution of the odd Section.)][Settlement Operation]Assessment of [Land and] [(Reference should also be made to the Assam Land Revenue Reassessment Act (VIII of 1936) and the rules thereunder)] record of rights

#### **48. Definitions.**

- In this Section of the rules unless there is something repugnant in the subject or context -(a)The settlement of a local area or class of estates means a special operation carried out under the provisions of Section 17-42 of the Regulation for the formal revision of the land-revenue demand of

that area or area or class of estates.(b)The terminal year means the year up to which the rates of land-revenue shall, according to the order passed by the State Government at the last settlement, remain in force.(c)All other expression used in this Section of the rules shall have the same meaning as in the Assam Land and Revenue Regulation and in Sections I and II of this Chapter of the rules.

#### **49.**

[Omitted] [(Omitted by Notification No. 44-R., dated the 4th January 1940)]

#### **50. Appointment of Settlement and Survey Officers.**

- When the State Government have declared that a local area or class of estates in under settlement they may, for the purpose of carrying out the operations, appoint under section 133 of the Regulation a Settlement Officer and one or more Assistant Settlement Officers; and also under section 134 of the Regulation a Survey Officer and one or more Assistant Survey Officers; provided that the same officer may be vested with the powers of a Settlement Officer and a Survey Officer or with the powers of an Assistant Settlement Officer and an Assistant Survey Officer

#### **51.**

[Omitted] [(Omitted by Notification No. 44-R., dated the 4th January 1940) ]

#### **52. Term of Assessment.**

- The term for which the land-revenue is to be assessed shall, subject to the provisions of section 13 of the Assam Land Revenue Re-assessment (Act VIII 1936), be such period as the State Government may determine in respect of any local area or class of estates.

#### **53. Settlement shall be annual or periodic.**

- Settlement shall be made by granting annual or periodic leases. Periodic leases shall ordinarily run up to the terminal year of the coming assessment. Subject to the provisions of rules 23 and 27, a person who has already acquired the status of land-holder in respect of any land shall be entitled to receive a periodic lease. When land has been taken up for a dwelling house or is under permanent cultivation a periodic lease should ordinarily be granted.

#### **54.**

[Omitted] [(Omitted by Notification No. 44-R., dated the 4th January 1940) ]

## **55. Different processes of assessment.**

- The assessment of land shall consist of the following processes :-(a)Preliminary record writing, and field classification(b)Record attestation(c)Submission of assessment reports(d)Revenue attestation(e)Offer of settlement.

## **56. Preparation of draft chitha or field index.**

- After a village has been surveyed and demarcated a draft chitha or field index shall be prepared. The chitha shall be arranged according to the serial number of the fields in the village, and shall show, in addition to such other particulars as the State Government may direct, the name of the person who is in possession of each field, and the classification of each field according to a terminology to be previously approved by the Government. Disputes regarding the ownership of land or regarding the ownership of any interest, such as usufructuary mortgage in land, shall be decided in a summary manner and on the basis of actual possession, by the Settlement Officer or an Assistant Settlement Officer. The classification of as many fields as possible shall at this stage be tested on the ground by the Settlement Officer, the Assistant Settlement Officer and Officers not below the rank of Kanungo.

## **57. Preparation of draft Jamabandi and record attestation.**

- Before record attestation begins the Settlement Officer shall cause a draft jamabandi to be prepared showing, in addition to such other particulars as the State Government may direct, the fields which have been found in the possession of each proprietor or settlement-holder and the classification of each field as entered in the draft chitha; but at this stage there will be no entry under the heading "revenue" in the draft jamabandi. Each proprietor or settlement-holder shall be furnished, before record attestation begins with an extract from the draft jamabandi showing the fields which have been found in his possession, and the proper classification of each field. The record attestation of each village shall be taken up by the Settlement Officer, or Assistant Settlement Officer hereinafter called the Attestation Officer, at a convenient place in or near the village. A proclamation shall previously be published in the village giving due notice to the proprietors and settlement-holders and calling on them to appear before the Attestation Officer, bringing with them their extracts from the draft jamabandi. As each proprietor or settlement holder appears before him the Attestation Officer if the proprietor or settlement-holder so desires, shall examine the entries in the draft jamabandi which relate to him, shall read out and explain the entries and shall make corrections when required. Dispute regarding the ownership of land, or the ownership of any interest, such as usufructuary mortgage in land, shall be decided by the Attestation Officer in a summary manner, and on the basis of actual possession. In the course of record attestation all the fields which have not already been inspected by a Kanungo or officer of higher rank shall now be inspected and the classification of the field shall be tested and if necessary corrected. The Attestation Officer shall hear and decide all objections to the classification of fields, and in all cases in which the field has not been inspected by the Settlement Officer, or an Assistant Settlement Officer, he shall personally inspect the field before deciding on its classification.



## **58. Submission of rate report.**

- When the record attestation of a group of villages has been completed the Settlement Officer shall prepare and submit for sanction a rate report under the provisions of section 24 of the Assam Land Revenue Re-assessment Act, (VIII of 1936) and the rules framed thereunder.

## **59. Calculation of revenue payable for each estate and extract of draft Jamabandi to be distributed to each proprietor or settlement holder.**

- On receipt of the State Government's orders on the rate report the Settlement Officer shall calculate accordingly the total revenue payable for each estate and shall enter it in the draft jamabandi used at the record attestation. The revenue attestation of each village shall be taken up by the Settlement Officer or Assistant Settlement Officer (hereinafter called the Attestation Officer) at a convenient place in or near the village. A fresh extract from the draft jamabandi showing only the total area, the total revenue as calculated, and the alteration if any, made in the jamabandi at record attestation shall be distributed to the each proprietor or settlement-holder. A proclamation shall also be published in the village giving sufficient notice to proprietors and settlement-holders and calling on them to appear before the Attestation Officer bringing with them their extracts from the draft jamabandi. As each proprietor or settlement-holder appears before him the Attestation Officer shall read out to him the total areas entered against his name in the draft jamabandi and the total assessment which is proposed in his case. The Attestation Officer shall hear and decide any objection which may be put forward. If an objection be raised to the classification of a field which has not yet been inspected by an officer above the rank of Kanungo, the Attestation Officer shall personally inspect the field and decide on its classification. The Attestation Officer shall also make known to the people the law governing progressive enhancement of land-revenue, section 12 of the Land Revenue Re-assessment Act, (VIII of 1936) and in consultation with the settlement-holder shall prepare a list of persons who are entitled to the benefit of these provisions. If at the time of revenue attestation a person produces his extract from the draft jamabandi the Attestation Officer shall cause to be entered on it the revenue as finally proposed both field by field and in total. After revenue attestation the Settlement Officer shall submit through the Director of Land Records any case requiring the orders of the State Government, under Section 12(1)(b) of the Re-assessment Act. If on further consideration the Settlement Officer would alter the classification or rates of a whole village, he shall report the case at this stage through the Director of Land Records for the order of the State Government.

## **60. Preparation and signing of leases and offer of settlement.**

- After receipt of the orders of the State Government and subject to such orders, the Settlement Officer shall make a final copy of the chitha and jamabandi. This final copy of the jamabandi shall be the record of rights of proprietors and settlement-holders within the meaning of section 40 of the Regulation. The Settlement Officer shall also prepare, sign and seal periodic or annual leases, as the case may be, which shall correspond in all particulars with the entries in the record of rights. The Settlement Officer shall then issue a proclamation, which shall be posted in a conspicuous place in

or near each village stating the date on which and the place at which the lease will be offered to the persons entitled to receive them. On such date and at such place the Settlement Officer or any other officer that he may depute for the purpose, shall, if the persons entitled to receive the leases are present, tender to them the leases standing in their respective names. If any of these persons are absent, the officer tendering may sign a general notice in the following form, or to the like effect, and cause a copy thereof to be affixed within three days of the aforesaid date at some conspicuous place in the neighbourhood of the centre selected for the distribution of leases:- "The undermentioned persons being absent I hereby offer to them the leases standing in their respective names". The tender of a lease, or the affixing of a copy of the notice containing the offer of a lease, as the case may be shall be equivalent in each instance to an offer of settlement within the meaning of section 31-39 of the Regulation.

## **61.**

[Omitted] [(Omitted by Notification No. 44-R, dated the 4th January, 1940) ]

## **62. Particulars which the chitha shall contain.**

- The Chitha referred to in rule 60 shall contain the following particulars, in addition to any which may be specially directed by the State Government:-

### **1. Number of the field.**

### **2. Area of the field.**

### **3. Name, father's name and residence of the proprietor or settlement-holder.**

### **4. Tenure.**

### **5. Assessment class or classes and area of each class of land in the field.**

Particulars which the Jamabadi shall containThe jamabandi referred to in Rule 60 shall contain the following particulars, in addition to any which may be specially directed by the State Government:-

### **1. Number of the estate**

### **2. Name, father's name and residence of the proprietor or settlement-holder.**

### **3. Number of each field.**

**4. Area of each field.**

**5. Class of each field.**

**6. Area of each class in each field.**

**7. Revenue (if any)**

**8. Local Rate.**

**63.**

(1)How settlement may be refused. - Any person to whom an offer of settlement has been made in accordance with these rules, and who desires to refuse it, shall, within 30 days of the offer, inform the Settlement Officer of the refusal by noting in writing on the lease that he refuses to take settlement, and by returning the lease to the Settlement Officer. No refusal shall be valid unless made within the time and in the manner prescribed above.(2)How settlement may be accepted. - In those local areas in which sections 33(2) and (3) are in force, the person to whom an offer of settlement has been made shall, if he is willing to accept it, deliver to the Settlement Officer within 30 days as aforesaid an acceptance in writing under his hand in Form No. 13.[Section IV] [(This is new Section introduced by Notification No. 44-R., dated the 4th January, 1940, in substitution of the old Section)]Town LandsGrant of Leases and Settlement of Land-Revenue In Respect of Town Lands

**64. Definitions.**

- In this section of the Rules, unless there is Definitions anything repugnant in the Subject or context -(a)Town land means any land [within the limits of the city of Guwahati constituted and notified from time to time under the provisions of Section 42 of Guwahati Municipal Corporation Act, 1964 (Assam Act, 1 of 1973)] [(Inserted by Notification No. RSS. 30/76/1, dated 27th November, 1976) ], within an area declared or deemed to be a municipality or notified area under the Assam Municipal Act, 1956. (Assam Act, XV of 1957) and any other land which the State Government may declare, [under the Assam Land and Revenue Regulation or in accordance with the provision of section 3 of the Land Revenue Reassessment Act, (Assam Act, VIII of 1936), to be town land] [(Inserted by Notification No. RS. 112/42/18, dated the 19th February, 1940) ](b)Short lease means a lease which is granted for any period not exceeding three years which confers upon the lessee no right in the soil beyond a right of user for the period, and in particular which confers no right of inheritance beyond the period of the lease or of transfer.(c)A periodic lease for town lands means a lease which is granted for more than three years, and which[if granted for not less than ten years confers a permanent, heritable, and transferable right of use and occupancy in the land, subject always to the due payment of land-revenue and local taxes, cesses, or rates, to the reservation in favour of Government of all quarries, mines, minerals, mineral oils and all buried treasure, to the absolute forfeiture of the lessee's interest in the land on his refusal to take the

renewal of the lease on the expiry of its term, and to the special conditions of any engagement into which the land holder may have entered with Government.] [ (Added Vide Notification No. RSS. 351/64/92, dated 18th May, 1967) ](d)The settlement of a town means a special operation carried out under the provisions of section 17- 42 of the Regulation for the formal revision of the land-revenue demand of that town.(e)The terminal year of a town means the, year up to which the rates of land revenue shall, according to the orders passed by the State Government at the last settlement of the town, remain in force(f)Waste land means unoccupied land, the property of the State Government, which the Government have not disposed of by lease, grant, or otherwise.

## **65. Town land in backward locality may be example from operation of this Section.**

- The State Government may from time to time, by notification in the official Gazette, exempt from the operation of this Section of the rules any town land on the ground of the backward condition of the locality and dispose of it by lease for such term and at such rates as they may think fit.A. Initial leases of waste lands in town

## **66. Waste lands in towns shall be settled by the Deputy Commissioner in accordance with rules 67-71.**

- Waste land in towns shall settled by the Deputy Commissioner in accordance with rules 67-71 of these rules subject to confirmation by the [State Government] [(Substituted by Notification No. KSS. 261/62/9, dated 14th May 1963)]. In subdivisions the functions of the Deputy Commissioner shall be exercised by the Sub-divisional Officer, subject to the control of the Deputy Commissioner. In this Section of the rules, unless the contrary is apparent from the context the expression "Deputy Commissioner" includes a Sub-divisional Officer.

## **67. Applications for lease of waste land in towns shall be in writing.**

- Lease of Waste lands in town shall be obtained by formal application only. Applications for leases of Waste land in towns shall be in writing and shall be presented to the Deputy Commissioner, who will have a map prepared of the land or have it indicated on an existing map, and after making such local inquiry as he thinks fit, either by himself or by a gazetted officer shall pass an order allowing the application in whole or in part or disallowing it altogether.(2)[Provided that settlement of town land shall, unless the State Government otherwise direct, be subject to prior payment of premium at such rate as may be fixed by the State Government] [(Substituted vide Notification No. RSS. 331/64/92, dated 18th May 1967)][\* \* \*] [(Deleted by Notification No. RSS. 351/64/92, dated 18th May, 1967)]

## **68.**

If a lease is granted it shall ordinarily be a periodic lease for town land running from the year in which it is granted to the terminal year of the town in question.Provided that the Deputy

Commissioner may grant short leases for terms not exceeding three years of lands which it is not considered desirable to lease except for temporary purposes. When a short lease for town land is converted into a periodic lease a premium shall, unless the Government otherwise direct, be charged at a rate approved by [State Government] [(Substituted by Notification No. RSS. 261/62/9, dated 14th May, 1963)].

