

The Maharashtra Land Revenue Circle Officers and Circle Inspectors, (Duties and Functions) Rules, 1970

MAHARASHTRA

India

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Rule

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The Maharashtra Land Revenue Circle Officers and Circle Inspectors, (Duties and Functions) Rules, 1970 Published vide Government Notification No. UNF 1267-R, dated 10.2.1970 (M.G., Part 4B, page 509) In exercise of the powers conferred by clause (ii) of sub-section (2) of Section 328 of the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966) and in supersession of all previous rules made in this behalf and continued in force by virtue of the third proviso to Section 336 of the said Code, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of Section 329 of the said Code, namely:-

1. Short title.

- These rules may be called the Maharashtra Land Revenue Circle Officers and Circle Inspectors (Duties and Functions) Rules, 1970.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Code" means the Maharashtra Land Revenue Code, 1966;(b)"fair price shop" means any shop which the State Government may declare to be a fair price shop;(c)"crop register", "crop statement", "diary", "field-book", "ledger" or "village ledger", "live stock return", "map", "receipt book", "register", village atlas", "statistical return" and "quinquennial register" means a crop register, crop statement, diary, field book, ledger or village ledger, live-stock return, map, receipt-book, register, village atlas, statistical return or, as the case

may be, quinquennial register prescribed for a village under rules made under the provisions of the Code or, as the case may be, under general or special orders of the State Government.

3. General duties of Circle Officers and Circle Inspectors.

(1) Subject to the orders of the Tahsildar or, as the case may be, Naib-Tahsildar, every Circle Officer and Circle Inspector shall be responsible for the supervision of the revenue administration and the land records of every village in their circles. They shall, from time to time in each year inspect every village in their respective jurisdiction, get themselves acquainted with the qualifications and conduct of the village officers and the state of crops and the condition of the people in such village and report promptly to the Tahsildar or, as the case may be, the Naib-Tahsildar, any matter requiring orders of superior officers and shall see that the orders passed by such officers are properly and expeditiously implemented. (2) In particular, the Circle Officer and the Circle Inspector shall—(a) inspect the works for which loans have been granted to the villagers under the provisions of the Agriculturist Loans Act, 1883, or the Land Improvement Loans Act, 1884, or as the case may be the Bombay Non-Agriculturist Loans Act, 1928 to ascertain—(i) that the tagai advances have been duly recorded in the Record of Rights; (ii) that they have been spent for the purposes for which they were given; and (iii) that the conditions attached to the grant of such advances are properly observed by the persons concerned; (b) inquire into the collection of Government revenue, ascertain the reason why such revenue is in arrears, examine the Talathi's balance and ascertain that remittances to the treasury are duly made; (c) test a reasonable number of receipts in respect of land revenue paid and other dues by oral examination of the persons concerned and by comparison with the ledger; and, where any corrections are made by them in the receipt books, initial against such corrections and record a note at the end of a village ledger stating by their numbers which accounts have been verified; (d) note down the dates of their visits and inspections in the diary and visit book of the Talathi, as well as in their own diaries; (e) examine the diary of the Talathi, make remarks in the column provided for the purpose and note them briefly in his own diary; (f) assist in the preparation of annual valuation of crops of every village in their circle; and satisfy themselves that due publicity has been given to orders regarding suspension or remission of land revenue; (g) during the period commencing from 1st July and ending on 30th September, compile taluka statistical return and do such office works as the Tahsildar or as the case may be Naib-Tahsildar or the District Inspector of Land Record may direct; (h) verify whether all fragments have been duly entered in the Record of Rights and notices of entries in the register of mutation in the prescribed form given to the parties concerned as required by sub-section (2) of Section 6 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947; (i) check whether any transactions have taken place in contravention of the provisions of the relevant tenancy law and the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, and whether such transactions have been reported to the Tahsildar for action; and whether, in making the entries in respect of such transaction in the Record of Right's, the procedure laid down by Government in that behalf, if any, has been duly followed; (j) inquire whether a tenant actually cultivation land is the same as entered in the Record of Rights; and whether all cases of discrepancies, if any, are duly reported to the Tahsildar; (k) check whether landlords issue receipts as required by the provisions in the relevant tenancy law, and verify whether any landlord recovers rent in excess, or in the form of labour or service in contravention of the provisions of such law, and whether all such cases are reported to the

