

(b) the division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with the rules made by the State Government in this behalf :

Provided that, the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Code, unless such assessment is liable to alteration under section 67 ;

(c) the area and assessment of such sub-divisions shall be entered in such land records as the State Government may prescribe in this behalf.

(2) Where a holding consists of several *khasra* numbers in any area in the State, the Settlement Officer shall assess the land revenue payable for each *khasra* number and record them as separate survey numbers.

Privilege of
title-deeds.

88. When the original survey of any land has been once completed, approved and confirmed, under the authority of the State Government, no person shall, for the purposes of subsequent surveys of the said land undertaken under the provisions of this Chapter, be compelled to produce his title-deeds to such land or to disclose their contents.

Survey made
before com-
mencement
of this Code
to be
deemed to
be made
under this
Chapter.

89. Any surveys heretofore made, and introduced under any law for the time being in force or otherwise, and in operation on the date of the commencement of this Code, shall be deemed to have been made under the provisions of this Chapter.

CHAPTER VI.

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF AGRICULTURAL LAND.

Interpreta-
tion.

90. In this Chapter, unless the context otherwise requires,—

(a) “classification value” means the relative valuation of land as recorded in the survey records having regard to its soil, situation, water and other advantages, and includes the valuation of land expressed in terms of soil units on the basis of the factor scale in the Districts of Nagpur, Chanda, Wardha and Bhandara and Melghat Talukas in Amravati District ;

(b) “class of land” means any of the following classes of land, namely, warkas, dry crop, paddy or rice or garden land ;

(c) “factor scale” means the relative value of each class of land included in the sanctioned scheme of soil classification ;

(d) “group” means all lands in a zone, which in the opinion of the State Government or an officer authorised by it in this behalf, are sufficiently homogeneous in respect of matters enumerated in sub-section (2) of section 94 to admit of the application to them of the same standard rates for the purpose of assessment of land revenue ;

(e) “settlement” means the result of the operations conducted in a zone to determine the land revenue assessment therein ;

(f) "standard rate" means, with reference to any particular class of land, the value (not exceeding one-twenty-fifth) of the average yield of crops per acre for that class of land of sixteen annas classification.

Explanation.—In areas mentioned in clause (a) in which the factor scale prevails, 'land of sixteen annas classification' means land possessing the number of soil units in the factor scale corresponding to the sixteen annas classification as prescribed by the State Government ;

(g) "term of a settlement" means the period for which the State Government has declared that a settlement shall remain in force ;

(h) "zone" means a local area comprising a taluka or a group of talukas or portions thereof, of one or more districts, which in the opinion of the State Government or an officer authorised by it, in this behalf, is contiguous and homeogeneous in respect of—

- (i) physical configuration,
- (ii) climate and rainfall,
- (iii) principal crops grown in the local area, and
- (iv) soil characteristics.

91. (1) Before directing a settlement or fresh settlement of any land under section 92, the State Government shall cause a forecast of the probable results of the settlement to be prepared in accordance with such instructions as may be issued for the purpose.

Forecast as to settlement.

(2) A notice of the intention of the State Government to make the settlement together with proposals based on the said forecast for the determination or revision of land revenue and the term for which the settlement is to be made shall be published for objections in such manner as the State Government may determine.

(3) Such forecast and proposals shall be despatched to every member of each of the two houses of the State Legislature not less than twenty-one days before the commencement of a session thereof.

(4) Any member of the State Legislature desiring to make any modification in the proposals shall give notice of motion not later than the opening day of the session and the State Government shall arrange for discussion of such motion in each House.

(5) The State Government shall accept any resolution concerning the said forecast and proposals in which both the Houses concur and shall take into consideration any objections which may be received from the persons concerned, before directing the settlement.

92. Subject to the provisions of section 91, the State Government may at any time direct a settlement of land revenue of any land (hereinafter referred to as an "original settlement"), or a fresh settlement thereof (hereinafter referred to as "revision settlement"), whether or not a revenue survey thereof has been made under section 79 :

Power of State Government to direct original or revision settlement of land revenue of any lands.

Provided that, no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

Term of
settlement.

93. A settlement shall remain in force for a period of thirty years and on the expiry of such period, the settlement shall continue to remain in force until the commencement of the term of a fresh settlement.

Assessment
how
determined.