## **69. Periodic lease shall not be issued for town land within 25 feet from centre of road.**

- No new periodic lease shall be issued, without the previous sanction of [State Government] [(Substituted by Notification No. RSS. 261/62/9, dated 14th May 1963)] for town land within 25 feet, or such other distance as may be laid down by special order of Government, of the centre line of any road maintained by the Public Works Department or [The Municipal Board or the town Committee under the Assam Municipal Act, 1956 or the Panchayat] [(Substituted vide Notification No. RSS. 351/64/92, dated 18th May, 1967) ].

## **70.**

The land-revenue which is payable shall be determined in accordance with the principles laid down in sections 16-19 of the Assam Land Revenue Reassessment Act, VIII of 1936, and rule 73 below.  
Settlement Operation

## **71. Forecast report.**

- A forecast report is required for a resettlement under section 6 of the Assam Land Revenue Reassessment Act, and the rules framed thereunder.

## **72. Appointment of Settlement and Survey Officers.**

- When the State Government have declared that a town is under settlement they may, for the purpose of carrying out operations, appoint under section 133 of the Regulation a Settlement Officer and if necessary one or more Assistant Settlement Officers, and also under Section 134 a Survey Officer, and one or more Assistant Survey Officers. Provided that the same officers may be vested with the powers of a Settlement Officer and a Survey Officer, or with the powers of an Assistant Settlement Officer and an Assistant Survey Officer.

## **73. Revenue of town land must not exceed annual value of the sit.**

- Town land shall be settled at a fair and equitable revenue in accordance with the principles laid down in sections 16-19 of the Assam Land Revenue Re-assessment Act, (VIII of 1936). In no case shall it exceed the annual value of the site. This value will depend upon local circumstances and on competition and must be determined by enquiry. With the exception of short leases every lease of town lands shall be renewable from time to time on expiry at the option of the settlement holder,

subject to his agreeing to pay the revenue, taxes cesses and rate which may be assessed or imposed in respect of the lands at the resettlement and these rules shall apply to every such renewal whether the expiring lease was or was not granted under them.

#### **74. Revision of revenue of town land.**

- The revenue of town lands may be revised before the expiry of the term of the lease, under the provisions of section 21 of the Assam Land Revenue Re-assessment Act, 1936. If the Settlement Officer has made any sub-class for "unutilised land", and if at any time any "unutilised land" be converted into a residential site or a trade site, it shall be liable to reassessment at the rate fixed at the last settlement for similar residential sites or trade sites in the town.

#### **75. Town of periodic leases of town land.**

- The term for which periodic leases for town lands shall be issued is regulated by the provision of section 21 of the Assam Land Revenue Re-assessment Act, (VIII of 1936)

#### **76. Procedure for assessment of town land.**

- The procedure for the assessment of land as laid down in rules 55-59 above and the rules under the Assam Land Revenue Re-assessment (Act VIII of 1936) shall, subject to the provision of the aforesaid Act, be followed as closely as may be in the assessment of town lands. C Relinquishments

#### **77. Relinquishment.**

- The provision of rule 24 shall, so far as may be applicable, apply to town lands also. [Section V] [(This is a new Section introduced by Notification No. 44-R, dated the 4th January 1940, in substitution of the old Section.)] [Preparation of Record of Rights of Tenants and Adhiars]

#### **78. Application of these rules to preparation of record of rights in any local area.**

- The rules in this Section apply to the preparation of a record of tenants' and adhiars' rights in any local area other than areas included in permanently settled estates when the preparation of a record of tenants and adhiars' right has been ordered under section 18 of the Regulation. [Note. in these rules the words "adhiars" shall have the same meaning as defined in the Assam Adhiars Protection and Regulation Act, 1948 Assam Act XII of 1943] [(Inserted vide Notification No. RSS. 351/64/99, dated 18th May, 1967)]

#### **79. Different processes in preparation of record of rights.**

- When an order has been made under section 17 of the Regulation directing that a record of tenants [and adhiars] rights shall be prepared in the manner prescribed below and shall consist of the

following processes:- (a) Preliminary survey and record-writing. (b) Record attestation. (c) Preliminary publication and disposal of objections. (d) Preparation of final record. (e) Publication of final record. (f) Distribution of final record.

## **80. Particulars to be shown in draft chitha.**

- The draft chitha or field index prepared under rule 56 shall show the names of tenants, and adhiars the rent payable in respect of, and the length of possession of, the holding of each tenant or adhiars in addition to such other particulars as the State Government may direct. Disputes regarding the boundary of any holding lying within the landlord's holdings or estate shall be decided in a summary manner and on the basis of actual possession.

## **81. Khatians and record attestation.**

(1) The Settlement Officer shall then cause draft khatian to be prepared from the chitha. These shall contain the particulars included in the chitha and there shall ordinarily be a separate khatian for each person or body of person interested. In case of lands not used for purposes connected with agriculture, the khatian shall show briefly the use to which the land is put. (2) Each tenant or adhiars and his landlord shall be furnished, before record attestation begins, with a copy of the draft khatian. The record attestation of each village shall be taken up after sufficient time shall have been allowed to the tenant and the dhiars and their landlords to study the copies of their khatians, at a convenient place in or near the village. A proclamation shall previously be published in or near the village concerned giving due notice to the tenants and adhiars and their landlords and calling on them to appear before the Assistant Settlement Officer with their copies of the draft khatian. As each copy of the draft khatian is produced the Assistant Settlement Officer shall examine the entire therein, shall read out and explain the entries, and shall make corrections where required. Disputes regarding the ownership of any holding shall be decided by the Assistant Settlement Officer in a summary manner and on the basis of actual possession. The Assistant Settlement Officer shall in the like manner decide all question as to the correctness of the entries in the khatian and in particular those relating to the rent, and the class to which the tenant belongs, irrespective of whether any of those entries may or may not have been disputed.

## **82. Publication of draft record of rights.**

- The draft record-of-rights, consisting of the khatian as corrected under rule 81, shall be published by being placed for public inspection free of charge during a period of not less than one month at such convenient place as the Settlement Officer may determine. A proclamation shall previously be published in or near the village informing the landlord or landlords and the tenants and the adhiars of the place at which and the period during which the draft record will be open to public inspection and of the last date on which objections may be filed. Notwithstanding anything contained in the proclamation the Settlement Officer may extend the period during which the draft record will be open to inspection and during which objections may be filed.

## **82A. Filing and hearing of objections.**

- Objections to the draft record of rights shall be made in a form approved by the State Government. Blank forms of objection shall be provided free of charge. Along with the original objection the objector shall file sufficient copies thereof for service on the opposite party or parties. The Assistant Settlement Officer shall issue notice to all persons concerned of the date and place fixed for the hearing of the objection. The record shall contain the names of the witnesses examined and an abstract of the reasons for absence of any of the parties materially interested unless the Assistant Settlement Officer be satisfied for reasons to be recorded in writing that the notice was duly served on all the persons concerned.

## **82B. Framing of final record.**

- When all the objections under rules 82 and passed on all appeals to the Settlement Officer from the orders of the Assistant Settlement Officer and the draft record corrected where necessary, the Settlement Officer shall frame the final record in conformity with the draft record thus corrected. The final record shall be the file of khatians as thus corrected and the chithas or field index shall not form part of it. The final record shall be printed or prepared in manuscript as the State Government may determine.

## **82C. Publication of final record.**

- The Settlement Officer shall publish the final record-of-rights by placing it for public inspection free of charge at the place where the draft record-of-rights was published. A proclamation shall previously be published informing the landlords and tenants and adhiars of the place at which the final record will be opened to inspection and the period, which shall not be less than one month, during which it will be opened to such inspection.

## **82D. Distribution of maps and final record.**

- When a map has been prepared in carrying out the settlement operations ordered under section 18 of the Regulation, it may be printed under the authority of the State Government, and may be distributed to public Officers, to Jandlords and to tenatnt and adhiars and to others in such manner as State Government may from time to time by general or special order direct. Copies of the final record of tenants' and adhiars' rights or of portions there of shall be printed or prepared in manuscript, and shall, after certification as prescribed under section 76 of the Indian Evidence Act, (Act, 1 of 1872) be distributed to public officers, to landlords and tenants and adhiars and to others, in such manner as the State Government may from time to time, by general or special order, direct. The printed maps and copies of the record or portions thereof, which are distributed under this rule to persons other than public officers, shall be distributed free or on payment according as, in the case of each local area or class of estates, the State Government may direct.



### **82E. Cost of preparation of record-of-rights to be defrayed by proprietors, etc.**

(1) Costs incurred in the preparation of record of tenants and adhiars rights or such part of the costs as the State Government may direct, shall be defrayed by proprietors, settlement-holders, and tenants and adhiarars in such proportion and in such instalments as the State Government may determine. (2) The cost of preparing the copies of maps and of the record-of-rights distributed free under rule 82D shall be deemed to be part of the costs of the preparation of a record of tenant's and adhiar's rights. (3) The portion of the aforesaid costs which any person is liable to pay shall be recoverable as an arrear of land revenue.

### **82F. Settlement Officer may correct record-of-rights within two years of sftermination of operations.**

- The Settlement Officer, or if there be no Settlement Officer, the Deputy Commissioner, may on application or of his own motion, within two years of the date of the notification under section 1 of the Regulation declaring settlement operations to be closed, correct any entry in a record of tenants and adhiars rights which he is satisfied has been made owing to a bona fide mistake: Provided that no such correction shall be made until reasonable notice has been given to the parties concerned to appear and be heard in the matter.

## **Chapter II**

## **Rules For The Allotment of Grazing Grounds**

### **83. Survey and demarcation of grazing grounds.**

- Whenever it may appear to the Deputy Commissioner, after local inquiry, to be necessary that any land should be allotted from the land referred to in section 12 of the Assam Land and Revenue Regulation, 1886, to the inhabitants of any village or Villagers as a grazing ground, the Deputy Commissioner shall cause such land to be demarcated with temporary boundary marks and, if it has not been already cadastrally surveyed, a map of it to be prepared on the scale of 16 inches to the mile. Note. The boundaries of village grazing grounds should, as far as possible, be straight and easily demarcated.

### **84. Preparation of notice.**

- When the land which is proposed to allot as grazing ground has been temporarily demarcated and the map, if required, has been prepared, the Deputy Commissioner shall cause a notice to be prepared of the proposal to allot the said land as a grazing ground.

## **85. Publication of notice.**

- This notice shall be published in English and in the vernacular at the office of the Deputy Commissioner and at the subdivisional office, circle office and police station within the jurisdiction of which the land which it is proposed to allot as grazing ground is situated, and in the Assam Valley on the notice board of the gaonbura or gaonburas concerned, and published by beat of drum in the vicinity.

## **86. Hearing of objection.**

- The Deputy Commissioner shall receive and inquire into any objection which may be presented to him against the allotment of the proposed grazing ground within one month after the date of publication of the notice referred to in rule 85, and on such inquiry may add any available adjacent waste land to the proposed grazing ground or remove any land from it.

## **87. Powers of Deputy Commissioners to alter the area and boundaries.**

- If, on inquiry into objections under rule 86, the Deputy Commissioner makes any alteration in the area or boundaries of the proposed grazing ground, he shall publish a revised notice in the manner prescribed in rule 85, and shall cause at the same time the revised boundaries to be temporarily demarcated and shown on the map. He shall receive and inquire into any objections which may be presented within one month of the publication of the revised notice, as provided on rule 86.

## **88. Confirmation of proceedings.**

- When all objections presented within one month of the publication of a notice under rule 85 or of a revised notice under rule 87, have been disposed of and no alteration or no further alteration of the area or boundaries of the proposed grazing ground appears to the Deputy Commissioner to be necessary, he shall report his proceedings to the Commissioner who may confirm them with the approval of Government.

## **89. Cost of demarcation.**

- As soon as the proceedings have been confirmed, the Deputy Commissioner shall prepare an estimate of the cost which may be incurred in demarcating the grazing ground with such boundary marks as may be required and notify the amount of such cost to the inhabitants of the village or villages concerned in such manner as he may deem fit, requiring it to be deposited at the Treasury within such time as he may direct.

## **90. Extinction of rights.**

- Notwithstanding anything contained in rules 83 to 88, all grazing grounds with areas and boundaries defined, constituted out of any land over which at the time they were constituted, no

person had the rights of a proprietor, land-holder or settlement-holder, by the Settlement Officer at the regular settlement or resettlement of a district, shall be deemed to have been constituted under the said rules.

### **91. Declaration of grazing grounds.**

- As soon as the cost of demarcation has been deposited the Deputy Commissioner shall cause to be published in the manner prescribed in rule 85, a final notice declaring the land to be allotted as grazing ground. He shall also cause the grazing ground to be entered in the register of grazing grounds and the boundaries thereof to be demarcated with such boundary-marks as may be required.

### **92. Use of grazing ground free charge after issue of final notice.**

- After the issue of the final notice declaring and land to be allotted as grazing, ground, such land may be used as a grazing ground free of charge by persons other than professional graziers, and shall not be occupied or disposed of for any other purpose unless the State Government shall so direct.

### **93. Conditions for use of grazing grounds.**

- The Deputy Commissioner may, if he thinks desirable to do so, prescribe conditions on which a grazing ground may be used, and in such cases may issue passes either generally or by name to persons entitled to use it.

### **94. Rate of fees for the use of village grazing grounds.**

- Professional graziers are not entitled to use village grazing grounds except in quite exceptional circumstances. In such circumstances the Deputy Commissioner may charge entirely at his discretion for any halt exceeding 7 days at a rate not exceeding twice the annual grazing fee obtaining in the district concerned for the cattle so kept. For a period of 7 days only or less the Deputy Commissioner may at his discretion charge at a rate not exceeding the annual grazing fee obtaining in the district concerned for the cattle so kept. If the Deputy Commissioner finds it possible to require his previous permission to the use of village grazing grounds in either of the two cases above referred to, he may exercise his discretion accordingly.