Tahsildar for action;(l)check whether any tenant has sub-divided or sub-let the land and where in any case the tenant has so sub-divided or sub-let the land, report such cases to the Tahsildar for action;(m)check building operations to see whether any law for the prevention of urban development has been contravened, and if so, see what further steps have been taken;(n)verify, periodically, the non-agricultural plots, the plots in the gaathan leased or granted, the lands given out on special terms and the lands vesting in the village panchayat with a view to detecting encroachments and breaches of such terms;(o)inspect all inam lands and report cases of sales, leases and transfers of land made in contravention of the terms of the grant or of the provisions of the Code or any law for the time being in force;(p)check whether the conditions attached to grants of lands or impartible or inalienable tenure are properly observed by the grantees;(q)perform as may crop cutting experiments as required for the purpose of fixing annewari of crops and assessing the rents under the relevant tenancy law;(r)check whether the register showing cases of discrepancy in maps, village atlas, and the Record of Rights as compared the actual state of things in the holdings, which require regularisation is maintained up-to-date;(s)when no special staff for the purpose has been appointed, verify the food stocks in Government godown's in their circle, by making a percentage check of bags of each kind of grain, and inspect fair price shops;(t)check the list of survey numbers situated on the banks of rivers and nallas, which are subject to alluvial and diluvial changes;(u)ensure that action is taken in time to revise the assessment, the guarantee period of which is about to expire and renew leases before the expiry of their respective terms;(v)report to the Tahsildar or, as the case may be, Naib-Tahsildar, the actionable items like melon beds and eksali leases; and(w)report to the Tahsildar, the Sub-divisional Officer and the Collector the occurrence of natural and other calamities such as flood, fire, frost, hailstorm, locust swarm, epidemic diseases relating to human beings or animals and failure of crops in villages in their circle and send a rough estimate of loss due to such calamities.

4. Duties of Circle Officers and Circle Inspectors in time of scarcity.

- Every Circle Officer and Circle Inspector shall watch every season for detecting the signs of impending scarcity and be ready to report, whenever called upon, the crop condition of their circle. On receipt of information that the crops of any village are adversely affected by the unfavourable nature of the season, or excessive or insufficient rainfall or any other reason, they shall forthwith visit that village and make requisite enquiries and observations and report the result of such observations to the Tahsildar or, as the case may be, Naib-Tahsildar. Whenever any scarcity, or conditions akin to scarcity, are reported, the Circle Officer and Circle Inspector shall perform such functions relating to relief measures as may be entrusted to them by the State Government or by their superior officers.

5. Circle Officer and Circle Inspector to intimate their tour programme.

- Except during the period commencing on the 1st day of July and ending on the 15th day of September, every Circle Officer, or as the case may be, Circle Inspector shall send every Saturday to the District Inspector of Land Records and the Tahsildar or, as the case may be, Naib-Tahsildar, a postcard showing the villages in which he expects to be working on each day of the following fortnights.

6. Touring.

- Every Circle Officer and Circle Inspector shall ordinarily tour for twenty days in a month during the fair season (i.e., the period commencing on the first day of October and ending on the 30th day of June) and for not less than thirty days in the aggregate during the period commencing on the 1st day of July and ending on the 30th day of September. They shall make atleast fifteen night halts outside their circle headquarters in each month during the fair season and six night halt during other seasons. If, for any reason they are prevented from attaining this standard in any month they shall make up the deficiency in the month following.