94. (1) The assessment of land revenue on all lands in respect of which a settlement has been directed under section 92 and which are not wholly exempt from the payment of land revenue shall, subject to the limitations contained in the first proviso to sub-section (1) of section 68, be determined by dividing the lands to be settled into groups and fixing the standard rates for each group in accordance with the rules made by the State Government in this behalf.

(2) The matters specified in clause (a) of this sub-section shall ordinarily be taken into consideration in forming groups, but those specified in clause (b) thereof may also where necessary be taken into consideration for that purpose :—

- (a) (i) physical configuration ,
- (ii) climate and rainfall,
- (iii) prices, and
- (iv) yield of principal crops ;
- (b) (i) markets,
- (ii) communications,
- (iii) standard of husbandry,
- (iv) population and supply of labour,
- (v) agricultural resources,
- (vi) variations in the area of occupied and cultivated lands during the last thirty years,
- (vii) wages,
- (viii) ordinary expenses of cultivating principal crops, including the value of the labour in cultivating the land in terms of wages.

(3) The land revenue assessment of individual survey numbers and sub-divisions shall be fixed by the Settlement Officer on the basis of their classification value in the prescribed manner.

Increase in
average
yield due to
improvements at the
expense of
holders not
to be taken
into account.

95. If any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the average yield of crops of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof.

Settlement
Officer how
to proceed
for making
settlement.

96. In making a settlement, the Settlement Officer shall proceed as follows :—

- (1) He shall divide the lands to be settled into groups as provided by section 94 ;
- (2) He shall ascertain in the prescribed manner the average yield of crops of lands for the purposes of the settlement ;
- (3) He shall then fix standard rates for each class of land in each groups on a consideration of the relevant matters as provided in sub-section (2) of section 94 ;

(4) He shall hold an enquiry in the manner prescribed by rules made under this Code for the purpose of this section ;

(5) He shall submit to the Collector in the prescribed manner a report (hereinafter called " the settlement report ") containing his proposals for the settlement.

97. (1) On submission of a settlement report, the Collector shall cause such report to be published in the prescribed manner.

Settlement report to be printed and published.

(2) There shall also be published in each village a notice in Marathi stating for each class of land in the village the existing standard rate and the extent of any increase or decrease proposed therein by the Settlement Officer. The notice shall also state that any person may submit to the Collector his objections in writing to the proposals contained in the settlement report within three months from the date of such notice.

98. After taking into consideration such objections as may have been received by him, the Collector shall forward to the State Government, through such officers as the State Government may direct, the settlement report with his remarks thereon.

Submission to Government of settlement report with statement of objections, etc., and Collector's opinion thereon.

99. Any person aggrieved by the report published by the Collector under section 97 may, within two months from the date of notice under sub-section (2) of section 97, apply to the State Government ¹[for reference to the Maharashtra Revenue Tribunal]. On such person depositing such amount of costs as may be prescribed, the State Government shall direct the report to be sent to ²[the Revenue Tribunal] for inquiry. ³[The Revenue Tribunal] after making an inquiry in the manner prescribed shall submit its own opinion on the objections raised and on such other matters as may be referred to it by the State Government. The State Government may make rules for the refund of the whole or any portion of the cost in such cases as it deems fit.

Reference to ⁴[Revenue Tribunal].

100. (1) The settlement report, together with the objections, if any, received thereon and the opinion of ⁵[the Revenue Tribunal] on a reference, if any, made to it under section 99 shall be considered by the State Government, which may pass such order thereon as it may deem fit :

Orders on Settlement Report.

Provided that, no increase in the standard rate proposed in the settlement report shall be made by the State Government, unless a fresh notice as provided in section 97 has been published in each village affected by such rates and objections received, if any, have been considered by the State Government. The provisions of this section shall, so far as may be, apply to orders passed regarding such increase.

(2) The settlement report, together with objections, if any, received thereon and the opinion of ⁶[the Revenue Tribunal] on a reference, if any, made to it under section 99 and the orders passed by the State Government under sub-section (1) shall be laid on the Table of each House of the State Legislature.

¹ These words were substituted for the words "for reference to the concerned Divisional Commissioner" by Mah. 23 of 2007, s. 2 (a).

² These words were substituted for the words "the Divisional Commissioner", *ibid.*, s. 2(b).