### **95. Punishment for contravention of rule.**

- When any grazing ground has been finally demarcated under rule 89, no person shall occupy any part of such grazing ground for purposes other than grazing. Whoever contravenes this rule shall be punished with fine to be imposed by the Deputy Commissioner which may extend to fifty rupees. Note. All Sub-divisional Officers in the State of Assam have been invested with the powers of a Deputy Commissioner under this rule, vide No notification No. 1575-R., dated the 10th June

1927.

**95A. [ [(Inserted by Government Notification No. RD. 29/44-II/152, dated the 24th July 1948)]**

If at any time the Deputy Commissioner is of opinion that a village Grazing Ground constituted under the foregoing rules is wholly or in part not needed for the purpose for which it was allotted, he shall publish a notice regarding the proposed cancellation of the allotment, hear objections and forward his proceedings together with his recommendation to Government for final orders. The manner of publication of notice and hearing objections shall be the same as in the foregoing rules. In making his recommendation the Deputy Commissioner shall consider if any payment is to be made to the villages as a body for the cost of demarcation if any borne by them originally and whether the claims of persons who may have surrendered land for the purpose of constituting the reserve should revive on cancellation of the reserve or part thereof. The Government will pass orders either accepting, rejecting or modifying the recommendation of the Deputy Commissioner.]

**96. Delegation of Deputy Commissioner's power to Sub-divisional Officer.**

- The Deputy Commissioner may direct a Sub-divisional Officer to make the preliminary inquiry, issue notices, and hear objections in regard to the allotment of grazing grounds in his subdivision.

## **Chapter II**

### **A Rule Under Section 20**

**96A. Barring of application of certain sections or portions of sections to particular area or class of estates.**

(1)The following provisions of the Land and Revenue Regulation shall not apply to the settlement of any area or estate in the Assam Valley or in the district of Cachar excluding Karimganj Subdivision, viz:-  
(i)Sub-section 2 of section 33.  
(ii)Sub-section 3 of section 33 so far as it relates to the delivery of an acceptance.  
(iii)Provision (a) to section 34, and  
(2)In addition, sections 18 and 19 shall not apply to any area or estate in the Assam Valley or in the district of Cachar excluding Karimganj Subdivision which is not included in a village which has been traversed, surveyed, mapped and classed.

## **Chapter III**

### **Rules Under Sections 26,27,152 and 155 (Survey and Demarcation of Land)**

## **97. Revenue Officer to whom reports on boundary-marks are to be made.**

- The Revenue Officer to whom proprietors, settlement-holders, and other persons mentioned in section 26 of the Regulation are required to report if permanent boundary-marks have been injured, destroyed removed or require repairs, shall be the Sub-Deputy Collector in charge of Land Records.

## **98. Traverse survey.**

- When a survey and demarcation of land in any local area or class of estates is ordered to be made under Part B of Chapter III of the Assam Land and Revenue Regulation (1 of 1886), operations shall be initiated by a traverse based on theodolite observations, which shall, if possible, be connected with two or more points which have been fixed by previous surveys.

## **99. Map.**

- For each village a large scale cadastral map based on the traverse survey and showing roads, rivers, railways and other physical features of the country, as well as homesteads and other fields, shall be prepared. Where a suitable large scale map is already in existence, it will not be necessary, unless the Survey Officer so direct, to prepare a fresh map: the existing map may be brought up to date.

## **100. Boundary marks.**

- Where the village has not already been demarcated in an adequate manner, boundary-marks of a permanent nature shall ordinarily be erected at every point where the boundaries of three villages meet. Traverse stations shall also be marked by tree or such other suitable marks as the State Government may from time to time direct.

## **101. Recovery of cost.**

- The total cost of the traverse and cadastral surveys, of compensation due on account of anythings done under the orders of a Survey Officer, and all expenses incurred in erecting and repairing boundary-marks, shall be realised from the proprietors, land-holders and persons entitled to receive rent in respect of any land included in the local area or class of estates covered by the survey and demarcation above mentioned: Provided that in the case of temporarily-settled estates only the cost of boundary-marks including traverse station's shall be realised.

## **102. Levy of cost as an arrear of land-revenue.**

- The amount to be recovered under the last preceding rule shall be levied as an arrear of land-revenue and shall be apportioned in the manner described in the next following rule with the exception of the cost of boundary-marks of estates, which shall be realised in the manner described in rule 105 below.

### **103. Apportionment of cost.**

- When a survey carried out under the provisions of Part B of Chapter III of the Assam Land and Revenue Regulation has been completed, the Survey Officer shall submit to the Deputy Commissioner a statement showing the total cost incurred in the traverse and cadastral survey and in erecting and repairing boundary-marks including traverse stations within the area included in the survey. The Deputy Commissioner, on receipt of such statement, shall proceed to apportion the amount among the proprietors, land-holders and persons entitled to receive rent in respect of the land included in the survey. Note. Settlement-holders other than proprietors and land-holders are not liable to the payment of the cost of survey under these rules.

### **104. Method of apportionment.**

- In making such apportionment in areas other than the permanently-settled estates of Cachar and Goalpara, the Deputy Commissioner shall charge each proprietor, land-holder or person entitled to receive rent in respect of land included in the survey and assessed at full rates of revenue with such sum per rupee of revenue payable by him as shall suffice to cover the total cost of the survey and demarcation. In the permanently-settled estates of Cachar and Goalpara the total cost of the survey and demarcation of the settled area shall be recovered from each proprietor and tenure-holder in proportion to the area of land under survey held by him. If the tenure is rent-free, the whole cost shall be recovered from the tenure-holder. If the tenure is permanent, three-fourths of the cost shall be recovered from the tenure holder and one-fourth from the proprietor. If the tenure is temporary, half the cost shall be recovered from the tenure-holder and half from the proprietor, unless the tenure has less than 5 years to run from the date of final publication, in which case the proprietor should pay the whole cost. When land is held at privileged rates of revenue or where no revenue is payable by any proprietor and land-holder of land included in the survey, the land shall, for the purpose of apportionment, be assessed at the rate applicable to similar land in neighbouring estates paying full revenue; provided that when any land has already been permanently demarcated at the cost of the proprietor, land-holder, or person entitled to receive rent in such a manner that would, in the opinion of the Deputy Commissioner, be inequitable to lay any further charge on him on account of the survey, the land so demarcated may, with the previous sanction of the Commissioner, be omitted from the apportionment. Explanation. For the purpose of the present rule, the term "tenure-holder" shall be held to mean a person having a permanent and transferable interest in land intermediate between the proprietor and the raiyat but not having occupancy right.

### **105. Apportionment of demarcation charges.**

- When any land is demarcated under sections 22 and 24 of Regulation I of 1986, the cost of all marks supplied by State Government, together with other charges which may be incurred in connection with the demarcation, shall be recoverable from the proprietor, land-holder, or other person entitled to receive rent in respect of the estate, as an arrear of land revenue. When any marks have to be put up on the boundary between two estates, the Survey Officer shall apportion the cost as he thinks equitable, having regard to the question whether the marks are required to complete the demarcation of both.

### **106. Notice to persons liable.**

- When the Deputy Commissioner has in this manner apportioned the amount payable by each person liable in the area covered by the survey, he shall cause each such person to be served with a notice, in such manner as the State Government may from time to time direct, of the amount payable by such person accordingly.

### **107. Barring of the operation of rules.**

- The State Government may declare that all or any, portion of any, of the above rules shall not apply in the case of any local area or class of estates.

## **Chapter IV**

### **Registration Rules Under Chapter IV of The Regulation**

#### **108. General Register of Revenue paying estates.**

- The General Register of revenue-paying estates in each district, prescribed by section 48 of the Land and Revenue Regulation, shall consist of three parts, viz.

#### **Part I – Permanently settled estates.**

#### **Part II – Temporarily-settled estates other than waste land grants.**

#### **Part III – Waste land grants other than fee-simple and redeemed leases.**

**Part I – shall be kept in Form No. 19 or in such other form as may be specially prescribed by the State Government.**

**Part II – Shall be kept in ordinary periodic jamabadi form until the district has been resettled, when it will be the jamabandi Register which is prepared by Settlement Officer.**

## **Part III – shall be kept in Form 20.**

Note. The extent to which the forms here prescribed have been introduced has been mentioned in the note to section 49 of the Regulation.

### **109. General Register of revenue-free estates.**

- The General Register of revenue-free estates prescribed by section 48 of the Land and Revenue Regulation shall be in Form No. 21 to 24 according to the district in which it is kept.

### **110. General Registers where be kept.**

- The General Register of revenue-free estates and the General Registers of revenue-paying estates, (a) permanently-settled and (b) waste land grants, shall be kept for each district in the office of the Deputy Commissioner of the district. The General Registers of revenue-paying temporarily-settled estates other than waste land grants shall be kept at the headquarters of the subdivision or district, as the Deputy Commissioner may direct.

### **111. Language in which registers are to be kept.**

- All registers prescribed by these rules shall ordinarily be written in the language of the district in which they are kept. Registers of waste land grants for special cultivation may be kept in English.

### **112. Power of State Government to order new registers to be prepared.**

- The State Government may, whenever they think fit, order new registers to be prepared from the registers existing at the time of such order and form any other authentic information available to the Deputy Commissioner; and such additions to, omissions from, and alteration in, the entries as they appeared in the previous registers shall be made as subsequent changes have rendered necessary and the authority for every change shall be expressly referred to.

### **113. Entry of estates on part of registers on which not previously borne.**

- Whenever, after the preparation of the General Registers, it may be necessary to bring any estate on to any part of such registers on which it is not already borne, such estate shall be brought on to such part under a new number in continuation of the last number of such part. All new entries under this rule shall be made in chronological order.

### **114. Alteration to be noted in General Registers.**

- A note shall be made from time to time in the General Registers of revenue-paying and revenue-free estates -(a) of every alteration ordered by the competent authority in the amount of revenue assessed on any estate; (b) of every case in which lands entered as revenue-free may be



declared liable to assessment, and assessed by competent authority;(c)of every partition or union of an estate;(d)of every removal of an estate from the part of the register on which it is borne;(e)of the redemption of every mortgage in respect of which the name of the mortgagee shall have been entered on the register;(f)of every relinquishment of an estate or of portion of an estate;and in every such note reference shall be made to the authority under which the change was made.In preparing the General Registers space shall be left for entries of the above description.

### **115. Alteration of entries in General Registers by Deputy Commissioner.**

- Whenever it comes to the notice of the Deputy Commissioner that any change has occurred which affects any entry in the General Registers, and renders necessary any alteration therein, the Deputy Commissioner, after making such inquiry as may be necessary, shall make such alteration.Provided that no such alteration shall be made without giving due notice to the recorded proprietors or land-holders, and managers of the estate which the alteration will affect, and to every person whose name it is proposed to register as proprietor, land-holder or manager of such estate before such registration is affected; and any objections, which may be preferred against the proposed change, or registration, shall be duly considered by the Deputy Commissioner before the change or registration is made.

### **116. Power of Deputy Commissioner to order the name of a proprietor, of etc., be struck out of register.**

- Whenever it comes to the notice of the Deputy Commissioner that any person whose name is recorded in the General Registers as proprietor, settlement-holder or manager of an estate is no longer in possession of any such interest in the estate, the Deputy Commissioner may order the name of such person to be struck out from the register:Provided that the Deputy Commissioner shall not strike out the name of any recorded proprietor or landholder, or manager on behalf of a proprietor or land-holder, without giving him due notice and hearing any objections he may prefer against his name being struck out.

### **117. Information to be supplied to Deputy Commissioner on requisition.**

- Every proprietor, land-holder, and manager of an estate and any person holding any interest in land, or employed in the management of land, shall be bound, on the requisition of the Deputy Commissioner, to furnish any information required by such officer for the purpose of preparing, making or correcting any entry in the General Registers of revenue paying and revenue-free land, or to show to the satisfaction of such officer that it is not in his power to furnish the required information.Such requisition shall be made by a notice requiring the production of such information before a date mentioned in such notice.If any person bound to give information under this rule voluntarily or negligently omits to do so, or to show to the satisfaction of the Deputy Commissioner that it is not in his power to furnish such information, he shall be liable to such fine as the Deputy Commissioner may think fit to impose, not exceeding Rs 100, for such omission, and the Deputy Commissioner may impose such further daily fine as he may think proper not exceeding Rs 50 for

each day during which such person shall omit to give the required information after a date to be fixed by the Deputy Commissioner in a notice warning the said person that such daily fine will be imposed: Provided that whenever that amount levied by the Deputy Commissioner under this rule exceed Rs 500, he shall report the case specially to the Commissioner of the Division and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner. The date fixed by notices issued under this rule shall not be less than 15 days after service thereof.

### **118. Alteration of registers on decrees of Civil Court.**

- Whenever any Civil Court makes a decree confirming any transfer of possession of a transferable estate, or gives effect to any decree transferring any such possession, such Court may order the transfer to be registered in the General Registers of the Deputy Commissioner, and the Deputy Commissioner shall register such transfer accordingly. (The attention of the Civil Courts was drawn to this rule in Circular No. 17R, dated the 21st April 1896, and it was pointed out that when directing registration, all information should be furnished which is likely to be required for filling in the columns of the General Register concerned.) [Note. Registration fees should be levied from the persons in whose favour registration is made, at the rates prescribed in the 126. Such fees are realisable under section 144 of the Regulation as arrears of land revenue.] [(Inserted by C.S.N.o. 82 to the fifth edition of this Manual vide Government letter No. L.B. 195/477- 78R., dated the 14th February, 1934)]

### **119. Registration of auction purchaser's name.**

- When any Revenue Court grants a sale certificate under section 85 of the Regulation to the purchaser of a temporarily-settled estate or portion of a temporarily-settled estate at a revenue sale, the Deputy Commissioner shall order the auction purchaser's name to be registered in the General Register in place of that of the defaulter.