7. Diary of Circle Officer and Circle Inspector.

- Every Circle Officer and Circle Inspector shall submit in such form as may be determined in that behalf by the State Government, a diary monthly to the Tahsildar or, as the case may be, the Naib-Tahsildar who shall forward it with remarks through the District Inspector of Land Records to the Sub-divisional Officer by whom it shall be returned also through the Tahsildar. The Circle Officer, or as the case may be, the Circle Inspector shall not ask for orders on any point in the diary but shall make a separate report in the matter after making a note in the diary about the circumstances under which such report is made. An office copy of the diary containing copies of all remarks made by the superior officers shall be kept by the Circle Officer or, as the case may be, the Circle Inspector in his office. This entry of remarks shall be invariably made before finally returning the diary of record to the Tahsildar. The office copy of the diary shall be produced for perusal of any superior officer on his visit for inspection.

8. Inward and outward register.

- Every Circle Officer and Circle Inspector shall keep a single register for inward and outward correspondence in the form prescribed by the State Government for the purpose, the pages of which shall be stamped and numbered at the taluka office on the 1st day of August.

9. Circle Officer and Circle Inspector to reside in their respective Circle.

- Every Circle Officer and the Circle Inspector shall reside in their respective circles in a village fixed by the Collector.

10. Report about unauthorised diversion of land.

- Every Circle Inspector and Circle Officer shall be responsible for detecting and reporting to the Tahsildar or, as the case may be, the Naib-Tahsildar every case of conservation of use of land from the purpose for which it was assessed to another. The report shall be accompanied by a sketch map showing the extent of the land, the use whereof is so converted, its assessment and proposals regarding its re-assessment on the basis of prescribed rates and other factors governing the re-assessment.

11. Inspection of sub-division.

- Every Circle Officer and Circle Inspector shall inspect the register showing the newly formed sub-divisions and amalgamated sub-divisions and report to the District Inspector of Land Records through the Tahsildar every year, information about the number of sub-divisions to be measured through the Tahsildar.

12. Duties of Circle Officer and Circle Inspector while on inspection.

- Whenever a Circle Officer and Circle Inspector visits a village for inspection, he shall select survey numbers of both cultivated and waste lands in different parts of the village for inspection in such manner as to cover within one year all varieties of crops grown in the village. In every five years or such longer period not exceeding ten years as the Collector may determine having regard to the size of the circle, each survey number shall be inspected at least once, in order to avoid the recurrence of errors and misunderstanding on the part of the Talathi and to ensure that the Talathi shall really inspect the survey number. The Circle Officer and Circle Inspector shall inspect holding to test the recording of hissas and tenancies, the entry of fruit trees, and other valuable trees and details of irrigation works in the record of rights and crop statement entries of areas under crops in the crop statement and the maintenance of village map.

13. Inspection when Talathi has failed to fill in crop statement.

- Where the Circle Officer or the Circle Inspector finds at the time of his visit to a village that the Talathi of the village has not duly filled in the crop statement, he shall record that fact in his diary with the substance of the Talathi's explanation and shall inspect any selected survey numbers with the Talathi who shall record the result of the inspection in the crop statement.

14. Crop statement, etc. to be kept in Chavdi.

- The Circle Officer and the Circle Inspector shall ensure that crop statement and forms of all other land records and maps prescribed for a village under Section 156 of the Code are kept in the Chavdi.

15. Registration of double crops and crop mixtures.

- Every Circle Officer and Circle Inspector shall during inspection give careful attention to the correct registration of double and mixed crops. Where two crops one after the other, are sown and reaped in the same area in the same year, each shall be credited with such full area. Where on account of the failure of the crop sown first, a second crop is sown, such second crop only shall be registered. In mixed crop of all kinds, the area shall be apportioned between each variety of the crop with as great an accuracy as possible.

16. Registration of follow and other lands.

- Every Circle Officer and Circle Inspector shall -(i)verify whether any land is lying uncultivated for two or more consecutive years through the default of the landlord or the tenant and report such cases to the Tahsildar or, as the case may be, the Naib-Tahsildar;(ii)cause to be registered in the crop register, all lands which have been actually sown irrespective of whether there is a yield of crops or not, and all fallow lands and the areas thereof;Provided that no such registration shall be necessary -(a)in the case of dry crop lands, if the area is not more than 0.1012 hectare;(b)in the case of garden land, of the area is not more than 0.0253 hectare;(c)in the case of crops sown in the Potkharab lands:Provided further that whether on account of the failure of any variety of crop sown in any land fresh sowing of another variety of crop has been made in that land, the crop which is sown afresh shall be registered in the crop register.