³ These words were substituted for the words "the Divisional Commissioner", *ibid.*, s. 2(c).

⁴ These words were substituted for the words "the Divisional Commissioner", *ibid.*, s. 2(d).

⁵ These words were substituted for the words "the Divisional Commissioner", *ibid.*, s. 3(a).

⁶ These words were substituted for the words "the Divisional Commissioner", *ibid.*, s. 3(b).

(3) The orders passed by the State Government shall be final and shall not be called in question in any Court.

Power of State Government to exempt from assessment for water advantages. **101.** (1) The State Government may at the time of passing orders under section 100 exempt any land from assessment under this Chapter for any advantage or specified kind of advantage accruing to it from water.

(2) The State Government may at any time during the term of the settlement after publishing a notice in Marathi in the village concerned and after the expiry of a period of six months from the date of the publication of such notice, withdraw any exemption granted by it under sub-section (1) and direct that such land shall be assessed for such advantage.

Introductions of settlement. **102.** After the State Government has passed orders under section 100 and notice of the same has been given in the prescribed manner, the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the State Government may direct :

Provided that, in the year in course of which a settlement, whether original or revised, is introduced under this section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former shall be remitted and the revised assessment shall be levied only from the next following year :

Provided further that, in the year next following that in which any original or revised settlement is introduced, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers or sub-divisions of survey numbers held by him shall, on relinquishing such number or sub-division in the manner provided by section 55, receive a remission of the increase so imposed.

Claims to hold land free of land revenue. **103.** (1) Any person claiming to hold wholly or partly free of land revenue as against the State Government any land shall be bound to prove his title thereto to the satisfaction of the Settlement Officer.

(2) If he so proves his title, the case shall be reported for the orders of the State Government.

Assessment of lands wholly exempt from payment of land revenue. **104.** (1) Nothing in this Chapter shall be deemed to prevent a Settlement Officer from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue.

(2) The assessment so determined and registered shall be leviable as soon as the exemption is withdrawn and shall be deemed for this purpose, to have been fixed under the provisions of this Chapter.

Power to State Government to direct assessment for water advantages. **105.** Notwithstanding anything contained in this Chapter, the State Government may direct at the time of passing orders under section 100 that any land in respect of which a settlement is made under this Chapter shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements on existing irrigation works completed after the State Government has directed the settlement under section 92 and not effected by or

at the expense of the holder of the land, and only when no rate in respect of such additional advantages is levied under any law relating to irrigation in force in any part of the State :

Provided that, the State Government shall, before making such direction, publish a notice in this behalf in Marathi in the village concerned and shall consider the objections, if any, received to the proposal contained therein, and no such direction shall be issued until after the expiry of a period of six months from the date of publication of such notice.

106. The Collector may, at any time during the term of settlement, after giving notice to the holder correct any error in the area or assessment of his holding due to mistake of survey or arithmetical miscalculation :

Power of
Collector to
correct
errors.

Provided that, no arrears of land revenue shall become payable by reason of such correction ; but excess payment as land revenue made, if any, shall be adjusted against the payment of land revenue which may become due.

107. All settlement of land revenue heretofore made and in operation at the date of the commencement of this Code, shall be deemed to have been made and introduced in accordance with the provisions of this Chapter ; and shall continue to remain in operation until the introduction of a revision settlement under the provision of this Code.

Settlement
made before
this Code to
be deemed
to be made
under this
Chapter.

CHAPTER VII.

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF LANDS USED FOR NON-AGRICULTURAL PURPOSES.

108. In this Chapter, unless the context requires otherwise, “ full market value ” in relation to any land means an amount equal to the market value of that land *plus* the amount representing the capitalised assessment for the time being in force. ¹[The capitalised assessment shall be determined in such manner as may be prescribed].

Interpretation.

109. Subject to any exemption and to any limitations contained in the first proviso to section 68, the non-agricultural assessment of lands shall be determined with reference to the use of the land for non-agricultural purposes and having regard to urban and non-urban areas in which the lands are situated ; and shall be determined and levied in accordance with the provisions of this Chapter.

Non-
agricultural
assessment
of lands to
be deter-
mined on
basis of their
non-
agricultural
use and
having
regard to
urban and
non-urban
areas.

¹ These words were added by Mah. 35 of 1976, s. 3.