### **120. Application for registration or mutation.**

- Application for registration or mutation may be presented by the applicant or by any person duly authorised by him in that behalf. The application if it refers exclusively to a temporarily-settled estate, shall bear (Substituted vide Notification No. RSS/351/64/102, dated 18th May, 1967) [a Court Fee Stamp of the value under Article I Schedule II, of the Court Fees Act, 1870] Separate application shall be made by every person having a separate interest or share as proprietor or manager. Joint application may be made when the proprietor or settlement-holders applying for registration hold an estate jointly without specification of shares. If the applicant is a joint proprietor or settlement-holder in charge, or a manager, he shall in his application, specify the name of the persons on whose behalf he is in charge or manager and the right and extent of the interest of every such person. The Revenue Officer duly empowered to entertain applications for registration shall satisfy himself that every heading has been properly and completely filled up, and that the application has been subscribed and verified by the applicant or his agent under a declaration that the particulars contained therein are true to the best of his knowledge and behalf. If the application is not in form as above directed, it shall be returned to the applicant for correction. Note. The

verification required by this rule is not permissive but compulsory and a person who knowingly subscribes a false verification is therefore liable to prosecution under section 199, Indian Penal Code.

## 121. Registration land Mutation Register.

- Every Revenue Officer duly empowered to entertain applications for registration or mutation of names shall keep a Registration and Mutation Register in Form No. 27. All applications for registration or mutation will be entered in this register.[\* \* \*] [(Proviso to Rule 121 was deleted by Notification No. 2789-R dated the 11th August, 1936)] [Note. (1) Cases undisposed of at the close of the year should be brought on to the new register in red ink, the number and date only being posted when very voluminous entries are concerned.(2) Separate registers should be maintained in each subdivision one for the entries of mutation cases relating to permanently settled estates, waste land grants, lakhiraj and nisf-khiraj estates, and another for the entries of mutation cases relating to ordinary periodic khiraj estates.

## 122. Publication of notice.

(1) The general notice that is issued under section 52(1) and under section 56(1) in the case of tenures shall be published by affixing a copy of the same on or at the following places -(a) The cutchery of the proprietor or land-holder of estate or other place where rents are ordinarily received, or at the office of the mauzadar, and in non-mauzadari areas at the office of the [Gaon Panchayat and Anchalik Panchayat] [(Substituted by Notification No. 2789-R dated the 11th August, 1936)]. (b) Some conspicuous place such as the local post office, school or bazaar in at least one village appertaining to or near the estate to which the application relates, and if the estate comprises lands situated in more than one pargana or fiscal division, then in at least one village in each pargana or division containing such lands. (c) [The office of every Deputy Commissioner Subdivisional Officer, and Circle Sub-Deputy Collector, and in Cachar district in addition, the office of every Tahsildar and Sub-Registrar within whose jurisdiction the land or any part of the land to which application relates is known to be situated:] [(Substituted for the old clause (c) by Notification No. 2440-R, dated the 10th August, 1932. The words 'every thana and 'Munsifi' were omitted by Notification No. 3812-R, dated the 18th November 1936)] Provided that, if arrangements have been made to establish village public notice boards, it shall suffice under clauses (a) and (b) above if the notice be affixed to the board for the village that includes the land or a portion of the land to which the notice relates.[\* \* \*] [(The second proviso to rule 122(1) was deleted by Notification No. 2789-R, dated the 11th August 1936)] [Vide Form No. 28.] [(Substituted for the old note by C.S. No. 115 to the fifth edition of this Manual)] (2) The special notice that is required to be served on the alleged transferor or his heirs under section 52(2) and in the case of tenures on the recorded proprietors of the estate under section 56 (1), and on other persons specified in rules 115 and 116 shall be served on the alleged transferor or other person by tendering to the person to whom it may be directed a copy thereof attested by the Deputy Commissioner, or by delivering such copy at the usual place of abode of such person, or to some adult male member of his family; or in case it cannot be so served, by pasting such copy upon some conspicuous part of the usual or last known place of abode of such person, In case such notice cannot be served in any of the ways herein before mentioned, it shall be served in

such way as the Deputy Commissioner issuing such notice may direct.(3)[No fee shall be charged for the issue of a notice under sub-rule (1), but a fee of twenty-five paise [or such amount as may be fixed by Notification from time to time by the State Government] [(Substituted for old clause (3) of rule 122 and the note there under by Notification No. 2468-R, dated the 14th August 1934)] shall be charged upon the copy of the notice to be served upon the transferor or his heirs under sub-rule (2).]Note. If owing to the failure of the first notice a second or further notice has to be issued the charge will be twenty-five paise for each notice. Process fees other than those levied on account of notices referred to in this rule will be levied in accordance with rule 188(a). When mutation proceedings instituted on the report (chitha) of the mandal or patwari are not disposed of locally because the Revenue Officer does not find time to dispose of them, no fee will be charged for the first notices to the parties which amount only to an intimation to them as to when and where the case will be taken up.(4)In such tracts as may from time to time be notified by the State Government, service of the copy or copies, of the notice referred to above may be effected by despatch by registered post.Note. The State Government have notified that in the plains district of Assam the copies of the notice referred to in this rule may, where it is convenient, be served, by despatch by registered post.

### **123. Registers of applications to register and of registered talukdari tenures.**

- The Deputy Commissioner or Subdivisional Officer shall keep a register of applications for registry of talukdari and other similar tenures under section 55 of the Land and Revenue Regulation, and also a register of such renures actually registered under that section. Every application shall be made and may be presented by the applicant or any person duly authorised by him in that behalf. Every such application shall bear a stamp of fifty paise and no application shall be received unless it states that all person interested in thetenure join in the application.The Revenue Officer duly empowered to entertain applications for registration shall stisfy himself that every head has been properly and completely filled up, and that the application has been subscribed and verified by the applicant or his agent under declaration that the particulars contained therein are true to the best of his knowledge and belief. If the application is not in form as above directed, it shall be returned to the applicant for correction.

### **124. Payment of Cost.**

- All costs of any inquiry or proceeding held by a Revenue Officer under Chapter IV of the Land and Revenue Regulation shall be payable by the parties concerned as such Revenue Officer may direct.

### **125. No. penalty on persons applying for registration suo motu.**

- Notwithstanding anything contained in section 58 of the Land and Revenue Regulation, no fine shall be imposed under that section on any person who shall, at any time after the expiration of the time fixed for registration by section 50, of his own motion, and otherwise than after the issue of a notice under section 58, apply for the registration of his name, and of the character and extent of his interest.

## **126. Fees on transfers.**

- Fees at the following rates shall be levied by the Deputy Commissioner, Sub-divisional Officer, or other officer duly empowered to register transfer on the registry of any transfer under Chapter IV of the Land and Revenue Regulation, and no application for mutation or registration shall be entertained until such fees have been paid. (1) In the case of revenue-paying lands excluding nisfkhiraj estates in the Assam Valley and waste land grants for special cultivation, twenty-five paise percent on the annual revenue payable to the State Government from the extent of interest transferred: Provided that no fees shall be leviable when the land revenue payable from the extent of interest transferred is less than Rs 50. (2) In the case of nisfkhiraj estates in the Assam Valley, fifty paise per cent on the annual revenue payable to the State Government from the extent of the interest transferred. (3) In the case of waste land grants for special cultivation assessed to revenue or assessable at some future date during the term of the grant, fifty paise per cent on the maximum revenue payable during such term. (4) In the case of revenue fee lands, 2 per cent on the annual value of the extent of the interest transferred, such annual value being calculated as laid down in the Assam Local Rates Regulation and in rules issued thereunder. In the case of fee simple grants no portion of which is under cultivation, the annual value shall be calculated at the rate of one rupees fifty paise an acre on the amount of land transferred: Provided that no fee for the registry of any one transfer shall exceed Rs 100 or be less than fifty paise when the transfer relates to revenue-free estate, or less than twenty-five paise when the transfer relates to a permanently-settled or nisf khiraj estate or to waste land grant, and for any fraction of paise a full paise shall be levied. All fees under this or the following rules shall be levied from the persons in whose favour the transfer is registered, and shall be carried to the credit of the State Government. Note. The levy of these fees in stamps is no longer compulsory, but they may be so levied if this is the most convenient course. The Commissioner is authorised to prescribe a procedure for their realisation.

## **127. Fees payable on registration of talukdari tenures.**

- No application for registration of talukdari and other similar tenures under section 55 of the land and Revenue Regulation shall be entertained until the application has paid fee at the following rates: - (a) If the annual rent of the tenure does not exceed Rs 1,000 at the rate of 5 per cent on the rent; (b) If the annual rent of the tenure exceeds Rs 1,000, at the rate of 5 per cent on the rent up to Rs 1,000 and at 1 per cent on all above that amount: Provided that, if application for registry is made after three months from the date of creation of the tenure, fees shall be levied at double the above rates and, if made after six months from the date of creation of the tenure, at four times the above rate.

## **128. Right of public to obtain extract from registers.**

- The Deputy Commissioner or Sub-divisional Officer shall supply an extract from any register mentioned in these rules to any person who may apply for the same, subject to the payment of the prescribed searching and copying fees.

## **129. Fees and prescribed condition for inspect in registers.**

- The registers and records of Revenue Courts shall be open to inspection on all days on which the Courts are open between certain hours, which shall be fixed for each district by the Deputy Commissioner. Authority to sanction inspection of registers and records deposited in the district or sub-divisional record room shall be exercised only by the Deputy Commissioner or Sub-divisional Officer, or when such officer is on tour, by the officer in charge of his office. A Revenue Officer authorised to grant an application, to inspect any register or record shall, if he refuses such application record his reasons for such refusal. If the application is granted, the applicant shall observe the following rules:- (a) He shall not take pen or ink into the record-room. (b) He shall not in any way alter or erase any part of the registers or records he may inspect. (c) He shall not remove any registers or record from the record-room, or room of the Court where it is being kept. (d) Any person inspecting registers or records may be permitted to take notes or copies in pencil. (e) Any person inspecting registers or record deposited in the record-room shall do so in the presence of the Record-keeper or Assistant Record-keeper. Inspection of registers and records, before they have been deposited in the record-room, shall be made in the presence of any ministerial officer whom the Deputy Commissioner or Sub-divisional Officer may appoint for that purpose. (f) A fee of one rupee shall be leviable in court fee stamps for the inspection of every register, or record of a case, after it has been disposed of; pending records may be inspected by parties to the case or by their authorised agents fee of charge. The court-fee stamps shall be attached to the application for inspection, and shall be punched before the application is granted.

## **Chapter V**

### **Rules Under Chapter V of The Regulation, Relating To Arrears and Mode of Recovering Them**

#### **Section I General**

## **130. Land-revenue when and how payable.**

- Every sum payable on account of land revenue shall fall due on the dates specified below and shall be payable in such manner and in such instalments as therein prescribed. When land revenue falls due on a Sunday or authorised holiday the first open day after such Sunday or holiday shall be taken as the date on which the revenue fell due. The Deputy Commissioner or Sub-divisional Officer shall be present in office up to sunset on the dates when land-revenue falls due in respect of permanently-settled estates. Note. (1) For this rule and certain other of this Section are to be substituted in the case of Karimganj Subdivision of the Cachar district the rules contained in Section V of the same Chapter. (2) When the settlement-holder of an estate resides in a subdivision other than the subdivision in which the estate is situated, and arrears of land-revenue or local rates of the estate are realised by the Sub-divisional Officer in whose jurisdiction the defaulter resides, amounts realised should be remitted to the subdivision in which the estate is situated by money order, the charge, for the commission on it being borne by the State revenue. Dates and Amounts of Kists

## Part I – Ordinary Land Revenue

Cahcar (Excluding Karimganj Subdivision). - All estates paying Rs 10 and above, three instalments, viz., one-fourth on 1st August, one-fourth on 1st November and half on 1st March. All estates paying less than Rs 10 one instalment on date from 1st to 7th March, inclusive.

Pargana	To whom to be paid	First instalment Latest date	Second instalment Latest date	Third instalment Latest date
Barakpar	Tahsildar, Silchar	1st August	1st November	1st March
Joynagar	Ditto	2nd August	2nd November	2nd March
Udharbund	Ditto	3rd August	3rd November	3rd March
Barkhola	Ditto	4th August	4th November	4th March
Rajnagar	Ditto	5th August	5th November	5th March
Banskandi	Ditto	6th August	6th November	6th March
Chatlahaor	Ditto	7th August	7th November	7th March
Gumra	Ditto Katigora	1st August	1st November	1st March
Katigora	Ditto	2nd August	2nd November	2nd March
Jalalpur	Ditto	3rd August	3rd November	3rd March
Phulbari	Ditto	4th August	4th November	4th March
Leberputa	Ditto	5th August	5th November	5th March
Jatrapur	Ditto	6th August	6th November	6th March
Haritkar	Ditto	7th August	7th November	7th March
[Davidsonabad] [[Substituted for the original vide Government Notification No. RR.29/48/8, dated 3rd June 1948]]	Ditto Sonol	5th August	5th November	5th March

Bhuban Hill] [[Substituted for the original vide Government Notification No. RR.29/48/8, dated 3rd June 1948]]	Ditto	4th August	4th November	4th March
[Banraj] [[Substituted for the original vide Government Notification No. RR.29/48/8, dated 3rd June 1948]]	Ditto	2nd August	2nd November	2nd March
[Rupairbali] [[Substituted for the original vide Government Notification No. RR.29/48/8, dated 3rd June 1948]]	Ditto	3rd August	3rd November	3rd March
[Sonapur] [[Substituted for the original vide Government Notification No. RR.29/48/8, dated 3rd June 1948]]	Ditto	1st August	1st November	1st March
[Lakhipur] [[Substituted for the original vide Government Notification No. RR.29/48/8, dated 3rd June 1948]]	Ditto Silchar	8th August	8th November	8th March
Bikrampur	Mauzadar, Bikrampur	1st August	1st November	1st March
Kalain	Ditto	3rd August	3rd November	3rd March
Hailakandi	Tahsildar Hailakandi	1st August	1st November	1st March
Saraspur	Ditto Hailakandi	3rd August	3rd November	3rd March
Vernerpur	Ditto Hailakandi	5th August	5th November	5th March

All tea planters may, if they wish to do so, pay revenue on all classes of land direct into the Treasury.Goalpara (permanently-settled tract). All estates over Rs 50, two instalments, viz., 30 per cent on 30th September and 70 per cent on 15th January. All estates of Rs 50 and under one instalment on 30th September. Revenue payable direct to Treasury.Assam Valley (excluding permanently-settled tracts) Regular settlement. In villages which pay their land-revenue, or a considerable proportion of their land-revenue, by the production and sale of mustard or pulse (matikolai), one instalment on the 15th March, in villages which pay their land-revenue, or a considerable proportion of their land-revenue by the production and sale of jute, one instalment on the 15th November, in other villages two instalments, viz., three-fifths on the 15th January and two-fifths on the 15th February. Supplementary settlement One instalment on the 15th March. Revenue is payable to the mauzadar in whose jurisdiction the estate is situate, if the estate is not amalgamated with mauza in which it is situate, the revenue is payable direct to Treasury. Revenue is due from mauzadars one months after the instalments, as prescribed above, become due provided that a mauzadar shall not be passed before the 1st May, to make good balance uncollected by him. At the discretion of the Deputy Commissioner the period of grace may be extended to the 31st May.