17. Inspection of lands.

- The Circle Officer and the Circle Inspector shall detect all encroachments and unauthorised occupation of any land which is the property of the State Government and shall inspect all waste lands disposed of in accordance with the rules regulating the disposal of waste land with a view to verifying whether they are brought under cultivation and whether the conditions subject to which they were granted have been fulfilled by the grantee. Where in any case the Circle Officer or the Circle Inspector detects encroachment on any lands which are the property of the State Government or detects unauthorised cultivation, he shall forthwith report those cases to the Tahsildar for necessary action.

18. Inspection of boundary and survey marks.

- It shall be the duty of the Circle Officer and the Circle Inspector to inspect the boundary and survey marks (not being those under the control of the Forest Department).

19. Repairs to boundary and survey marks.

- The repairs to boundary and survey marks for which the State Government is responsible shall be made by the Circle Officer and Circle Inspector at Government cost.

20. Report to District Inspector of Land Records in certain cases.

- When the Circle Officer or, as the case may be, the Circle Inspector cannot fix a boundary or survey mark without the field book, or if he is in doubt as to how to deal with any case, he shall report the matter to the District Inspector of Land Records for orders.

21. Inspection of live-stock return.

(1) Every Circle Officer and Circle Inspector shall check the entries in the live-stock return prepared by the Talathi as hereinafter provided, namely :-

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| (i) | In villages having less than five hundred population. | All entries |
| (ii) | In villages having more than five hundred but less than onthousand population. | Half the total number of entries. |
| (iii) | In villages having more than one thousand population. | One-fourth of the total number of entries. |

Checking shall be made by house-to-house visitation, supplemented by inquiry from the residents in the villages concerned and by frequent references to the previous returns. Where all entries are not checked, the entries not checked during any visit to the village shall be selected for checking in the subsequent visit to that village. The Circle Officer or, as the case may be, the Circle Inspector shall note in his diary, the serial number of the first and the last of the entries checked. (2) Every Circle Officer or, as the case may be, Circle Inspector shall show in his diary the number of entries checked, the number of entries found incorrect and the number and kind of errors detected. Whenever any errors are to be corrected, he shall do so in red ink by bracketing the error and inserting the correct entries by inter lineation or, side notes or, by inserting entirely fresh entries by his signature. Where any gross carelessness is noticed, he shall take the Talathi's explanation and forward it to the Tahsildar for orders. (3) Every Circle Officer and Circle Inspector shall take note of the increase or decrease in the figures of the census of live-stock of different kinds and shall inquire into causes thereof and record the explanation given thereof by the Talathi.

22. Recording sources of water supply.

- Every Circle Officer and Circle Inspector shall cause to be indicated, by appropriate symbols, in the village map prepared in accordance with Section 156 of the Code, all wells, bandharas and tanks in all holdings in the village and report the matter to the District Inspector of Land Records.

23. Inspection of sources of water supply.

- Every Circle Officer and Circle Inspector shall frequently check quinquennial register of water supply maintained by the Talathi and visit wells and other sources of water supply in the gaathan and wells, tanks and bandharas in all holdings in the village for testing the said register. If the entry in the register is found to be correct, the Circle Officer or, as the case may be, the Circle Inspector shall initial against it and if the entry is not correct, he shall correct it in red ink.

24. Circle Officer and Circle Inspector to perform functions entrusted to them by Collector.

- Without prejudice to the foregoing provisions, every Circle Officer and Circle Inspector shall, subject to orders of the State Government, perform such other functions relating to the revenue and

general administration of the district for which the Collector is responsible as may be entrusted to them by the Collector and shall carry out such special and general directions as may be given by the Collector in that behalf.