Para II - Miscellaneous Land Revenue

Item of revenue	District	Industries
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Substituted for the original columns relating to Fisheries by correctionship No. 25 to the fifth edition of the Land Revenue Manual, vide Dy. No. L.R. 621/33[Fisheries]

All district

In each year of the lease:-

One-fourth of one year's revenue on 15th July.

Three eights of one year's revenue on 15th November

Three-eights of one year's revenue on 15th January

The sum furnished as security on the day of sale will be adjusted only against the last instalment payable during the lease.

House-tax

All districts

except the Garo Hills. One instalment in January.

Garo Hills One instalment in February.

Elephants

All districts

One-fourth on the day of sale.

One-fourth on 15th December of the 1st year.

One-fourth on 15th June of the 2nd year

One-fourth on 15th December of the 2nd year.

Coal grants

Lakhimpur

Two instalments, half on 30th January and half on 30th July.

Gold washing

Ditto

Two instalments, three-fifths on 15th January and 15th March

Salt wells

Cachar

One-fourth on the day of sale, three-eights on 1st November and three-eights on 1st February.

The date of payment of revenue in the Garo Hills and the instalments in which it is paid are-Regular settlement. In two instalments, viz., three-fifth on the 15th December and two-fifth on the 15th February. Supplementary settlement. In one instalment on the 15th February.

### 131. Separate account notices and Registers.

- Notices under section 65, clause (2) of the Regulation shall be published together with a copy of the application made in the Court of the Deputy Commissioner or Sub-divisional Officer and in the

police thanas in whose jurisdiction the estate or the greater part thereof is situated, as well as in the conspicuous part of the estate itself or, where the estate is small, of the village nearest to the estate. A register of separate accounts opened shall be kept by the Deputy Commissioner or other officer duly empowered to dispose of applications for separate accounts.

### **132. Fees on application for separate accounts.**

- No application for opening separate accounts shall be entertained until the applicant has paid fees at the following rates :- If the Government revenue on the share does not exceed Rs 1,000 at the rate of 10 per cent upon the revenue. If the Government revenue on the share exceeds Rs 1,000 at the rates of 10 per cent to Rs 1,000 and 2 per cent on all above that amount. All fees under this rule shall be levied in court-fee stamps: Provided that the fees under this rule should not be less than [one Rupees] [(Substituted vide Notification No. RSS.351/64/101, dated 18th May, 1958)] and that for any fraction of Paise a full Paise shall be levied. Note. See note under section 68 of the Regulation in Part I, Notice of demand has been discontinued in the Assam Valley.

### **133. Notices of demand.**

- Notices of demand under section 68 of the Regulation shall ordinarily be issued by, and the signature and seal of, the following officers:- (a) By the Deputy Commissioner with respect to all estates situated within the Sader Subdivision of a district and not included within the limits of any tahsil or mauza. (b) By the Sub-divisional Officer with respect to all estates situated within the limits of a mufassil subdivision, and not included within the limits of any tahsil or mauza. (c) Tahsildar with respect to all estates situated within the limits of this Tahsil, or by the Sub-Deputy Collector or other officer invested with the power under section 68 of the Regulation.

### **134. Mode of service of notice of demand.**

- A notice of demand under rule 132 shall be served by delivering to the person to whom it is directed a copy thereof attested by the Revenue Officer who issues it, or by delivering such copy at the usual place of abode of such person to some adult male member of his family or, in case it cannot be so served, by pasting such copy upon some conspicuous part of the usual or last known place of abode of such person. In case such notice cannot be served in any of the ways hereinbefore mentioned it shall be served in such way as the officer issuing the notice may direct.

### **135. Sale proclamation.**

- The statement and list of estates to be prepared under section 72(1) and (2) of the Land and Revenue Regulation, in respect of property to be sold under section 70, shall be prepared in the language of the district and may, if the Deputy Commissioner thinks fit be recorded in a book prepared for this purpose, to be called the sale Statement Book. When published in the Gazette, the statement shall also be published in the vernacular of the district and in English.

### **136. Publication of list of estates.**

- [The list of estates referred to in the foregoing rule shall be published -(a)In the Court of the Revenue Officer by whom it has been prepared;(b)At the office of the Sub-Deputy Collector in whose circle the estate is situated(c)At the office of the Tahsildar or house of the mauzadar within whose tahsil or mauza defaulting estate lies; and(d)Where gaonburas are employed, on the signboard of the gaonbura within whose charge the defaulting estate falls;(e)At the offices of the Gaon Panchayat and the Anchalik Panchayat.]

### **136A. [ Serving of sale statement. [(Inserted by Notification No. 3814-R., dated 18th November, 1936. Added vide Notification No. RSS. 351/64/101, dated 11th May, 1967)]**

- The sale statement mentioned in rule 135 shall be served under subsection (4) of section 72 of the Regulation on the defaulter or, if he can not be found, it shall be pasted on a conspicuous part of the estate.] [(Substituted for old rule by Notification No. 3014-R., dated the 18th November, 1936)]

### **137. Right of public to inspect statements under section 72(1).**

- The original or copies of all statements prepared under section 72(1) of the Regulation shall, subject to such rules for the proper care of those documents and the preservation of order as the Deputy Commissioner may from time to time make be open daily (holidays excepted) to inspection by the public, free of charge, at the office at which such statements have been prepared for such two hours during office hours as the Deputy Commissioner may from time to time fix.

### **138. Mode of service of proclamation of sale, annulment, etc.**

- Proclamations to tenants of defaulters under section 73, and proclamations annulling settlements issued under section 90 of the Land and Revenue Regulation, shall be published in the language of the district in the Court of the Revenue Officer duly empowered to issue the same, and also at the Circle Sub-Deputy Collector's office, the house of the mauzadar, (the offices of the Gaon Panchayat and Anchalik Panchayat) and the village public notice-board or, in the Cachar district, at the police thanas and tahsils, other than thanas and tahsils situated at the headquarters of a district or subdivision, in whose jurisdiction the defaulting estate or the greater part thereof is situated, and copy of the same shall be pasted upon a conspicuous part of the estate itself or, where the estate is small, of the village nearest to the estate.

### **139. Sale procedure when estates are sold.**

- When estates are sold in the district of Cachar sales shall, on the day of sale, proceed in regular order, mauza by mauza, or pargana as the Commissioner may direct, the estate to be sold bear by Pargana the lowest number on the tauzi being put up first and so on, in regular sequence the Revenue Officer shall not put up any estate out of its regular order by number except where it may

be necessary to do so under section 77 of the Regulation.

#### **140. Notice of re-sale.**

- No notice of re-sale under section 78 (2) of the Regulation shall be published until the expiration of three clear days after the day the purchaser has defaulted, and if the payment or tender of payment of the arrear on account of which the estate or share was first sold, and of any arrear which may have subsequently become due, shall be made by or on behalf of the proprietor or settlement-holder of the estate or share before sunset of the third day, the issue of the notice of re-sale shall be stayed.

#### **141. Purchase of defaulting estates by the State Government.**

- Where a defaulting estate is put up for sale for arrears of revenue due hereon, if there be no bid, the Revenue Officer conducting the sale may purchase the estate on account of the State Government for one rupee or, if the highest bid be insufficient to cover the arrear due, may purchase the estate on account of State Government at the highest amount of bid. [Note. This applies to an estate sold for its own arrears and does not apply to an estate sold for purpose of recovering arrears not its own. The sale of such an estate is governed by section 91(1) of the Regulation.] [(Inserted by C.S. No. 17 to the fifth edition of this Manual, vide Collection Revenue, A, December 1934, Nos. 7-63)]

#### **142. Sale certificate.**

- The sale certificate referred to in section 85 of the Regulation shall be written on stamped paper of the proper value to be supplied by the purchaser at his own expense. If the purchaser has failed to supply stamped paper of the proper value, the Deputy Commissioner shall supply it and shall recover the value from the purchaser as an arrear of land-revenue.

#### **143. Notice of transfers of estates.**

- All transfers of estates or shares of estates by sale under the provisions of Chapter V of the Regulation shall be notified by the Deputy Commissioner or Subdivisional Officer by written proclamation in his own office and at the Circle Sub-Deputy collector's office, the house of the Mauzadar the offices of the Gaon Panchayat and the Anchalik Panchayat and the village public notice-board or in the Cachar district, at the police thanas and a tahsils, other than thanas and tahsils situated at the headquarters of the district or subdivision, within whose jurisdiction the estate or a greater portion thereof is situated.

#### **144. Mode of delivery of possession of estate to suction purchaser.**

(a) The Deputy Commissioner, or other officer duly empowered shall order delivery of possession of any estate, or any share or any particular lands of an estate, sold under the provisions of Chapter V of the Regulation to be made by proclamation to the tenants and other persons on the estate by beat of drum or in such other mode as may be customary and by affixing a copy of the sale certificate in

some conspicuous place of the estate or the particular lands purchased, or where the estate is small, of the village nearest to the estate.(b)In any case in which a whole estate any particular lands of an estate shall have been sold free of incumbrances in accordance with the provisions of section 71 of the Regulation, the purchaser may apply to the Deputy Commissioner (or other officer duly empowered) for actual possession of the property, naming the persons to be evicted and specifying the land from which they are to be evicted. Thereupon the Deputy Commissioner (or other officer) shall notify the persons to be evicted and if, after hearing the parties and such further inquiry as he may think necessary; he is satisfied that the land specied appertains to the property sold and that the persons to be evicted are not protected by any of the provisions and section 71 of the Regulation, he shall order possession to be delivered to the applicant by removing such persons (or any of them) from the land.

#### **145. Application of annulment of sales.**

(1)An application under section 81 of the Regulation may be made to the [\* \* \*] [Deleted vide notification No. RSS 351/64/101, dated 18th May 1967)] [Board.]

#### **146. Demand certificate.**

- The demand certificate referred to in section 91(2) of the Regulation shall be in form No. 40.

#### **147. Sales of moveable property where to be he.**

- Sales of moveable property shall ordinarily be made on the spot, but in the case of any such property the Revenue Officer duly empowered to order sales may direct that the shall be held at any other place, if he has reason for thinking that higher price will thereby be realised.Note. (Certain executive instructions on the subject of this rule were issued in Circular No. 2R., dated the 30th May 1908, which have been inserted under section 90 of the Regulation as a Note.) When the value of the property attached will note exceed [one hundred rupees] [(Substituted vide notification No. RSS 351/64/101, dated 18th May 1967)] the order and notice issued under section 69 should provide for sale, if he arrear is not paid up immediately upon attachment, and should be in Form No. 31. The sale should be conducted under the following conditions:-(1)In non-tahsil areas the sale must be conducted in the presence of the mauzadar and of two respectable residents of the locality, who will sign the peon's report of the sale. In tahsil areas the peon's report will similarly be signed by two respectable residents of the locality. In the Assam Valley these peons should, as a rule, be village gaonburas.(2)All sale-proceeds will be made over by the peon to the nazir, or in tahsils to the tahsilders who will arrange for payment of the revenue and for the transmission of any balance to the defaulter.(3)The peon will invariably give a printed counterfoil receipt for the realisations of the sale.These orders do not apply to sales of moveable property in cases where the value of the property attached will exceed [one hundred rupees] [(Substituted vide notification No. RSS.351/64/101, dated 18th May 1967)]. In such cases the procedure aid down in Executive Instruction 93 should be followed.

### **148. Sales for arrears less than four annas prohibited.**

- No defaulting estate or immoveable property of a defaulter shall be sold for an arrear which is less than twenty-five paise.

### **149. Annulment of settlement.**

- The settlement of an estate in which the settlement-holder has a permanent, heritable and transferable right of use and occupancy may be annulled with the sanction of the Commissioner: Provided that an appeal shall lie to the Board in all cases of such annulment within two months of the date of the Commissioner's order.

### **150.**

(1) Whenever settlement of an estate in any of the plains districts of Assam is annulled under section 90 of the Assam Land and Revenue Regulation, a notice will be issued to the defaulter requiring him to vacate the land and remove therefrom any buildings erected or crops planted or sown by him within 15 days. Intimation will at the same time be given to the mandal of the circle of the annulment of the settlement and of the issue of the notice. (2) On the expiration of the period of 15 days a peon will be deputed with mandal of the circle and the gaonbura to take possession of the land. (3) If, after settlement of any land has been annulled on account of arrears, the defaulter or any one acting on his behalf refuses to comply with a notice requiring him to vacate the land (he shall be evicted forthwith and if he obstructs any officer deputed to take possession of the land or re-enters without permission, land from which he has been ejected, the offender will be prosecuted under the appropriate section of the Penal Code. Section II Special Rules For The Recovery of Arrears of Land-Revenue Due From Temporarily-Settled Estates Included In The Jurisdiction of Mauzas

### **151. Operation of rules 152 to 158.**

- Rules 152 to 158 inclusive shall apply to the realisation of arrears due on lands the revenue of which is paid through the mauzadar.

### **152. List of defaulters.**

- A mauzadar may, after an arrear has fallen due in his mauza, file a defaulters' list in the Court of the Deputy Commissioner or Subdivisional Officer: Provided that no defaulters' list shall be entertained under this rule if it relates to arrears of revenue accruing earlier than in the two revenue years previous to the preceding 30th June. Vide Form No. 41 Note. The Commissioner may, in special cases, at his discretion relax the rule requiring the prepayment of process fees in bakijai cases by mauzadars. In all such cases the process-fees should ultimately be realised from the mauzadars, whether they are successful in collecting them from the raiyats or not: provided that in special cases and with the Commissioner's sanction mauzadars may be exempted from such payment.

### **153. Order to attach property.**

- On receipt of the defaulters list as prescribed in rule 152 the Deputy Commissioner or Subdivisional Officer shall issue an order to the Nazir to attach such moveable property of the defaulter as the mauzadar may point out and to send in to the Deputy Commissioner or Subdivisional Officer a list of the property attached. AT the same time that the Nazir attaches property under this rule, he shall serve a sale notice on the defaulter.

### **154. Order to sell property.**

- Should the defaulter, after attachment of moveable property, still fail to pay in the arrear with cests, the Deputy Commissioner or Subdivision Officer shall, on receiving a report to that effect from the mauzadar, issue an order to the Nazir, to sell the property attached if the arrear is not paid before the date fixed for sale. The mauzadar's report under this rule shall be stamped with court-fee stamps equivalent to the process fees required by the rules issued under section 155 (b) of the Regulation. See note to rule 147 and also From No. 36

### **155. Sale defaulting estates.**

- If the mauzadar is of opinion that the process provided for in these rules is not sufficient for the recovery of the arrear, he may, if the arrear has accrued in respect of an estate in which the settlement-holder has a permanent heritable and transferable right of use and occupancy, apply to the Deputy Commissioner to order the attachment under section 69A, or the sale of the estate itself, subject to the provisions of section 74 of the Land and Revenue Regulation: Provided the arrear has accrued not earlier than in the two revenue years referred to in the provisions to rules 152 and 156 and, where action under section 69 of the Assam Land and Revenue Regulation is taken by or at the instance of the mauzadar, the application is made within three months of the termination of the proceedings under section 69.

### **156. Mauzadars may order attachment of defaulter's moveable property.**

- Notwithstanding any thing contained in the foregoing rules a mauzadar, who has been invested with the powers of a Deputy Commissioner under Section 69 of the Assam Land Revenue Regulation, may order the attachment of the defaulters moveable property subject to such conditions and restrictions as the State Government may direct in this behalf: Provided that no such order shall be issued in respect of arrears of revenue accruing earlier than in two revenue years previous to the preceding 30th June. Note. Under this rule the State Government have issued the following orders laying down the conditions and restrictions referred to in the rule:- The order of attachment of moveable property to be issued by mauzadars shall be in Form No. 34 B and shall be in duplicate and counterfoil. Printed forms will be supplied in bound books serially numbered to mauzadars who have been invested with the powers of a Deputy Commissioner under Section 69 of the Assam Land and Revenue Regulation. Before issue of an attachment order the court-fee of one rupee must be affixed across the joint of the two copies, and the second half cut off through the

middle of the stamp. This will be forwarded, with the list of the persons to whom orders are to issue, to the Deputy Commissioner by special messengers or in a registered cover. After this has been done, the mauzadars will be at liberty to issue the orders over his own signature by a special peon who should be deputed from the nazarat for the purpose. If no permanent peon is available for the work, the Deputy Commissioner may appoint a person nominated by the mauzadars to act as attaching peon, an arrangement which will obviate the necessity of sending one of the mauzadars men to point out the property to be attached. The case of all raiyats who do not pay their revenue on attachment must be reported for the orders of the Deputy Commissioner or the Sub-Divisional Officer, no sale being held by the mauzadar himself otherwise then in accordance with authority given to him under rule 158.

### **157. Staying of sale on payment of arrears.**

- If at any time before the property is sold under rule 154 or 155 the defaulter pays the arrears due with the prescribed penalty or fee and costs, the sale will be stayed: provided that the payment is made either to the mauzadar in sufficient time to admit of the fact of the payment being reported to of the officer who will conduct the sale before the date fixed for the sale or directly to the officer who will conduct the sale.

### **158. Sale of moveable property not exceeding Rs 20 in value.**

- The Deputy Commissioner may empower any mauzadar who has been invested with the powers of a Deputy Commissioner under Section 69 of the Assam land Revenue Regulation to sell any moveable property not exceeding Rs 20 in value attached by him, or under his orders, under rule 156. Such sale shall be held by the mauzadar personally in the village in which the defaulter resides or, if the property can be conveyed there without incurring additional cost, at the nearest that, in accordance with such directions as the State Government may issue from time to time.

### **159. Procedure when waste land grantees, settlement-holders paying revenue direct and Mauzadars become defaulters.**

- When a grantee of a waste land grant or any settlement-holder of land not amalgamated with the mauza within which it is situated, and who pays land revenue to the Treasury direct, becomes a defaulter, the Deputy Commissioner or Sub-divisional Officer shall issue upon him a notice of demand and, if the arrear due is not paid up within the period specified in the notice, shall proceed further against him according to the provisions of the Land and Revenue Regulation as if he were a defaulter. An attachment order will issue without the previous issue of a demand notice against any mauzadar whose revenue is outstanding on the 1st June.

### **159A.**

The rules in this section shall apply to sarbarakhers working on behalf of mauzadars who are minors.[Section III] [(Substituted for old Sections III and IIIA by Notification No. 4725-R., dated



the 7th September, 1939) ]Special Rules For The Recovery of Arrears of Land-Revenue Due From Temporarily-Settled Estates Included In The Jurisdiction of Tahsils In The Districts of The Assam Valley Division and Cahcar Excluding Karijganj Subdivision

#### **160. Bakifajil statement.**

- [In the Assam Valley the tahsildar shall prepare a bakifajil statement immediately after the 2nd or the last kist prescribed for such estate. In Cachar the tahsildar shall prepare a statement immediately after each kist.] [(Substituted for the old rule 160 by Notification No. RR. 80/42/17 dated the 14th September, 1942)]

#### **161. Attachment of moveable property on preparation of bakifajil statement.**

- On the preparation of the [bakifajil statement] [(The words 'bakifajil statement' were substituted for the words 'defaulters' list' vide Notification No. RR. 80/42/17, dated the 14th September, 1942)] the tahsildar shall himself attach, or shall issue an order to the tahsil nazir for the attachment of, the moveable property of the defaulter. A sale notice shall be served on the defaulter at the same time,Vide Forms No. 34A and 35.

#### **162. Order of attachment and sale of moveable property.**

- Should the defaulter after attachment of moveable property still fail to pay in the arrear with costs, the tahsildar shall proceed to sell, or cause the sale of, the property attached if the arrear is not paid before under this rule and before the date fixed for sale, the arrear with cost is paid the tahsildar shall see that a certificate to that effect is placed with the record:Provided that where the value of the property attached does not exceed Rs 20, the property shall be liable to be sold if the arrears with costs are not paid up immediately upon attachment. In such cases the procedure prescribed in rule 147, Chapter V, Part II, shall be followed.See note to rule 147 and also Form No. 36.

#### **163. Moveable property not to be sold for an unduly low price.**

- The tahsildar shall be responsible that, as far as this in his power, attached property shall not be sold for an unduly low price. He shall take special orders from the Deputy Commissioner in all cases of difficulty, and in the event of the property being sold for an apparently inadequate sum, he shall report the matter to the Deputy Commissioner who may cancel the sale or pass such other order as the latter thinks fit.

#### **164. Sale of defaulting estates.**

- If the tahsildar is of opinion that the process provided for in these rules is not sufficient for the recovery of the arrear he may, if the arrear has accrued in respect of an estate in which the settlement holder has a permanent heritable and transferable right of use and occupancy apply to the Deputy Commissioner to order the sale of the estate itself, subject to the provisions of section 74

of the Land and Revenue

## 165. Regulation.

- If a settlement-holder tenders payment of an arrear due from him after it has accrued, payment shall be accepted on payment of the following amounts as penalty or fee, as the case may be, [in cash or] [(Inserted vide Government Notification No. R.L.R. 129/64/35. dated 8th January 1968)] in court-fee stamps, to be affixed to the chalan tendering payment: (a) If paid before issue of attachment order 50 paise-Penalty under Section 68 (1) (b) If paid after issue of attachment order Re 1.00 Penalty under Section 68(1) (c) If paid after issue of proclamation of sale Re 1.00 Fee under Section 75, in addition to penalty under Section 68(1): Provided that, if the arrear does not exceed fifty paise the penalty leviable under clause (a) or clause (b) shall in no case exceeds fifty paise.

## 166.

The officer in charge of a tahsil shall have all the powers of a tahsildar Section IV Special Rules For The Recovery of Arrears of Land Revenue Due From Permanently Settled Estates

## 167. Land-revenue where to be paid.

- The proprietors of permanently settled estates in the Goalpara district shall unless the Commissioner shall otherwise direct pay land-revenue direct to the Treasury of the subdivision in which their estates are situate. If an estate is situated within more than one tahsil or subdivision, the Deputy Commissioner shall determine to what tahsil or sub-divisional Treasury the revenue shall be payable.

## 168. Application for sending copies of statement by post.

(1) A proprietor desiring to register his name under section 72(5) of the Regulation with a view to having copies of statements prepared under section 72 sent to him by post, shall present to the Deputy Commissioner or Sub-divisional Officer an application with a stamp of the value of Rs 2.00 (as a registration fee). (2) If the application is admitted, the name of the application shall be entered in the register and a copy of the entry shall, if he then desires it, be given to him free of charge. (3) Every such registration shall hold good for five years from the date on which it is made and shall then become void. Vide Forms Nos. 43 and 44.

## 169.

If payment of an arrear is tendered by, a defaulter after it has accrued, payment shall be accepted on payment of the following fees [in each or] [(Inserted vide Government Notification No. RLR, 3129/653 dated 8th January, 1968)] in court fee stamps to be affixed to the chalan tendering payment:-(a) If paid before issue of proclamation of sale of defaulting estate under Section 72, Rs 1.00 Penalty under Section 68 (1). (b) If paid after issue of proclamation of sale of defaulting estate

under Section 72, Rs 2.00 Fee under Section 75, in addition to the penalty under Section 68(1).Section VSpecial Rules For The Recovery of Arrears of Land Revenue In Karimganj Subdivision of Cachar District

## 170.

The following rules are substituted in the Karimganj Subdivision of Cachar District only for rules 130, 135, 136, 137, 138, 148, 160, 161, 162, 163, 164, 165, 166 and 167 of the rules made under Chapter V of the Assam Land and Revenue Regulation:(1)Land Revenue when to repaid. - Every sum payable on account of land revenue shall fall due on the dates specified in Appendix 1 and shall be payable in such manner and in such instalments as therein prescribed before sunset of the due dates.When land-revenue falls due on a Sunday or authorised holiday, the first open day after such Sunday or holiday shall be taken as the date on which the revenue fell due.(2)Sale proclamation. - The statement to be prepared under section 72(1) of the Land and Revenue Regulation in respect of property to be sold under section 70, shall be prepared in the language of the district, and may if the Deputy Commissioner thinks fit, be bound in a book to be called the Sale Statement Book.(3)Publication of sale statement. - The tahsildar will post a carbon copy of the sale statement after striking out the estates (if any) which are not to be sold and not therefore to be advertised for sale, in a glazed frame prepared and kept for the purpose at the Subdivisional office. The officer posting the copy in the glazed frame will certify on it that he has done so on a date named, and sign and date the certificate.If the tahsil is not situated at the headquarters of the subdivision, he will post a copy of his tahsil where the revenue of the estates is paid and send a certificate of positing to the officer ordering the sale. He will at the same time forward a copy to be posted at headquarters and it will be the duty of the head quarters tahsildar to see that a copy is properly posted at head quarters. When any one of the estates advertised for sale is not situated within the jurisdiction of the thana at the headquarters of the subdivision, the person entrusted with the service of the sale notice will go to thanadar, hand over to him a carbon copy of the sale statement used as list of estates advertised for sale and get his certificate. The officer in charge of the thana, on receipt of the copy will paste it on his notice-board. A copy of the sale statement made by means of carbon paper for use as list of estates advertised for sale, must be posted at the Subdivisional officer, at the tahsil and at the thana, thirty days before the date of sale.If the tahsildar finds that he cannot readily determine the thana or the thana within the jurisdiction of which the estate is situated a copy of the sale statement used as list under section 72(2) of the Regulation will be published at whatever thana he deems most suitable for the purpose of publication.Vide Forms Nos. 37A and 37B.(4)Right of public to inspect sale statements. - The originals or copies of all statements prepared under section 72(1) of the Regulation ordinarily be opened daily (holidays excepted) for inspection by the public, free of charge, at the tahsil office, from 2 p.m. to 4 p.m. The inspection will be made in the presence of the Tahsildar or his assistant. No one will be allowed to remove the statements from the place where they are kept, or in any way to alter or erase any part of them or record anything on them. Persons requiring information may take notes or copies in pencil.(5)Mode of service of sale notice. - Simultaneously with the posting of copies of the sale statement used as list of estates advertised for sale, under section 72(2) of the Regulation the tahsildar will (where necessary) make copies of those entries in the sale statement of which a copy is required to be despatched by post to such proprietors as have registered their names for the purpose under section 72(5) of the Regulation. In the case of

defaulting estate not being a permanently-settled estate, the tahsildar will make two copies of the entry by means of carbon paper, one copy to be made over to the defaulter or if he cannot be found, pasted on a conspicuous part of the estate under section 72(4) of the Regulation, and the other copy for the defaulter's receipt or certificate of service to be recorded and filed with the sale record. This certificate shall be attested by at least two witnesses.(6)Publication of notices issued to tenants of defaulters and proclamation annulling settlement. - Notices to tenants of defaulter under section 73 of the Regulation will be published only for estates paying more than Rs 50.00. These notices and proclamations annulling settlements issued under section 90 of the Regulation will be published in the language of the District in the Court of the Revenue Officer duly empowered to issue the same, and also at the police thanas and tahsils, other than the thana and tahsils situated at the headquarters of the subdivision, in the jurisdiction of which the defaulting estate or the greater part thereof will be pasted on a conspicuous part of the estate itself or, Where the estate is small, of the village nearest to the estate. In the case of a temporarily-settled estate, arrangement should be made to issue the notices under section 73 along with the notice under section 72(4), only one set of process fees being charged for both the notices. Each set of notice under section 73 will be prepared in duplicate by means of carbon paper for each estate, one copy being posted as stated above, and on the other the certificate of posting should be recorded and filed in the office to form part of the sale record in the same way as certificates are to be entered in the case of the service of notice under section 72(4) on defaulters. If the revenue of any estates falls below Rs 50.00 by the opening of separate accounts, no such notice need be issued.(7)Attachment and sale of moveable property. - (i) After an arrear has accrued in respect of a temporarily-settled estate which is not liable to sale under section 70 of the Assam Land and Revenue Regulation at the first instance for arrears of revenue, the tahsildar will issue an order to the nazir to attach such moveable property of the defaulter as may be pointed out to him, and to send to the tahsildar a list of the property attached. At tahsils where there is no nazir, the tahsildar will himself attach such moveable property of the defaulter as may be pointed out to him. At the same time that the nazir or tahsildar (when there is no nazir) attaches the property under this rule, he will serve a sale notice on the defaulter.(ii)Should the defaulter after attachment of moveable property still fail to pay in the arrear with cost, the tahsildar will issue an order to the nazir for the sale of moveable property of the defaulter or, where there is no nazir, will himself proceed to sell the property attached, if the arrear is not paid before the date of sale. If after the issue of a sale order under this rule and before the date fixed for sale the arrear is paid, the tahsildar will see that a certificate to that effect is placed with the record.(iii)The tahsildar will be responsible that as far as lies in his power attached property is not sold for an unduly low price. He will take special orders from the Subdivisional Officer in all cases of difficulty and in the event of the property being sold for an apparently inadequate sum, he will report the matter to the sub-divisional officer who may cancel the sale or pass such other orders as he thinks fit.(iv)If the Tahsildar is of opinion that the process provided for in these rules is not sufficient for the recovery of the arrear, he may, if the arrear accrued in respect of an estate in which the settlement-holder has a permanent, heritable and transferable right of use and occupancy apply to the Deputy Commissioner to order the attachment, and necessary the sale of the estate itself, subject to the provisions of section 74 of the Land and Revenue Regulation. No defaulting estate or immoveable property of a defaulter shall be sold for an arrear which is less than twenty-five paise.(8)Fees on payment of arrears after defaulters list has been drawn up. - [If the settlement-holder of a temporarily settled estate tenders payment of an arrear due from him after it has accrued payment

shall be accepted on payment of the following fees [in cash or] [(Substituted for the old one by the Revenue Department Notification No. RR. 34/50/15, dated 23rd February, 1951)] in court-fee stamps to be affixed to the chalan tendering payment: (a) If paid before issue of process for recovery of the arrear, 50 paise penalty under Section 68(1). (b) If paid after issue of process for recovery of the arrear, Re 1 penalty under Section 68(1). (c) If paid after issue of sale proclamation, Re 1 fee under Section 75, in addition to the penalty under Section 68(1). Provided that, if the arrear does not exceed fifty paise the penalty leviable under clause (a) or clause (b) shall in no case exceed fifty paise.](9) Payment of land-revenue to the Tahsildar. - The proprietors of permanently-settled estate and the settlement-holders of temporarily-settled estates shall pay land-revenue to the Tahsildar of the tahsil within whose Jurisdiction their estates are situated. If an estate is situated within more than one tahsil, the Deputy Commissioner shall determine to which tahsil the revenue shall be payable: Provided that, if the revenue of any estate is not paid to a Tahsildar in sufficient time to admit of the fact of payment being reported to an officer proposing to sell such estate on account of the non-payment of such revenue before the day fixed for the sale, payment must be made to the officer holding the sale or any person authorised to receive such revenue on his behalf. (10) Erection of notice boards. - (i) The Deputy Commissioner will cause to be created a sufficient number of notice-boards in convenient situations throughout the portions of the district which are permanently-settled. Every such board will have a number painted on it, by which it will be known, and the Deputy Commissioner will cause to be prepared lists of the notice-boards situated in the subdivision, indicating approximately the situation of the same. The notice-boards will ordinarily be arranged parganawari, all the estates of one pargana will be pasted on one or more notice-boards in that pargana as may be thought necessary. The estates of two parganas will not ordinarily be pasted on one notice-board. (ii) The Deputy Commissioner, with the previous sanction of the Commissioner, may from time to time, alter the number and situation of notice-boards, but no such alteration will be made until two months' notice of the same has been given by a proclamation posted at the subdivisional office, and on each notice-board affected thereby. (iii) The original or a copy of every list of notice boards prepared and for the time being in force will be open to inspection by the public free of charge in the same manner as the sale statement referred to in sub-rule. (4) of this rule.

## **Chapter VI**

### **Rules Under Sections 114, 121 and 155, Relating To The Partition and Union of Estates**

#### **171. Application to be verified and signed.**

- Applications for partition (perfected and imperfect) shall be made and shall be verified and signed by the applicant or by an agent duly authorised by him in that behalf.

#### **172. Fees payable for notice.**

- The fees or other cost in respect of service of notices or publication of proclamations under section 99 or 116 of the Land and Revenue Regulation shall be paid either with the application or within

such time as may be allowed by the Deputy Commissioner or Subdivisional Officer, failing which the application will be rejected.

### **173. Estimates of cost of partition.**

- As soon as possible after the issue of an order under section 102 directing the partition to be made, the Revenue Officer authorised to make partition will prepare an estimate of cost and submit it of the Deputy Commissioner for approval. Vide Form No. 47.

### **174. Costs by whom and when paid.**

- The estimated cost of survey and partition shall be paid by the applicant and other sharers in proportion to their respective shares within the period allowed, which shall not be less than 30 days or more than 60 days from the date of the approval of the estimate by the Deputy Commissioner. Vide columns 9 and 10 of Form No. 47.

### **175. Realisation of unpaid costs.**

- If the applicant pays his share of costs but the other sharers do not pay, the Revenue Officer authorised to make the partition shall, under section 144 of the Regulation, realise the cost rateably from the defaulters under section 69.

### **176. Recovery of costs in excess of estimates.**

- Should the actual cost of survey and partition finally exceed the cost paid under the preceding rule, the extra cost shall be realised rateably from the applicant and other proprietors or land-holders of the estate, and until such costs shall have been realised, no final order of partition shall be passed.

### **177. Refund of excess payments.**

- Any excess cost deposited by the parties shall be refunded to them by the Revenue Officer authorised to make the partition, provided that application thereof is made within one year from the final confirmation of the partition, after which the amount will lapse to the State Government.

### **178. Limit placed on cost of partition.**

- The cost of survey and partition shall ordinarily not exceed the following rates:-(a)If the area of the estate to be partitioned does not exceed 200 acres, at Rs 60 per 100 acres with a minimum of Rs 2(b)If it exceeds 200 acres, but does not exceed 400 acres, the first 200 acres at Rs 60 and the remainder at Rs 50 per 100 acres.(c)If it exceeds 400 acres, but does not exceed 600 acres, 200 acres at Rs 60, 200 acres at Rs 50 and the remainder at Rs 40 per 100 acres.(c)If it exceeds 600 acres, 200 acres at RS 60, 200 acres at rS 50, 200 acres at Rs 40, and the remainder at Rs 25 per 100 acres.

**178A. [ Final order is Instrument of Partition chargeable with stamp duty.  
[(Inserted by C.S. No. 81 to the fifth edition of the Land Revenue Manual)]**

- The final order sanctioning the partition an Instrument of Partition and is chargeable with stamp duty under Article 45, Schedule I to the Indian Stamp Act, 1899. The order shall be duly stamped before proclamation under section 116 of the Assam Land and Revenue Regulation issues.]Note. Under section 27 of the Indian Stamp Act the Instrument of Partition must contain all facts and circumstances affecting its chargeability. It is open to the officer sanctioning partition either to send the final partition papers to the proper officer for affixing impressed labels or to draw up the final partition on impressed stamp paper as may be convenient.

**179. Application be presented by the applicant or by any person duly authorised by him in writing in that behalf.**

- The application for union of estates may be presented by the applicant or by any person duly authorised by him in writing in that behalf.

**180. Registers.**

- The following registers shall be kept in the office of every Deputy Commissioner and Sub-divisional Officer:-(1)Register of applications for Perfect Partitions of Estates.(2)Register of Applications for Imperfect Partition of Estates(3)Register of Union Estates.

## **Chapter VII**

### **Rules Under Sections 129, 152 and 155 (B) and (C) Relating To Procedure The Mode of Serving Processes and Process-Fees**

**181. Judicial procedure in revenue cases.**

- No provisions of the Code of Civil Procedure, and of enactments amending the same relating to the trial of suits, the evidence and examination of witnesses, procuring the attendance of witnesses and the production of documents, shall apply to all proceedings of a judicial nature, other than appeals, held before a Deputy Commissioner or other Revenue Officer or a Settlement Officer duly empowered to hold such proceedings. For the purposes of this rule, the following proceedings under the Land and Revenue Regulation shall be regarded as proceedings of a judicial nature:-(a)Proceedings in connection with boundary disputes (section 23).(b)Proceedings in connection with disputes relating to the record-of-rights (sections 41 and 42).(c)Resumption of proceedings (section 43)(d)Proceedings in connection with application for mutation and registration of names (sections 53 and 54).(e)Proceedings in connection with applications for registration of talukdari and other similar tenures (section 56).(f)Proceedings in connection with applications for separate accounts (section 65).(g)Proceedings arising out of the attachment or sale of moveable or immoveable property, or of applications to set aside sale under Chapter

V.(h)Proceedings in connection with the partition or union of estates under Chapter VI.(i)Any other proceedings expressly declared by rules issued under the provisions of the Land and Revenue Regulation to be judicial proceedings.

### **182. Award of costs.**

- In all judicial proceedings held under the Regulation, the Court may award such costs as it thinks fit and may determine by whom they are to be paid and where there are several persons liable, the amount to be paid by each.

### **183. Executives procedure.**

- In proceedings other than those mentioned in rule 181 witnesses shall not be examined on oath and a memorandum only of their evidence shall be written and recorded. Such memorandum shall be written and signed by the Revenue Officer who examines the witnesses, and may be written in the language of the Court or in English, if the Revenue Officer is sufficiently acquainted with English.Note. In virtue of section 141, clause (2), witnesses may be punished for giving false evidence even though they have not been examined on oath.

### **184. Power of Deputy Commissioner and Subdivisional Officer to distribute work.**

- A Deputy Commissioner or Subdivisional Officer shall not, under section 129 of the Land and Revenue Regulation, refer any case for investigation or report to a Revenue Officer of lower rank than a Tahsildar, mauzadar or Sub-Deputy Collector nor shall he direct any Revenue Officer below such rank to deal with, and to investigate and report on, any case or class of cases without reference.

### **185. Appeal procedure and register.**

- No appeal petition shall be entertained that is not properly stamped or accompanied by a certified copy of the order appealed against.A Register of appeals shall be kept in every Revenue Appellate Court.

### **186. Mode of service of processes.**

- Except where otherwise directed by the Land and Revenue Regulation or by Rules issued thereunder, the provisions of the Civil Procedure Code and of enactment amending the same shall apply to the issue, service, and return of processes on parties and witnesses in any revenue case, appeal or investigation pending before a Revenue Officer or a Settlement Officer.



## **187. Fees on Judicial processes.**

- Fees on processes which are issued by Revenue Officers or Settlement Officers in cases under the Tenancy Acts and in cases of a judicial nature as defined in rule 181, shall be charged for in accordance with the rules framed by the High Court of [Assam and Nagaland] [(Under the authority of the Assam High Court Order, 1948 the rules framed by the Calcutta High Court under clause (1), section 20 of the Court Fees Act are still being followed by the Assam High Court)] Under Clause (i), section 20, of the Court-fees Act, VII of 1870, and confirmed by the State Government.

## **188. Fees on Executive processes.**

- The following rules relate to fees chargeable on executive processes (a) Except where otherwise directed in any rule issued under the Land and Revenue Regulation, fees on executive processes shall be charged at the uniform rate of one rupees on every warrant, and at the same rate on every summons notice, proclamation or order issued: Provided that, when processes of any kind other than warrants are to be served or executed in the same case and at the same time on more persons than one, the fee leviable shall be twenty five paise for each such person subject to a minimum of one rupees and a maximum of Rs 2.50 paise for all processes. No fee shall be charged on notices inviting claimants to property pledged as security by mauzadars. (b) An order calling upon a mauzadar or Tahsildar for report, or informing them of orders passed in any case by a Revenue Officer, is not a process within the meaning of this rule, and no fee shall be charged on such orders. (c) In the Subdivision of Karimganj where during the rainy season travelling except by boat is impracticable, the State Government shall defray all charges on account of boat hire or ferry toll, where such toll, is legally eligible but in consideration of this the fees leviable under these rules shall be increased by 50 per cent from the 1st June to the 30th November. The Commissioner may extend this rule to any local area in his jurisdiction. (d) Postal charges, when the process has to be sent by post, shall be defrayed by the State Government. (e) If a peon is detained at the place of service for more than 24 hours at the request of the person at whose instance the process was issued, or of his agent such person or agent must pay demurrage at thirty one paise a day, and in the districts of Lakhimpur and Sibsagar at thirty seven paise a day. (f) Processes issued by, or at the instance of a Revenue Officer other than a mauzadar acting in his official capacity, shall be served in the first instance free of charge, but the fees chargeable under this rule shall be levied from the parties to the case, according as the Revenue Officer disposing of the case may determine. The fees so recovered shall be attached in court fee stamps to the Nazir's report of recovery of the fees: Provided in special cases processes may be issued at the instance of a mauzadar with out pre-payment of process-fees. (g) In respect of each peon necessary to ensure safe custody of attached property when he is left actually in charge, a daily fee of thirty one paise and in the districts of Lakhimpur and Sibsagar a daily fee of thirty seven paise shall be charged. (h) In cases where a demurrage fee, or a fee for the safe custody of property, is leviable under clause (e) or (g) of this rule the additional fee which may become payable after process has issued shall be paid by filing a written requisition to the Revenue Officer who issued the process to receive the fee, which document shall bear on its face stamps equivalent to the additional fee, with a memorandum of the purpose for which it is paid. (i) Applications for refund of process-fees paid under these rules shall not be entertained unless preferred within one year of the date on which the fees were paid. (j) All fees for executive processes

shall be prepaid in stamps, whenever possible to be affixed to the application for issue of processes. Where postponement is unavoidable, and the fees are paid in stamps, the Nazir shall affix the stamps to his report; if paid in cash, the Nazir on receipt of the amount shall buy the necessary stamps and affix them to the report. In all cases the stamps shall be punched in the presence of, or by, a Revenue Officer: Provided that in cases in which process fees are remitted by money-order whether singly or with land revenue or local rates, the fees should be finally credited to the State Government in Treasury accounts as a receipt under the head "XXI;-Administration of Justice-Court-fees re a in ash" The Treasury Officer will note on the money-order coupon the number and the date of the credit and send it forthwith to the Nazir to make a note of payment of the fees in his process register. On the face of the process a note will similarly be made in red ink showing the payment of the amount of process-fees and the number and date of the Treasury voucher.

## **Chapter VIII**

### **Rules Framed Under Section 155 (F) Regulating The Entry By Mining Licensees On Settled Land**

#### **189. Conditions of a prospecting license.**

- Where the surface or land covered by a prospecting license or a petroleum exploration License is in the occupation of any person other than the licensee-(i)The licensee shall not enter upon such land except with the consent of the occupier or, in the absence of such consent, without the written authority of the Deputy Commissioner;(ii)The license shall not in any way injure any trees, standing crops, buildings, huts, structures or other property of the occupier of any land or of any other person except with the consent of such occupier or person or in the case of his refusal, without the written authority of the Deputy Commissioner.(iii)The Deputy Commissioner shall not grant authority under clause (i) or under clause (ii) unless he is satisfied that the rights conferred by the license, cannot be exercised except by the grant of such authority;(iiia)[ On receipt of an application or authority to enter upon any land or to injure any property, under clauses (i) and (ii) the Deputy Commissioner shall immediately publish at his office and on the land concerned a notice that such authority has been applied for.] [(Added by C.S. No. 19 to the notification on the Land Revenue Manual)](iv)The Deputy Commissioner may assess or cause to be assessed any damage or injury which may be done by the licensee to the property to the occupier of the land or of any other person and may pay the amount so assessed to such occupier or other person out of the deposit made by the licensee.[In assessing any damage or injury under this clause the assessor may leave out of account the value of any buildings erected or improvements made by the occupier of the land after he has granted consent under clause (i) or (ii), or, in the absence of such consent, after the date of the publication of the notice required by clause (iiia).] [(Added by C.S. No. 19 to the notification on the Land Revenue Manual) ]

## **190. Conditions of or mining lease.**

- Where the surface of any land covered by a mining lease is in the occupation of any person other than the lessee -(i)The lessee shall have the liberty and power of the rights granted by the lease: provided that without the consent of the occupier and in the absence of such consent without the written authority of the Deputy Commissioner, he shall not enter into any building or structure, or into any enclosed yard or garden:(ii)No surface operations shall be carried on in or upon the site of any dwelling house or in such a manner as to injure any buildings structures, property or rights of other persons without their consent or, in the absence of such consent with out the written authority of the Deputy Commissioner;(iii)The Deputy Commissioner shall not grant authority under clause (i) or (ii) unless he is satisfied that the right conferred by the lease cannot be exercised except by the grant of such authority;(iiia)[ On receipt of an application for authority to enter upon any land or to injure any property under clause (i) and (ii) the Deputy Commissioner shall immediately publish at his office and on the land concerned a notice that such authority has been applied for;] [(Added by C.S. No. 20 to the notification of the Land Revenue Manual)](iv)No land which is in the occupation of any person other than the lessee shall be used for surface operations if any other land not so occupied is suitable and available for surface operations;(v)The lessee shall not without the express sanction of the Deputy Commissioner cut down or injure any timber or trees on such land, but may without such sanction clear away any brushwood or undergrowth which interferes with the exercise of the rights granted by the lease;(vi)The Deputy Commissioner may assess or cause to be assessed any damage or injury which may be done by the lessee to the property of the occupier of such land or of any other person and may order the amount so assessed to be paid by the lessee.[In assessing any damage or injury under this clause the assessor may leave out of account the value of any buildings erected or improvements made by the occupier of the land after he has granted consent under clause (i) or (ii), or, in the absence of such consent, after the date of the publication of the notice required by clause (iiia).] [(Added by C.S. No. 20 to the notification of the Land Revenue Manual)](Vide Government Notification No. RD281/47/43, dated 24th August/1984)

## **Chapter IX**

### **Rules Framed Under Section 171 of Chapter X of The Assam Land and Revenue Regulation For Disposal of Land Within The Tribal Belts Or Blocks**

**1. The disposal of land within the Tribal belts or blocks constituted under the provisions of section 161 of the regulation shall be made in accordance with the provisions of those rules. Settlement of waste land shall be made only with the classes of people, notified under section 160(2) and specified in section 163(2) of the Regulation.**

All powers of the Deputy Commissioner under these rules shall be exercised subject to any general or special orders issued from time to time by the State Government.

## **2. In these rules -**

An annual lease means a lease granted for one year only and confers no right in the soil beyond a right of user for the year for which it is given. It confers no right of inheritance beyond the year of issue. It confers no right of transfer or sub-letting and shall be liable to cancellation for any transfer or sub-letting even during the year of issue. Provided that the State Government may waive their right to cancel an annual lease and may allow its renewal till such time as the State Government may direct in those cases in which the land is mortgaged to Government or to a State sponsored Co-operative Society". A periodic lease, except in the case of town land, means a lease granted for a period longer than one year, and in the case of town land, a lease for a period longer than three years Subject to and so far as is consistent with any restrictions, conditions and limitations contained therein, a periodic lease, the term of which is not less than ten years conveys to the lessee the rights of a landholder as defined in the Assam land and Revenue Regulation. [Person entitled, means persons notified under section 160(2)] [(Cultivators pertaining to the following classes namely plains tribals, hill tribals, tea garden tribals, Santals, Nepali cultivator-graziers and Scheduled Castes have since been notified as persons entitled to protection, vide Notification No. RD69/46/19, dated the 5th December, 1947) ] Waste land means land at the disposal of the Government which the Government has not disposed of by lease, grant or other wise, and which is not included in a forest reserve, or in a forest proposed to be reserved under section 5 of the Assam Forest Regulation, VII of 1891, or in a protected forest constituted under the rules made under the said Regulation, and has not been allotted as a grazing ground under rules framed under section 13 of the Assam Land and Revenue Regulation.

**3. Settlement of land under these rules will be only on written application to be made to the Deputy Commissioner, or the Officer empowered in this behalf under section 168 of the Regulation, or any officer specially authorised by the Deputy Commissioner to entertain applications on his behalf. [\*\*\* ] [(Deleted vide Notification No. RSS.351/64/97, dated 18th May 1967)]**

**4. On receipt receipt of the application the Deputy Commissioner or an officer deputed by him or the officer empowered in his behalf will enquire into the availability of the land and the claims of the persons entitled to obtain settlement.**

**5. [ (1) In making settlement of land the Provisions of Section 163(2) shall be strictly followed and settlement shall be made for each class of people in compact blocks as far as possible. Where compact blocks of 50 bighas or more are available settlement shall be made ordinarily with registered Co-operative Societies formed by actual landless cultivators belonging to the classes of persons notified under section 160 (2) or mentioned in Section**

## **163(2).**

(2) When settlement has to be given to individuals, the area shall ordinarily be limited to a bighas to 12 bighas per family according to the fertility of the soil. In given to individuals, preference shall be given in the following order:-(a) Settlement holders belonging to classes of persons notified under Section 160(2) or mentioned in section 163(2) who have been rendered landless due to flood, erosion or earthquake or due requisition or acquisition of their lands by Government for public purposes.(b) Landless cultivators belonging to a classes of persons notified under Section 160(2) or mentioned in Section 163(2)(c) Cultivator of the classes mentioned above having landless than 8 bighas. Note. (1) A person who holds land less than 8 bighas in his name or in the name of any member of his family shall be eligible to get settlement of only so much of land as shall, together with his existing holding, not exceed 8 or 12 bighas, as the case may be. Note. (2) In case of tribal communities who live in community house according to tribal customs' all the residents in such community house or Chang need not necessarily be treated as one family, and for the purpose or calculation of the number of families, every five member of the Chang shall be treated as forming one family]

**6. All settlement shall in the first instance be on annual lease; the land should be cleared and brought under cultivation except such areas as are required for growing thatch and sun grass for bona fide use of the family or for the grazing of cattle. No annual lease shall be renewed unless this condition is complied with, provided that the Deputy Commissioner may exempt from the operation of this rule case in which he is satisfied that the failure on the part of the settlement holder is due to circumstances beyond his control.**

**7. Land settled on annual lease may be converted into periodic lease when the conditions prescribed in rule 105 of the Land Records Manual are fulfilled, and the requisite premium, if any, fixed by the State Government has been paid.**

**8. No, land held under annual lease shall be transferred or sublet. If any such land is transferred or sublet in contravention of this rule the settlement shall forthwith be terminated. Provided that if the settlement holder dies during the currency of the lease the heirs of the deceased will inherit for the remainder of the term. [Provided further that the State Government may waive their right to cancel an annual lease and may allow its renewal till such time as the State Government may direct in those cases in which the land is mortgaged to Government or to a State-sponsored Co-operative Society.] [Added vide Notification No. RSS, 351/64/97, dated 18th May 1967]**

**9. Except in the case of estates mentioned in section 162(3), lands held under periodic lease may be transferred subject to the following condition:-**

A land holder may transfer or sublet his holding or any part of it within the belts or blocks only to persons belonging to the class of people notified under section 160(2) or those mentioned in Section 163(2) (i) (b) and (c), [or mortgage the whole or a part of his holding within such belt or block to Government or to a State-sponsored Cooperative Society functioning within such belt or block] [Added vide Notification No. RSS, 351/64/97, dated 18th May 1967] If any transfer is made in contravention of this rule the lease shall be cancelled forthwith with the approval of Government and the land holder will forfeit his right and status in respect of the land so transferred.

**10. If any person is found in occupation of any annual land otherwise than in accordance with the provisions of these rules he will be liable to eviction forthwith.**

If any person other than a person belonging to the classes of persons notified under section 160(2) or mentioned in section 163(2) (a) (b) and (c) is found in occupation of any waste land he will be evicted forthwith. In the case mentioned above the Deputy Commissioner or officer empowered in this behalf will make a summary enquiry and if he is satisfied that the occupation is unauthorised he will proceed to evict the encroachee forthwith and any structure or crops found on the land will be liable to forfeiture to Government.

**11. If any person belonging to the classes of people notified under section 160(2) or mentioned in section 163(2) (a), (b), and (c) is found in occupation of any waste land otherwise than in accordance with these rules he shall be evicted: provided that the Deputy Commissioner or Officer empowered in this behalf may after satisfying himself as to the eligibility of the claim, the bona fide of the occupant and availability of the land, offer settlement of the land in accordance with these rules after realising the back revenue to be assessed from the date of occupation. When evicting a person under this rule the Deputy Commissioner will serve a notice requiring the encroacher to vacate the land within a specified time, and he may, in his discretion, allow or disallow him to remove the structure and harvest the crops within the time so specified.**

**12. If any person is found in occupation of any land held under a periodic lease otherwise than in accordance with the provisions of these rules he shall be evicted therefrom. For the purpose of eviction the Deputy Commissioner will serve a notice requiring the occupant to vacate the land and to remove all structure or crops standing thereon within such period not**

**exceeding one month as he may think fit. Such notice will be served on one or all of the occupants or if the occupants cannot be found it will be sufficient for the purpose of this rule if the notice is served by hanging at the last place of residence and pasted on the Gaonbura's notice Board and on the land in question.**

If the occupant fails to vacate the land or remove the structures or crops as required in the notice the Deputy Commissioner may forcibly enter into and take possession of the land and destroy the structures or crops found thereon. Any disobedience of orders will be dealt with under section 188, Indian Penal Code.

**13. All other matters which are not covered by the above rules will be governed by the relevant rules under the Assam Land and Revenue Regulation.**

[(Substituted vide Notification No. RSS.351/64/97, dated 18th May 1967)]